SESSION
LAWS OF MISSOURI

Passed during the

NINETY-SEVENTH GENERAL ASSEMBLY

First Regular Session, which convened at the City of Jefferson,
Wednesday, January 9, 2013, and adjourned Thursday, May 30, 2013.
Veto Session held September 11, 2013.

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Published by the

MISSOURI JOINT
COMMITTEE ON
LEGISLATIVE RESEARCH

In compliance with Sections 2.030 and 2.040,
Revised Statutes of Missouri, 2012

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HOW TO USE THE SESSION LAWS

The first pages contain the *Popular Name Table* and the *Table of Sections Affected by November 2012 Election* and the *Table of Sections Affected by 2013 Legislation* from the First Regular Session of the 97th General Assembly.

The statutory initiative petitions, referendum, and the constitutional amendment from the November 6, 2012, election appear first.

The text of all 2013 House and Senate Bills and the Concurrent Resolutions from the First Regular Session appears next. The appropriation bills are presented first, with all others following in numerical order.

A subject index is included at the end of this volume.

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Authority for Publishing Session Laws and Resolutions

Section 2.030, Revised Statutes of Missouri, 2012. — Legislative research, printing and binding of laws. — The joint committee on legislative research shall annually collate and index, and may print and bind and/or produce in a web-based electronic format all laws and resolutions passed or adopted by the general assembly and all measures approved by the people since the last publication of the session laws. Any edition of the session laws published pursuant to this section is a part of the official laws and resolutions of the general assembly at which the laws and resolutions were passed..

Section 2.040, Revised Statutes of Missouri, 2012. — Duties of Legislative Research in printing and binding. — The joint committee on legislative research shall provide copies of all laws, measures and resolutions duly enacted by the general assembly and all amendments to the constitution and all measures approved by the people since the last publication of the session laws pursuant to section 2.030, giving the date of the approval or adoption thereof. The joint committee on legislative research shall headnote, collate, index the laws, resolutions and constitutional amendments, and compare the proof sheets of the printed copies with the original rolls. The revisor of statutes shall insert therein an attestation under the revisor's hand that the revisor has compared the laws, resolutions, constitutional amendments and measures therein contained with the original rolls and copies in the office of the secretary of state and that the same are true copies of such laws, measures, resolutions and constitutional amendments as the same appear in the original rolls in the office of the secretary of state. The joint committee on legislative research shall cause the completed laws, resolutions and constitutional amendments to be printed and bound.

ATTESTATION

STATE OF MISSOURI)
) ss.
City of Jefferson)

I, Russ Hembree, Revisor of Statutes, hereby certify that I have collated carefully the laws and resolutions passed by the Ninety-seventh General Assembly of the State of Missouri, convened in first regular session, as they are contained in the following pages, and have compared them with the original rolls and have corrected them thereby. Headnotes are used for the convenience of the reader and are not part of the laws they precede.

IN TESTIMONY WHEREOF, I have hereunto set my hand at my office in the City of Jefferson this twenty-first day of August A.D. two thousand thirteen.

RUSS HEMBREE
REVISOR OF STATUTES

EFFECTIVE DATE OF LAWS

Section 29, Article III of the Constitution provides:

"No law passed by the general assembly, except an appropriation act, shall take effect until ninety days after the adjournment of the session in either odd-numbered or even-numbered years at which it was enacted. However, in case of an emergency which must be expressed in the preamble or in the body of the act, the general assembly by a two-thirds vote of the members elected to each house, taken by yeas and nays may otherwise direct; and further except that, if the general assembly recesses for thirty days or more it may prescribe by joint resolution that laws previously passed and not effective shall take effect ninety days from the beginning of the recess."

The Ninety-seventh General Assembly, First Regular Session, convened Wednesday, January 9, 2013, and adjourned Thursday, May 30, 2013. All laws passed by it (other than appropriation acts, those having emergency clauses or different effective dates) became effective ninety days thereafter on August 28, 2013.

JOINT RESOLUTIONS AND INITIATIVE PETITIONS

Section 2(b), Article XII of the Constitution provides:

"All amendments proposed by the general assembly or by the initiative shall be submitted to the electors for their approval or rejection by official ballot title as may be provided by law, on a separate ballot without party designation, at the next general election, or at a special election called by the governor prior thereto, at which he may submit any of the amendments..... If a majority of the votes cast thereon is in favor of any amendment, the same shall take effect at the end of thirty days after the election. More than one amendment at the same election shall be so submitted as to enable the electors to vote on each amendment separately."

The Ninety-seventh General Assembly, First Regular Session, passed two Joint Resolutions. Resolutions are to be published as provided in Section 116.340, RSMo 2000, which reads:

"**116.340. Publication of approved measures.** — When a statewide ballot measure is approved by the voters, the secretary of state* shall publish it with the laws enacted by the following session of the general assembly, and the revisor of statutes shall include it in the next edition or supplement of the revised statutes of Missouri. Each of the measures printed above shall include the date of the proclamation or statement of approval under section 116.330."

*The publication of session laws was delegated to the Joint Committee on Legislative Research in 1997 by Senate Bill 459, section 2.040.

The headnotes used to describe sections printed in this volume may not be identical with the headnotes which appear in the 2013 Supplement to the Revised Statutes of Missouri. Every attempt has been made to develop headnotes which adequately describe the textual material contained in the section.

POPULAR NAME TABLE

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Cade's Law, HB 675
Chloe's Law, SB 230
Department of Revenue Data Collection, SB 252
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Health Insurance Marketplace Innovation Act of 2013, SB 262
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- Irvine O. Hockaday, Jr. Highway, HB 303
- Leona Williams Highway, HB 303
- Missouri Fallen Soldiers Memorial Bridge, HB 303
- Police Officer Daryl Hall Memorial Highway, HB 303
- Sergeant Jeffry Kowalski Memorial Highway, HB 303
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Pediatric Cancer Research Trust Fund, SB 35
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BY
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SECTION	ACTION	BILL		SECTION	ACTION	BILL
84.010	Repealed	Prop A		84.346	New	Prop A
84.220	Repealed	Prop A		84.347	New	Prop A
84.341	New	Prop A		86.200	Amended	Prop A
84.342	New	Prop A		86.213	Amended	Prop A
84.343	New	Prop A		105.726	Amended	Prop A
84.344	New	Prop A		376.1186	New	Prop E
84.345	New	Prop A				

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1.320	Vetoed	HB 436	29.216	New	HB 116
1.370	Vetoed	SB 265	29.221	New	HB 116
8.012	Amended	SB 106	29.230	Amended	HB 116
8.012	Amended	SB 117	29.235	Amended	HB 116
9.015	Override	HB 278	29.250	Amended	HB 116
9.149	New	SB 33	29.260	Amended	HB 116
9.149	New	SB 72	29.270	Repealed	HB 116
9.155	New	HB 68	29.275	Repealed	HB 116
9.174	New	SB 72	29.340	Repealed	HB 116
9.190	New	HB 68	29.351	New	HB 116
11.010	Amended	SB 99	32.056	Amended	HB 374
11.025	New	SB 99	32.056	Amended	SB 100
21.750	Vetoed	HB 436	32.070	Vetoed	HB 253
21.760	Repealed	HB 116	32.086	Vetoed	HB 253
26.226	Vetoed	HB 110	32.087	Amended	HB 184
29.005	New	HB 116	32.087	Vetoed	HB 253
29.090	Repealed	HB 116	32.087	Amended	SB 23
29.180	Repealed	HB 116	32.087	Amended	SB 99
29.185	New	HB 116	32.087	Vetoed	SB 182
29.190	Amended	HB 116	32.383	Vetoed	HB 253
29.200	Amended	HB 116	33.080	Override	HB 1035
29.210	Amended	HB 116	33.080	Amended	SB 23

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33.295	Override	HB 1035	52.240	Amended	HB 128
33.295	New	SB 23	54.040	Amended	HB 235
33.300	Amended	HB 116	54.280	Amended	HB 175
34.040	Vetoed	SB 51	54.330	Amended	HB 235
37.710	Amended	HB 505	56.809	Amended	HB 116
37.850	Amended	HB 116	57.010	Amended	SB 42
43.265	Amended	SB 236	57.010	Amended	SB 75
43.518	Amended	HB 215	57.100	Amended	SB 75
43.518	Amended	HB 374	57.104	Amended	SB 42
43.518	Amended	SB 100	57.104	Amended	SB 75
43.543	Amended	HB 28	60.185	Amended	HB 28
43.543	Override	HB 650	60.185	Override	HB 650
43.650	Vetoed	HB 301	60.195	Amended	HB 28
49.266	Amended	HB 28	60.195	Override	HB 650
50.055	Amended	HB 116	60.301	Amended	HB 28
50.057	Amended	HB 116	60.301	Override	HB 650
50.535	Amended	SB 75	60.321	Amended	HB 28
50.622	Amended	HB 116	60.321	Override	HB 650
50.622	Amended	HB 451	60.451	Amended	HB 28
50.1030	Amended	HB 116	60.451	Override	HB 650
52.010	Amended	HB 235	60.510	Amended	HB 28

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60.530	Override	HB 650	60.653	Override	HB 650
60.540	Amended	HB 28	60.670	Amended	HB 28
60.540	Override	HB 650	60.670	Override	HB 650
60.550	Amended	HB 28	64.196	Amended	HB 542
60.550	Override	HB 650	64.196	Amended	SB 23
60.560	Amended	HB 28	64.196	Vetoed	SB 51
60.560	Override	HB 650	64.196	Vetoed	SB 342
60.570	Amended	HB 28	66.601	Vetoed	HB 253
60.570	Override	HB 650	66.620	Vetoed	HB 253
60.580	Amended	HB 28	67.145	New	HB 307
60.580	Override	HB 650	67.145	New	HB 336
60.590	Amended	HB 28	67.145	New	SB 216
60.590	Override	HB 650	67.395	Vetoed	HB 253
60.595	Amended	HB 28	67.457	Amended	HB 175
60.595	Override	HB 650	67.457	Override	HB 1035
60.600	Amended	HB 28	67.457	Amended	SB 248
60.600	Override	HB 650	67.463	Amended	HB 175
60.610	Amended	HB 28	67.463	Override	HB 1035
60.610	Override	HB 650	67.463	Amended	SB 248
60.620	Amended	HB 28	67.469	Amended	HB 175

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67.469	Amended	SB 248	67.1300	Vetoed	HB 253
67.525	Vetoed	HB 253	67.1303	Vetoed	HB 253
67.571	Vetoed	HB 253	67.1305	Vetoed	HB 253
67.576	Vetoed	HB 253	67.1368	New	SB 23
67.578	Vetoed	HB 253	67.1521	Amended	HB 175
67.581	Vetoed	HB 253	67.1521	Amended	SB 248
67.582	Vetoed	HB 253	67.1545	Vetoed	HB 253
67.583	Vetoed	HB 253	67.1712	Vetoed	HB 253
67.584	Vetoed	HB 253	67.1713	Vetoed	HB 253
67.712	Vetoed	HB 253	67.1775	Vetoed	HB 253
67.713	Vetoed	HB 253	67.1830	Amended	HB 331
67.729	Vetoed	HB 253	67.1836	Amended	HB 331
67.737	Vetoed	HB 253	67.1838	Amended	HB 331
67.738	Vetoed	HB 253	67.1842	Amended	HB 331
67.745	Vetoed	HB 253	67.1959	Vetoed	HB 253
67.782	Vetoed	HB 253	67.1971	Vetoed	HB 253
67.799	Vetoed	HB 253	67.2000	Vetoed	HB 253
67.997	Vetoed	HB 253	67.2030	Vetoed	HB 253
67.1009	New	SB 99	67.2525	Vetoed	HB 253
67.1010	Amended	HB 184	67.2530	Vetoed	HB 253
67.1010	Amended	SB 23	67.3000	New	SB 10

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67.3005	New	SB 10	68.259	Amended	SB 257
67.5090	New	HB 331	70.605	Amended	HB 116
67.5092	New	HB 331	71.011	Override	HB 1035
67.5094	New	HB 331	71.012	Amended	SB 58
67.5096	New	HB 331	71.014	Amended	SB 58
67.5098	New	HB 331	71.015	Amended	SB 58
67.5100	New	HB 331	71.285	Amended	SB 23
67.5102	New	HB 331	71.285	Amended	SB 58
67.5102	New	HB 345	77.030	Amended	HB 163
67.5103	New	HB 331	77.030	Amended	SB 99
67.5103	Repealed	HB 345	77.030	Repealed	SB 99
67.5103	Amended	HB 345	77.046	Amended	HB 307
67.5104	New	HB 345	77.675	New	SB 23
68.205	Amended	SB 257	77.675	New	SB 58
68.210	Amended	SB 257	78.090	Amended	HB 163
68.215	Amended	SB 257	78.090	Amended	SB 99
68.225	Amended	SB 257	78.340	Amended	HB 307
68.230	Amended	SB 257	79.070	Amended	SB 99
68.235	Amended	SB 257	79.240	Amended	HB 307
68.240	Amended	SB 257	80.420	Amended	HB 307
68.245	Amended	SB 257	82.485	Amended	HB 656
68.250	Amended	SB 257	84.120	Amended	HB 307

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
84.480	Amended	HB 336	86.900	Amended	HB 116
84.480	Vetoed	SB 224	86.900	Amended	HB 418
84.490	Amended	HB 307	86.990	Amended	HB 116
84.490	Vetoed	SB 224	86.990	Amended	HB 418
84.510	Amended	HB 336	86.1000	Amended	HB 116
84.510	Vetoed	SB 224	86.1000	Amended	HB 418
84.830	Amended	HB 307	86.1010	Amended	HB 116
84.830	Amended	HB 336	86.1010	Amended	HB 418
84.830	Amended	SB 216	86.1030	Amended	HB 116
85.551	Amended	HB 307	86.1030	Amended	HB 418
86.200	Amended	HB 116	86.1100	Amended	HB 116
86.200	Amended	HB 336	86.1100	Amended	HB 418
86.200	Amended	HB 722	86.1110	Amended	HB 116
86.200	Vetoed	SB 224	86.1110	Amended	HB 418
86.257	Amended	HB 116	86.1150	Amended	HB 116
86.257	Amended	HB 336	86.1150	Amended	HB 418
86.257	Amended	HB 722	86.1151	New	HB 116
86.257	Vetoed	SB 224	86.1151	New	HB 418
86.263	Amended	HB 116	86.1180	Amended	HB 116
86.263	Amended	HB 336	86.1180	Amended	HB 418
86.263	Amended	HB 722	86.1210	Amended	HB 116
86.263	Vetoed	SB 224	86.1210	Amended	HB 418

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
86.1220	Amended	HB 116	86.1540	Amended	HB 418
86.1220	Amended	HB 418	86.1580	Amended	HB 116
86.1230	Amended	HB 116	86.1580	Amended	HB 418
86.1230	Amended	HB 418	86.1590	Amended	HB 116
86.1231	New	HB 116	86.1590	Amended	HB 418
86.1231	New	HB 418	86.1610	Amended	HB 116
86.1240	Amended	HB 116	86.1610	Amended	HB 418
86.1240	Amended	HB 418	86.1630	Amended	HB 116
86.1250	Amended	HB 116	86.1630	Amended	HB 418
86.1270	Amended	HB 116	92.387	New	SB 23
86.1270	Amended	HB 418	94.270	Amended	SB 99
86.1310	Amended	HB 116	94.578	Vetoed	HB 253
86.1310	Amended	HB 418	94.605	Vetoed	HB 253
86.1380	Amended	HB 116	94.660	Vetoed	HB 253
86.1380	Amended	HB 418	94.705	Vetoed	HB 253
86.1420	Amended	HB 116	94.1060	New	SB 23
86.1420	Amended	HB 418	96.229	New	HB 163
86.1500	Amended	HB 116	96.229	New	HB 351
86.1500	Amended	HB 418	96.229	Override	HB 1035
86.1530	Amended	HB 116	99.845	Amended	HB 128
86.1530	Amended	HB 418	99.845	Amended	HB 336
86.1540	Amended	HB 116	99.845	Override	HB 1035

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
99.845	Amended	SB 23	104.1015	Amended	HB 233
100.293	Amended	HB 196	104.1021	Amended	HB 233
103.025	Amended	HB 116	104.1030	Amended	HB 233
104.010	Amended	HB 233	104.1039	Amended	HB 233
104.040	Amended	HB 233	104.1051	Amended	HB 233
104.090	Amended	HB 233	104.1054	Amended	HB 233
104.140	Amended	HB 233	104.1060	Amended	HB 233
104.190	Amended	HB 116	105.504	Vetoed	SB 29
104.200	Amended	HB 233	105.684	Amended	HB 233
104.272	Amended	HB 233	105.711	Amended	SB 252
104.312	Amended	HB 233	106.270	Amended	HB 307
104.352	Amended	HB 233	106.273	New	HB 307
104.354	Amended	HB 233	115.003	Amended	SB 99
104.380	Amended	HB 233	115.005	Amended	SB 99
104.395	Amended	HB 233	115.007	Amended	SB 99
104.420	Amended	HB 233	115.027	Vetoed	HB 110
104.480	Amended	HB 116	115.156	Repealed	SB 116
104.490	Amended	HB 233	115.159	Amended	SB 116
104.601	Amended	HB 233	115.249	Amended	SB 99
104.620	Amended	HB 233	115.259	Amended	SB 99
104.800	Amended	HB 233	115.275	Amended	SB 116
104.1003	Amended	HB 233	115.277	Amended	SB 116

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115.278	Repealed	SB 116	115.902	New	SB 116
115.281	Amended	SB 99	115.904	New	SB 116
115.281	Amended	SB 116	115.906	New	SB 116
115.283	Amended	SB 116	115.908	New	SB 116
115.287	Amended	SB 116	115.910	New	SB 116
115.291	Amended	SB 116	115.912	New	SB 116
115.292	Repealed	SB 116	115.914	New	SB 116
115.299	Amended	SB 99	115.916	New	SB 116
115.300	Amended	SB 99	115.918	New	SB 116
115.383	Amended	SB 99	115.920	New	SB 116
115.419	Amended	SB 99	115.922	New	SB 116
115.423	Amended	SB 99	115.924	New	SB 116
115.433	Amended	SB 99	115.926	New	SB 116
115.436	Amended	SB 99	115.928	New	SB 116
115.439	Amended	SB 99	115.930	New	SB 116
115.449	Amended	SB 99	115.932	New	SB 116
115.455	Amended	SB 99	115.934	New	SB 116
115.456	Amended	SB 99	115.936	New	SB 116
115.493	Amended	SB 99	116.030	Amended	HB 117
115.601	Amended	SB 99	116.040	Amended	HB 117
115.607	Vetoed	HB 110	116.080	Amended	HB 117
115.900	New	SB 116	116.090	Amended	HB 117

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
116.115	New	HB 117	136.055	Vetoed	SB 51
116.153	New	HB 117	137.010	Vetoed	SB 51
116.190	Amended	HB 117	137.073	Override	HB 1035
116.332	Amended	HB 117	137.090	Override	HB 1035
116.334	Amended	HB 117	137.090	Amended	SB 23
135.010	Vetoed	SB 350	137.090	Amended	SB 148
135.025	Vetoed	SB 350	137.095	Override	HB 1035
135.030	Vetoed	SB 350	137.095	Amended	SB 23
135.090	Amended	SB 20	137.095	Amended	SB 148
135.284	Amended	HB 196	137.100	Amended	HB 142
135.305	Vetoed	SB 342	137.115	Override	HB 1035
135.327	Amended	SB 20	137.720	Override	HB 1035
135.341	New	SB 20	137.720	Amended	SB 23
135.535	Amended	SB 20	137.1018	Amended	SB 23
135.562	Amended	SB 20	138.431	Override	HB 1035
135.630	Amended	SB 20	140.050	Amended	HB 175
135.647	Amended	SB 20	140.050	Amended	SB 248
135.710	Vetoed	SB 51	140.115	New	HB 175
135.800	Amended	HB 196	140.115	New	SB 248
135.800	Amended	SB 20	140.150	Amended	HB 175
135.960	Amended	HB 184	140.150	Amended	SB 248
135.1220	New	SB 17	140.160	Amended	HB 175

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
140.160	Amended	SB 248	144.010	Vetoed	HB 253
140.230	Amended	HB 175	144.010	Amended	SB 23
140.230	Amended	SB 248	144.014	Vetoed	HB 253
140.290	Amended	HB 175	144.020	Amended	HB 184
140.290	Amended	SB 248	144.020	Amended	SB 23
140.405	Amended	HB 175	144.020	Amended	SB 99
140.405	Amended	SB 248	144.020	Vetoed	SB 182
140.460	Amended	HB 175	144.021	Amended	HB 184
140.460	Amended	SB 248	144.021	Amended	SB 23
140.470	Amended	HB 175	144.021	Amended	SB 99
140.470	Amended	SB 248	144.021	Vetoed	SB 182
140.665	Amended	HB 175	144.022	Vetoed	HB 253
140.665	Amended	SB 248	144.030	Vetoed	HB 253
142.800	Vetoed	SB 342	144.030	Amended	SB 23
143.011	Vetoed	HB 253	144.032	Vetoed	HB 253
143.021	Vetoed	HB 253	144.040	Vetoed	HB 253
143.022	Vetoed	HB 253	144.041	Vetoed	HB 253
143.071	Vetoed	HB 253	144.042	Vetoed	HB 253
143.151	Vetoed	HB 253	144.043	Vetoed	HB 253
143.221	Vetoed	HB 253	144.049	Vetoed	HB 253
143.451	Amended	HB 128	144.054	Vetoed	HB 253
143.1026	New	SB 35	144.069	Amended	HB 184

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
144.069	Vetoed	HB 253	144.285	Vetoed	HB 253
144.069	Amended	SB 23	144.440	Amended	HB 184
144.069	Amended	SB 99	144.440	Amended	SB 23
144.069	Vetoed	SB 182	144.440	Amended	SB 99
144.070	Vetoed	HB 253	144.440	Vetoed	SB 182
144.071	Amended	HB 184	144.450	Amended	HB 184
144.071	Amended	SB 23	144.450	Amended	SB 23
144.071	Amended	SB 99	144.450	Amended	SB 99
144.071	Vetoed	SB 182	144.450	Vetoed	SB 182
144.080	Vetoed	HB 253	144.455	Amended	HB 184
144.082	Vetoed	HB 253	144.455	Amended	SB 23
144.083	Vetoed	HB 253	144.455	Amended	SB 99
144.084	Vetoed	HB 253	144.455	Vetoed	SB 182
144.100	Vetoed	HB 253	144.517	Vetoed	HB 253
144.105	Vetoed	HB 253	144.522	Vetoed	HB 253
144.110	Vetoed	HB 253	144.525	Amended	HB 184
144.123	Vetoed	HB 253	144.525	Amended	SB 23
144.124	Vetoed	HB 253	144.525	Amended	SB 99
144.125	Vetoed	HB 253	144.525	Vetoed	SB 182
144.140	Vetoed	HB 253	144.526	Vetoed	HB 253
144.210	Vetoed	HB 253	144.605	Vetoed	HB 253
144.212	Vetoed	HB 253	144.605	Amended	SB 23

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
144.610	Amended	HB 184	160.261	Amended	HB 505
144.610	Amended	SB 23	160.262	Amended	HB 505
144.610	Amended	SB 99	160.665	Vetoed	HB 436
144.610	Vetoed	SB 182	160.2100	Amended	SB 256
144.613	Amended	HB 184	161.092	Amended	SB 125
144.613	Amended	SB 23	161.249	New	SB 17
144.613	Amended	SB 99	161.450	New	HB 675
144.613	Vetoed	SB 182	162.068	Amended	HB 505
144.615	Amended	HB 184	162.069	Amended	HB 505
144.615	Amended	SB 23	162.081	Amended	SB 125
144.615	Amended	SB 99	162.083	Amended	SB 125
144.615	Vetoed	SB 182	162.215	Amended	HB 152
144.655	Vetoed	HB 253	162.459	Amended	SB 258
144.710	Vetoed	HB 253	162.471	Amended	SB 258
144.1000	Vetoed	HB 253	162.492	Amended	SB 258
144.1003	Vetoed	HB 253	162.1300	New	SB 125
144.1006	Vetoed	HB 253	167.020	Amended	HB 159
144.1009	Vetoed	HB 253	167.115	Amended	HB 215
144.1012	Vetoed	HB 253	167.115	Vetoed	HB 301
144.1015	Vetoed	HB 253	167.171	Amended	HB 215
160.261	Amended	HB 215	167.171	Vetoed	HB 301
160.261	Vetoed	HB 301	167.638	New	SB 197

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
167.800	New	HB 675	169.324	Amended	SB 23
167.803	New	HB 675	169.350	Amended	SB 17
167.806	New	HB 675	169.350	Amended	SB 23
167.809	New	HB 675	169.670	Amended	SB 17
167.812	New	HB 675	170.315	New	SB 75
167.818	New	HB 675	170.340	New	SB 17
167.821	New	HB 675	171.410	New	SB 75
167.824	New	HB 675	173.005	Amended	HB 673
168.021	Amended	SB 17	173.1105	Amended	HB 673
168.071	Amended	HB 215	173.1150	New	SB 117
168.071	Vetoed	HB 301	173.1158	New	SB 106
168.221	Amended	SB 125	174.020	Amended	HB 673
168.291	Repealed	SB 125	174.700	Amended	HB 307
169.020	Amended	HB 116	174.700	Amended	SB 282
169.070	Amended	SB 17	174.703	Amended	HB 103
169.270	Amended	SB 17	174.703	Amended	HB 307
169.270	Amended	SB 23	174.703	Amended	SB 282
169.291	Amended	SB 17	174.706	Amended	HB 103
169.291	Amended	SB 23	174.706	Amended	HB 307
169.301	Amended	SB 17	174.706	Amended	SB 282
169.301	Amended	SB 23	174.709	New	HB 103
169.324	Amended	SB 17	174.709	New	HB 307

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
174.709	New	SB 282	178.761	Repealed	HB 196
174.712	New	HB 103	178.762	Repealed	HB 196
174.712	New	HB 307	178.763	Repealed	HB 196
174.712	New	SB 282	178.764	Repealed	HB 196
176.010	Amended	HB 673	178.892	Repealed	HB 196
178.420	Amended	HB 673	178.893	Repealed	HB 196
178.530	Amended	HB 673	178.894	Repealed	HB 196
178.550	Amended	HB 542	178.895	Repealed	HB 196
178.550	Override	SB 9	178.896	Repealed	HB 196
178.550	Amended	SB 17	178.1100	New	SB 381
178.560	Amended	HB 673	184.800	Amended	SB 23
178.585	Amended	HB 673	184.805	Amended	SB 23
178.631	Amended	HB 673	184.810	Amended	SB 23
178.632	Amended	HB 673	184.815	Amended	SB 23
178.634	Amended	HB 673	184.820	Amended	SB 23
178.635	Amended	HB 673	184.827	Amended	SB 23
178.636	Amended	HB 673	184.830	Amended	SB 23
178.637	Amended	HB 673	184.835	Amended	SB 23
178.638	Amended	HB 673	184.840	Amended	SB 23
178.639	Amended	HB 673	184.845	Amended	SB 23
178.640	Amended	HB 673	184.847	New	SB 23
178.760	Repealed	HB 196	184.850	Amended	SB 23

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
184.865	Amended	SB 23	194.350	Amended	SB 186
188.021	New	HB 400	194.360	Amended	SB 186
188.023	Amended	HB 215	196.311	Amended	HB 542
188.023	Vetoed	HB 301	196.311	Amended	SB 329
190.098	New	HB 307	197.080	Amended	HB 351
190.098	New	HB 336	197.100	Amended	HB 351
190.100	Amended	HB 307	198.310	Amended	SB 89
190.100	Amended	HB 336	198.345	Amended	SB 23
190.335	Amended	HB 163	198.345	Amended	SB 89
191.227	Amended	HB 351	199.170	Amended	SB 197
191.237	Amended	HB 986	199.180	Amended	SB 197
191.237	Repealed	SB 89	199.190	Amended	SB 197
191.237	Amended	SB 89	199.200	Amended	SB 197
191.334	New	SB 230	199.210	Amended	SB 197
191.1100	Override	SB 129	199.240	Amended	SB 197
191.1102	Override	SB 129	199.250	Amended	SB 197
191.1104	Override	SB 129	199.260	Amended	SB 197
191.1106	Override	SB 129	199.270	Amended	SB 197
191.1110	Override	SB 129	199.275	New	SB 197
191.1112	Override	SB 129	199.280	New	SB 197
192.360	New	SB 106	199.290	New	SB 197
193.145	Amended	SB 186	206.110	Amended	SB 376

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
208.010	Override	HB 329	211.036	Amended	SB 205
208.024	New	SB 251	211.036	Amended	SB 208
208.053	Amended	HB 986	211.069	New	SB 36
208.146	Amended	HB 986	211.071	Amended	HB 215
208.146	Amended	SB 127	211.071	Vetoed	HB 301
208.151	Amended	SB 127	211.071	Amended	SB 36
208.152	Amended	SB 127	211.073	Amended	SB 36
208.240	New	SB 127	211.447	Amended	HB 215
208.895	Amended	SB 127	211.447	Vetoed	HB 301
208.990	New	SB 127	211.447	Amended	SB 256
208.993	New	HB 986	217.010	Amended	HB 215
208.995	New	SB 127	217.010	Vetoed	HB 301
208.1050	New	HB 116	217.345	Amended	HB 215
208.1050	New	HB 986	217.703	Amended	HB 215
209.150	Amended	SB 33	217.738	Vetoed	HB 301
209.152	Amended	SB 33	221.070	Amended	SB 42
209.200	Amended	SB 33	221.070	Amended	SB 75
210.115	Amended	HB 505	221.102	New	SB 42
210.278	Vetoed	SB 77	221.102	New	SB 75
210.482	Override	SB 110	221.407	Vetoed	HB 253
210.487	Override	SB 110	227.303	Amended	HB 303
210.950	Amended	SB 256	227.314	New	HB 303

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
227.325	New	HB 303	256.117	Override	HB 650
227.404	New	HB 303	256.438	New	HB 28
227.421	New	HB 303	256.438	Override	HB 650
227.515	New	HB 303	258.010	Amended	HB 28
227.517	New	HB 303	258.010	Override	HB 650
227.518	New	HB 303	258.020	Repealed	HB 28
227.519	New	HB 303	258.020	Override	HB 650
236.410	Amended	HB 28	258.030	Repealed	HB 28
236.410	Override	HB 650	258.030	Override	HB 650
238.235	Vetoed	HB 253	258.060	Amended	HB 28
238.272	Amended	HB 116	258.060	Override	HB 650
238.272	Override	HB 1035	258.070	Amended	HB 28
238.410	Vetoed	HB 253	258.070	Override	HB 650
253.048	Amended	SB 106	258.080	Amended	HB 28
253.048	Amended	SB 117	258.080	Override	HB 650
253.090	Amended	HB 28	260.200	Amended	HB 28
253.090	Override	HB 650	260.200	Override	HB 650
253.180	Amended	HB 28	260.205	Amended	HB 28
253.180	Override	HB 650	260.205	Override	HB 650
253.185	Amended	HB 28	260.214	New	HB 28
253.185	Override	HB 650	260.214	Override	HB 650
256.117	Amended	HB 28	260.235	Amended	HB 28

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
260.235	Override	HB 650	262.598	Override	SB 9
260.249	Amended	HB 28	262.598	Vetoed	SB 342
260.249	Override	HB 650	262.795	New	SB 16
260.262	Amended	HB 28	262.900	New	HB 542
260.262	Override	HB 650	262.975	Vetoed	SB 342
260.365	Amended	HB 28	267.655	Amended	HB 542
260.365	Override	HB 650	267.655	Override	SB 9
260.379	Repealed	HB 28	285.300	Vetoed	HB 611
260.379	Override	HB 650	287.020	Amended	SB 1
260.380	Amended	HB 28	287.067	Amended	HB 404
260.380	Override	HB 650	287.067	Amended	SB 1
260.390	Amended	HB 28	287.120	Amended	SB 1
260.390	Override	HB 650	287.140	Amended	SB 1
260.395	Amended	HB 28	287.150	Amended	SB 1
260.395	Override	HB 650	287.200	Amended	SB 1
260.434	Repealed	HB 28	287.210	Amended	SB 1
260.434	Override	HB 650	287.220	Amended	SB 1
260.475	Amended	HB 28	287.223	New	SB 1
260.475	Override	HB 650	287.280	Amended	SB 1
261.023	Amended	HB 28	287.610	Amended	SB 1
261.023	Override	HB 650	287.715	Amended	SB 1
262.598	New	HB 542	287.745	Amended	SB 1

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
287.955	Amended	SB 1	301.149	New	HB 322
287.957	Vetoed	SB 34	301.193	Amended	HB 428
287.975	Amended	HB 404	301.193	Amended	SB 148
287.975	Vetoed	SB 34	301.260	Amended	HB 428
287.980	Vetoed	SB 34	301.301	Amended	HB 103
288.030	Vetoed	HB 611	301.301	Vetoed	SB 51
288.030	Vetoed	SB 28	301.449	Amended	HB 103
288.040	Amended	HB 196	301.449	Vetoed	SB 51
288.040	Vetoed	HB 611	301.642	New	HB 428
288.050	Vetoed	HB 611	301.642	New	SB 148
288.050	Vetoed	SB 28	301.3031	Amended	SB 252
288.100	Vetoed	HB 611	301.3033	New	SB 252
288.380	Vetoed	HB 611	302.060	Amended	SB 23
290.210	Amended	HB 34	302.060	Repealed	SB 23
290.260	Amended	HB 34	302.060	Vetoed	SB 43
290.262	Amended	HB 34	302.060	Vetoed	SB 43
301.067	Amended	SB 252	302.065	New	SB 252
301.130	Amended	HB 349	302.132	Vetoed	SB 51
301.140	Vetoed	SB 51	302.181	Amended	SB 75
301.140	Vetoed	SB 51	302.183	Amended	SB 252
301.140	Amended	SB 148	302.189	New	SB 252
301.140	Repealed	SB 148	302.291	Amended	SB 282

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
302.302	Amended	HB 103	302.720	Amended	HB 103
302.302	Amended	SB 23	302.720	Vetoed	SB 43
302.302	Vetoed	SB 43	302.720	Vetoed	SB 51
302.302	Amended	SB 282	302.735	Amended	HB 103
302.304	Amended	SB 23	302.735	Vetoed	SB 43
302.304	Repealed	SB 23	302.735	Vetoed	SB 51
302.304	Vetoed	SB 43	302.740	Amended	HB 103
302.304	Vetoed	SB 43	302.740	Vetoed	SB 43
302.309	Repealed	SB 23	302.740	Vetoed	SB 51
302.309	Amended	SB 23	302.755	Amended	HB 103
302.309	Vetoed	SB 43	302.755	Vetoed	SB 43
302.309	Vetoed	SB 43	302.755	Vetoed	SB 51
302.341	Amended	HB 103	302.767	Vetoed	SB 43
302.341	Amended	SB 23	302.767	Vetoed	SB 51
302.341	Amended	SB 282	303.024	Amended	HB 322
302.525	Amended	SB 23	303.200	Amended	HB 322
302.525	Repealed	SB 23	303.390	Override	HB 339
302.525	Vetoed	SB 43	304.013	Amended	HB 103
302.525	Vetoed	SB 43	304.032	Amended	HB 103
302.700	Amended	HB 103	304.120	Amended	HB 103
302.700	Vetoed	SB 43	304.152	Vetoed	SB 73
302.700	Vetoed	SB 51	304.152	New	SB 282

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
304.154	Vetoed	SB 51	311.200	Amended	SB 121
304.180	Amended	HB 103	311.290	Amended	SB 121
304.180	Vetoed	SB 43	311.483	New	SB 121
304.180	Vetoed	SB 51	313.321	Amended	SB 42
304.820	Amended	HB 103	313.817	Vetoed	SB 224
304.820	Vetoed	SB 43	316.150	Amended	SB 121
304.820	Vetoed	SB 51	321.015	Amended	HB 307
304.890	New	HB 103	321.015	Amended	HB 336
304.890	New	SB 282	321.210	Amended	HB 307
304.892	New	HB 103	321.210	Amended	HB 336
304.892	New	SB 282	321.322	Amended	HB 307
304.894	New	HB 103	321.322	Amended	HB 336
304.894	New	SB 282	323.100	Amended	HB 542
307.075	Amended	HB 715	324.007	New	SB 106
307.075	Vetoed	SB 73	331.100	Amended	SB 330
307.075	Amended	SB 282	332.093	Amended	SB 330
307.400	Amended	HB 103	334.040	Amended	HB 315
307.400	Vetoed	SB 51	334.104	Amended	SB 330
311.055	Amended	SB 121	334.715	Amended	HB 315
311.071	Amended	SB 121	334.735	Amended	HB 315
311.091	Amended	SB 121	335.066	Amended	HB 315
311.197	New	SB 121	335.175	New	HB 315

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
337.715	Amended	SB 234	360.045	Override	HB 1035
338.150	Amended	HB 315	360.045	Amended	SB 23
338.150	Amended	SB 306	361.160	Override	HB 329
338.200	New	HB 315	370.283	Amended	HB 478
338.220	Amended	HB 315	370.287	Amended	HB 478
338.255	New	SB 126	374.150	Override	HB 1035
338.321	New	SB 262	374.150	Amended	SB 23
339.100	Amended	HB 215	375.159	New	SB 324
339.100	Vetoed	HB 301	375.246	Amended	HB 133
344.040	Amended	SB 80	375.246	Vetoed	SB 60
346.050	Repealed	SB 330	375.772	Amended	SB 59
346.055	Amended	SB 330	375.775	Amended	SB 59
346.085	Amended	SB 330	375.776	Amended	SB 59
347.039	Amended	HB 510	375.1312	Amended	HB 215
347.153	Amended	HB 510	376.325	New	SB 262
347.186	New	HB 510	376.405	Amended	SB 262
348.521	Amended	HB 542	376.426	Amended	SB 262
348.521	Vetoed	SB 342	376.717	Amended	SB 59
351.210	Amended	HB 498	376.777	Amended	SB 262
354.410	Amended	SB 262	376.961	Amended	SB 262
354.415	Amended	SB 262	376.962	Amended	SB 262
354.430	Amended	SB 262	376.964	Amended	SB 262

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
376.966	Amended	SB 262	376.2014	New	SB 262
376.968	Amended	SB 262	379.011	New	HB 322
376.970	Amended	SB 262	379.012	New	HB 322
376.973	Amended	SB 262	379.1300	Amended	SB 287
376.1192	New	SB 161	379.1306	Amended	SB 287
376.1192	New	SB 262	379.1310	Amended	SB 287
376.1226	New	HB 315	379.1312	Amended	SB 287
376.1235	New	SB 159	379.1326	Amended	SB 287
376.1237	New	HB 315	379.1351	New	SB 287
376.1363	Amended	SB 262	379.1510	Amended	HB 58
376.1575	New	SB 262	386.170	Amended	SB 191
376.1578	New	SB 262	386.180	Amended	SB 191
376.1900	New	HB 986	386.210	Amended	HB 432
376.1900	New	SB 262	386.370	Amended	HB 142
376.2000	New	SB 262	389.585	New	HB 331
376.2002	New	SB 262	389.586	New	HB 331
376.2004	New	SB 262	389.587	New	HB 331
376.2006	New	SB 262	389.588	New	HB 331
376.2008	New	SB 262	389.589	New	HB 331
376.2010	New	SB 262	389.591	New	HB 331
376.2011	New	SB 262	392.415	Amended	HB 331
376.2012	New	SB 262	392.420	Amended	HB 331

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
392.420	Amended	SB 237	400.9.801	New	HB 212
392.461	Amended	HB 331	400.9.802	New	HB 212
392.611	New	HB 331	400.9.803	New	HB 212
393.150	Vetoed	SB 240	400.9.804	New	HB 212
393.190	Amended	HB 142	400.9.805	New	HB 212
393.320	Amended	HB 142	400.9.806	New	HB 212
393.760	Amended	HB 142	400.9.807	New	HB 212
393.1012	Vetoed	SB 240	400.9.808	New	HB 212
393.1030	Amended	HB 142	400.9.809	New	HB 212
393.1075	Amended	HB 142	400.2A.103	Amended	HB 212
400.9.102	Amended	HB 212	400.4A.108	Amended	HB 212
400.9.307	Amended	HB 212	407.292	New	SB 157
400.9.316	Amended	HB 212	407.300	Amended	HB 103
400.9.317	Amended	HB 212	407.300	Amended	SB 157
400.9.326	Amended	HB 212	407.302	Amended	SB 157
400.9.406	Amended	HB 212	407.303	Amended	SB 157
400.9.408	Amended	HB 212	407.485	Amended	SB 157
400.9.502	Amended	HB 212	408.140	Override	HB 329
400.9.503	Amended	HB 212	408.140	Amended	SB 254
400.9.515	Amended	HB 212	408.590	Override	HB 329
400.9.516	Amended	HB 212	408.590	Amended	SB 235
400.9.518	Amended	HB 212	408.592	Override	HB 329

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
408.592	Repealed	SB 235	452.413	New	SB 117
408.600	Override	HB 329	453.030	Amended	SB 100
408.600	Amended	SB 235	453.050	Amended	SB 100
413.225	Amended	HB 542	453.070	Amended	SB 330
429.010	Amended	SB 357	453.072	Amended	SB 47
432.047	Amended	SB 100	453.350	New	SB 205
442.571	Override	SB 9	454.475	Amended	HB 374
442.571	Vetoed	SB 342	454.475	Amended	SB 69
442.576	Override	SB 9	454.475	Amended	SB 100
442.576	Vetoed	SB 342	455.010	Amended	HB 215
443.454	New	HB 446	455.015	Amended	HB 215
443.723	Amended	SB 100	455.020	Amended	HB 215
444.772	Amended	HB 28	455.030	Amended	HB 215
444.772	Override	HB 650	455.032	Amended	HB 215
447.559	Amended	HB 702	455.035	Amended	HB 215
447.559	Amended	SB 186	455.040	Amended	HB 215
447.560	Amended	HB 702	455.045	Amended	HB 215
447.560	Amended	SB 186	455.050	Amended	HB 215
452.400	Amended	SB 100	455.060	Amended	HB 215
452.413	New	HB 148	455.080	Amended	HB 215
452.413	New	SB 106	455.085	Amended	HB 215
452.413	Override	SB 110	455.503	Amended	HB 215

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
455.505	Amended	HB 215	478.007	Amended	SB 100
455.513	Amended	HB 215	478.007	Amended	SB 327
455.520	Amended	HB 215	478.008	New	HB 374
455.523	Amended	HB 215	478.008	New	SB 118
455.538	Amended	HB 215	478.073	Amended	HB 374
473.730	Vetoed	HB 110	478.075	Repealed	HB 374
473.730	Amended	HB 163	478.077	Repealed	HB 374
473.730	Amended	SB 99	478.080	Repealed	HB 374
473.733	Vetoed	HB 110	478.085	Repealed	HB 374
473.733	Amended	HB 163	478.087	Repealed	HB 374
473.733	Amended	SB 99	478.090	Repealed	HB 374
473.737	Vetoed	HB 110	478.093	Repealed	HB 374
473.737	Amended	HB 163	478.095	Repealed	HB 374
473.737	Amended	SB 99	478.097	Repealed	HB 374
476.057	Amended	HB 374	478.100	Repealed	HB 374
476.057	Amended	SB 100	478.103	Repealed	HB 374
476.385	Amended	SB 23	478.105	Repealed	HB 374
476.385	Vetoed	SB 43	478.107	Repealed	HB 374
476.515	Amended	HB 233	478.110	Repealed	HB 374
477.405	Amended	HB 374	478.113	Repealed	HB 374
477.405	Amended	SB 100	478.115	Repealed	HB 374
478.007	Vetoed	SB 73	478.117	Repealed	HB 374

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
478.120	Repealed	HB 374	478.175	Repealed	HB 374
478.123	Repealed	HB 374	478.177	Repealed	HB 374
478.125	Repealed	HB 374	478.180	Repealed	HB 374
478.127	Repealed	HB 374	478.183	Repealed	HB 374
478.130	Repealed	HB 374	478.185	Repealed	HB 374
478.133	Repealed	HB 374	478.186	Repealed	HB 374
478.135	Repealed	HB 374	478.320	Amended	HB 374
478.137	Repealed	HB 374	478.320	Amended	SB 100
478.140	Repealed	HB 374	487.010	Amended	HB 374
478.143	Repealed	HB 374	487.020	Amended	HB 374
478.145	Repealed	HB 374	488.426	Amended	HB 374
478.147	Repealed	HB 374	488.426	Amended	SB 100
478.150	Repealed	HB 374	488.2230	New	SB 100
478.153	Repealed	HB 374	488.2250	Amended	HB 374
478.155	Repealed	HB 374	488.2250	Vetoed	SB 73
478.157	Repealed	HB 374	488.2250	Amended	SB 100
478.160	Repealed	HB 374	488.5028	Amended	SB 42
478.163	Repealed	HB 374	488.5029	New	SB 42
478.165	Repealed	HB 374	488.5320	Amended	HB 374
478.167	Repealed	HB 374	488.5320	Amended	SB 42
478.170	Repealed	HB 374	488.5320	Amended	SB 100
478.173	Repealed	HB 374	506.600	Vetoed	SB 267

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
513.430	Override	HB 329	558.018	Amended	HB 215
513.430	Amended	HB 374	558.018	Vetoed	HB 301
513.430	Amended	SB 100	558.026	Amended	HB 215
514.040	Amended	HB 374	558.026	Vetoed	HB 301
514.040	Amended	SB 100	559.036	Amended	HB 215
527.290	Amended	HB 215	559.036	Amended	HB 374
544.157	Amended	HB 103	559.100	Amended	HB 215
544.157	Amended	HB 307	559.105	Amended	HB 215
544.157	Amended	SB 282	559.115	Amended	HB 215
544.455	Amended	HB 215	559.115	Vetoed	HB 301
544.455	Amended	HB 374	559.115	Amended	HB 374
544.455	Amended	SB 327	559.117	Amended	HB 215
556.036	Amended	HB 215	559.117	Vetoed	HB 301
556.036	Vetoed	HB 301	565.087	Vetoed	SB 43
556.037	Amended	HB 215	565.088	Vetoed	SB 43
556.037	Vetoed	HB 301	565.089	Vetoed	SB 43
556.061	Amended	HB 215	566.020	Amended	HB 215
556.061	Vetoed	HB 301	566.020	Vetoed	HB 301
556.061	Amended	HB 505	566.030	Amended	HB 215
557.011	Amended	HB 215	566.030	Vetoed	HB 301
557.011	Amended	HB 374	566.031	New	HB 215
557.011	Amended	SB 327	566.031	Vetoed	HB 301

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
566.040	Repealed	HB 215	568.040	Vetoed	SB 224
566.040	Vetoed	HB 301	568.060	Amended	HB 505
566.060	Amended	HB 215	570.030	Override	SB 9
566.060	Vetoed	HB 301	570.120	Amended	HB 215
566.061	New	HB 215	571.011	Vetoed	HB 436
566.061	Vetoed	HB 301	571.011	New	SB 75
566.070	Repealed	HB 215	571.012	Vetoed	HB 436
566.070	Vetoed	HB 301	571.030	Vetoed	HB 436
566.090	Repealed	HB 215	571.030	Amended	HB 533
566.090	Vetoed	HB 301	571.030	Amended	SB 75
566.093	Amended	HB 215	571.037	Amended	SB 75
566.093	Vetoed	HB 301	571.067	Vetoed	HB 436
566.095	Amended	HB 215	571.067	New	HB 533
566.095	Vetoed	HB 301	571.101	Vetoed	HB 436
566.100	Amended	HB 215	571.101	Amended	SB 75
566.100	Vetoed	HB 301	571.102	Repealed	SB 75
566.101	New	HB 215	571.104	Amended	SB 75
566.101	Vetoed	HB 301	571.107	Vetoed	HB 436
566.224	Amended	HB 215	571.107	Amended	SB 75
566.224	Vetoed	HB 301	571.111	Amended	SB 75
566.226	Amended	HB 215	571.114	Amended	SB 75
566.226	Vetoed	HB 301	571.117	Vetoed	HB 436

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571.117	Amended	SB 75	590.010	Vetoed	HB 436
571.121	Amended	SB 75	590.200	Vetoed	HB 436
571.500	New	SB 75	590.205	Vetoed	HB 436
571.500	New	SB 252	590.205	New	SB 42
573.037	Amended	HB 215	590.207	Vetoed	HB 436
577.041	Amended	SB 23	590.700	Amended	HB 215
577.041	Vetoed	SB 43	590.700	Vetoed	HB 301
578.009	Override	SB 9	595.220	Amended	HB 215
578.011	Override	SB 9	595.220	Amended	HB 505
578.012	Override	SB 9	595.220	Amended	SB 256
578.375	Amended	SB 251	600.011	Amended	HB 215
578.377	Amended	SB 251	600.040	Amended	HB 215
578.379	Amended	SB 251	600.042	Amended	HB 215
578.381	Amended	SB 251	600.048	Amended	HB 215
578.383	Amended	SB 251	600.062	New	HB 215
578.389	Amended	SB 251	600.063	New	HB 215
578.390	Amended	SB 251	600.064	New	HB 215
578.392	New	SB 251	610.015	Override	SB 170
589.015	Amended	HB 215	610.021	Amended	HB 256
589.015	Vetoed	HB 301	610.150	Amended	HB 256
589.400	Vetoed	HB 301	620.467	Amended	HB 316
589.402	Vetoed	HB 301	620.470	Repealed	HB 196

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
620.472	Repealed	HB 196	630.170	Amended	SB 229
620.474	Repealed	HB 196	632.480	Amended	HB 215
620.475	Repealed	HB 196	632.480	Vetoed	HB 301
620.476	Repealed	HB 196	632.480	Amended	SB 188
620.478	Repealed	HB 196	632.498	Amended	HB 215
620.479	Repealed	HB 196	632.498	Vetoed	HB 301
620.480	Repealed	HB 196	632.498	Amended	HB 374
620.481	Repealed	HB 196	632.498	Amended	SB 188
620.482	Repealed	HB 196	632.505	Amended	HB 215
620.800	New	HB 196	632.505	Vetoed	HB 301
620.803	New	HB 196	632.505	Amended	HB 374
620.806	New	HB 196	632.505	Amended	SB 188
620.809	New	HB 196	640.010	Amended	HB 28
620.1881	Amended	HB 196	640.010	Override	HB 650
620.1910	Amended	HB 196	640.012	Amended	HB 28
620.2000	New	HB 184	640.012	Override	HB 650
620.2005	New	HB 184	640.017	Amended	HB 28
620.2010	New	HB 184	640.017	Override	HB 650
620.2015	New	HB 184	640.026	New	HB 28
620.2020	New	HB 184	640.026	Override	HB 650
621.250	Amended	HB 28	640.065	New	HB 28
621.250	Override	HB 650	640.065	Override	HB 650

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
640.075	Amended	HB 28	644.054	Override	HB 650
640.075	Override	HB 650	644.057	New	HB 28
640.080	New	HB 28	644.057	Override	HB 650
640.080	Override	HB 650	644.062	New	HB 28
640.236	Override	HB 650	644.062	Override	HB 650
640.715	Amended	HB 28	650.350	Amended	SB 75
640.715	Override	HB 650	660.315	Amended	SB 127
640.725	Amended	HB 28	0001	New	HB 28
640.725	Amended	HB 542	0001	New	HB 103
640.725	Override	HB 650	0001	New	HB 152
643.079	Amended	HB 28	0001	New	HB 184
643.079	Override	HB 650	0001	New	HB 215
644.029	New	HB 28	0001	New	HB 256
644.029	Override	HB 650	0001	Vetoed	HB 301
644.029	Vetoed	SB 342	0001	New	HB 351
644.032	Vetoed	HB 253	0001	New	HB 374
644.051	Amended	HB 28	0001	New	HB 533
644.051	Override	HB 650	0001	Override	HB 650
644.052	Amended	HB 28	0001	New	HB 675
644.052	Amended	HB 542	0001	New	SB 23
644.052	Override	HB 650	0001	Vetoed	SB 43
644.054	Amended	HB 28	0001	Vetoed	SB 51

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SECTION	ACTION	BILL
0001	New	SB 99
0001	New	SB 116
0001	Vetoed	SB 182
0001	Vetoed	SB 224
0001	New	SB 252
0001	New	SB 256
0001	New	SB 262
0001	Vetoed	SB 342
0002	New	HB 28
0002	New	HB 103

SECTION	ACTION	BILL
0002	Override	HB 650
0002	New	SB 116
0003	New	HB 103
0004	New	HB 103
0005	New	HB 103
0006	New	HB 103
0007	New	HB 103
B	New	HB 374

ADOPTED NOVEMBER 6, 2012

PROPOSED BY INITIATIVE PETITION

Official Ballot Title
Proposition A

[Proposed by Initiative Petition]

Official Ballot Title:

Shall Missouri law be amended to:

- allow any city not within a county (the City of St. Louis) the option of transferring certain obligations and control of the city's police force from the board of police commissioners currently appointed by the governor to the city and establishing a municipal police force;
- establish certain procedures and requirements for governing such a municipal police force including residency, rank, salary, benefits, insurance, and pension; and
- prohibit retaliation against any employee of such municipal police force who reports conduct believed to be illegal to a superior, government agency, or the press?

State governmental entities estimated savings will eventually be up to $500,000 annually. Local governmental entities estimated annual potential savings of $3.5 million; however, consolidation decisions with an unknown outcome may result in the savings being more or less than estimated.

Fair Ballot Language:

A **"yes"** vote will amend Missouri law to allow any city not within a county (the City of St. Louis) the option of establishing a municipal police force by transferring certain obligations and control of the city's police force from the board of police commissioners currently appointed by the governor to the city. This amendment also establishes certain procedures and requirements for governing such a municipal police force including residency, rank, salary, benefits, insurance, and pension. The amendment further prohibits retaliation against any employee of such municipal police force who reports conduct believed to be illegal to a superior, government agency, or the press.

A **"no"** vote will not change the current Missouri law regarding St. Louis City's police force.

If passed, this measure will have no impact on taxes.

ADOPTED NOVEMBER 6, 2012

PROPOSED BY INITIATIVE PETITION

PROPOSITION A. — (Proposed by Initiative Petition) Shall the Missouri law be amended to:

- allow any city not within a county (the City of St. Louis) the option of transferring certain obligations and control of the city's police force from the board of police commissioners currently appointed by the governor to the city and establishing a municipal police force;
- establish certain procedures and requirements for governing such a municipal police force including residency, rank, salary, benefits, insurance, and pension; and
- prohibit retaliation against any employee of such municipal police force who reports conduct believed to be illegal to a superior, government agency, or the press?

State governmental entities estimated savings will eventually be up to $500,000 annually. Local governmental entities estimated annual potential savings of $3.5 million; however, consolidation decisions with an unknown outcome may result in the savings being more or less than estimated.

SECTION
84.341. Prohibition on state officials and political subdivisions interfering with the St. Louis municipal police force — construction of statute.
84.342. Unlawful employment practice, when — cause of action for damages permitted, when.
84.343. Purpose of establishing a municipal police force, St. Louis City — written license required, when, penalty.
84.344. Establishment of municipal police force authorized — procedure — employment of commissioned and civil personnel — separate division to be established, procedure — benefits for personnel — transition committee, duties.
84.345. Board of police commissioners, terms to expire — continued operation, when — state to provide legal representation, when — police chief, no restriction on selection of — sheriff's duties.
84.346. Police pension system, continuation of.
84.347. Nonseverability clause.
86.213. Board of trustees to administer — members of board, selection — terms.
105.726. Fraudulent use of facsimile signature or seal, penalty.

Be it enacted by the people of the State of Missouri, as follows:

Sections 84.010 and 84.220 are repealed, Sections 86.200, 86.213, and 105.726 are amended, and seven new sections are enacted, to be known as Sections 84.341, 84.342, 84.343, 84.344, 84.345, 84.346, and 84.347, to read as follows:

84.341. PROHIBITION ON STATE OFFICIALS AND POLITICAL SUBDIVISIONS INTERFERING WITH THE ST. LOUIS MUNICIPAL POLICE FORCE — CONSTRUCTION OF STATUTE. — No elected or appointed official of the state or any political subdivision thereof shall act or refrain from acting in any manner to impede, obstruct, hinder, or otherwise interfere with any member of a municipal police force established under sections 84.343 to 84.346 in the performance of his or her job duties, or with any aspect of any investigation arising from the performance of such job duties. This section shall not be construed to prevent such officials from acting within the normal course and scope of their employment or from acting to implement sections 84.343 to 84.346. Any person who violates this section shall be liable for

a penalty of two thousand five hundred dollars for each offense and shall forever be disqualified from holding any office or employment whatsoever with the governmental entity the person served at the time of the violation. The penalty shall not be paid by the funds of any committee as the term "committee" is defined in section 130.011. This section shall not be construed to interfere with the punishment, under any laws of this state, of a criminal offense committed by such officials, nor shall this section apply to duly appointed members of the municipal police force, or their appointing authorities, whose conduct is otherwise provided for by law.

84.342. UNLAWFUL EMPLOYMENT PRACTICE, WHEN — CAUSE OF ACTION FOR DAMAGES PERMITTED, WHEN. — 1. It shall be an unlawful employment practice for an official, employee, or agent of a municipal police force established under sections 84.343 to 84.346 to discharge, demote, reduce the pay of, or otherwise retaliate against an employee of the municipal police force for reporting to any superior, government agency, or the press the conduct of another employee that the reporting employee believes, in good faith, is illegal.

2. Any employee of the municipal police force may bring a cause of action for general or special damages based on a violation of this section.

84.343. PURPOSE OF ESTABLISHING A MUNICIPAL POLICE FORCE, ST. LOUIS CITY — WRITTEN LICENSE REQUIRED, WHEN, PENALTY. — 1. Subject to the provisions of sections 84.344 to 84.346, any city not within a county may establish a municipal police force for the purposes of:

(1) Preserving the public peace, welfare, and order;

(2) Preventing crime and arresting suspected offenders;

(3) Enforcing the laws of the state and ordinances of the city;

(4) Exercising all powers available to a police force under generally applicable state law; and

(5) Regulating and licensing all private watchmen, private detectives, and private policemen serving or acting as such in said city.

2. Any person who acts as a private watchman, private detective, or private policeman in said cities without having obtained a written license from said cities is guilty of a class A misdemeanor.

84.344. ESTABLISHMENT OF MUNICIPAL POLICE FORCE AUTHORIZED — PROCEDURE — EMPLOYMENT OF COMMISSIONED AND CIVIL PERSONNEL — SEPARATE DIVISION TO BE ESTABLISHED, PROCEDURE — BENEFITS FOR PERSONNEL — TRANSITION COMMITTEE, DUTIES. — 1. Notwithstanding any provisions of this chapter to the contrary, any city not within a county may establish a municipal police force on or after July 1, 2013, according to the procedures and requirements of this section. The purpose of these procedures and requirements is to provide for an orderly and appropriate transition in the governance of the police force and provide for an equitable employment transition for commissioned and civilian personnel.

2. Upon the establishment of a municipal police force by a city under sections 84.343 to 84.346, the board of police commissioners shall convey, assign, and otherwise transfer to the city title and ownership of all indebtedness and assets, including, but not limited to, all funds and real and personal property held in the name of or controlled by the board of police commissioners created under sections 84.010 to 84.340. The board of police commissioners shall execute all documents reasonably required to accomplish such transfer of ownership and obligations.

3. If the city establishes a municipal police force and completes the transfer described in subsection 2 of this section, the city shall provide the necessary funds for the maintenance of the municipal police force.

4. Before a city not within a county may establish a municipal police force under this section, the city shall adopt an ordinance accepting responsibility, ownership, and liability as

successor-in-interest for contractual obligations, indebtedness, and other lawful obligations of the board of police commissioners subject to the provisions of subsection 2 of section 84.345.

5. A city not within a county that establishes a municipal police force shall initially employ, without a reduction in rank, salary, or benefits, all commissioned and civilian personnel of the board of police commissioners created under sections 84.010 to 84.340 that were employed by the board immediately prior to the date the municipal police force was established. Such commissioned personnel who previously were employed by the board may only be involuntarily terminated by the city not within a county for cause. The city shall also recognize all accrued years of service that such commissioned and civilian personnel had with the board of police commissioners. Such personnel shall be entitled to the same holidays, vacation, and sick leave they were entitled to as employees of the board of police commissioners.

6. Commissioned and civilian personnel who were previously employed by the board shall continue to be subject, throughout their employment for the city not within a county, to a residency rule no more restrictive than a requirement of retaining a primary residence in a city not within a county for a total of seven years and of then allowing them to maintain a primary residence outside the city not within a county so long as the residence is located within a one-hour response time.

7. The commissioned and civilian personnel who retire from service with the board of police commissioners before the establishment of a municipal police force under subsection 1 of this section shall continue to be entitled to the same pension benefits provided under chapter 86 and the same benefits set forth in subsection 5 of this section.

8. If the city not within a county elects to establish a municipal police force under this section, the city shall establish a separate division for the operation of its municipal police force. The civil service commission of the city may adopt rules and regulations appropriate for the unique operation of a police department. Such rules and regulations shall reserve exclusive authority over the disciplinary process and procedures affecting commissioned officers to the civil service commission; however, until such time as the city adopts such rules and regulations, the commissioned personnel shall continue to be governed by the board of police commissioner's rules and regulations in effect immediately prior to the establishment of the municipal police force, with the police chief acting in place of the board of police commissioners for purposes of applying the rules and regulations. Unless otherwise provided for, existing civil service commission rules and regulations governing the appeal of disciplinary decisions to the civil service commission shall apply to all commissioned and civilian personnel. The civil service commission's rules and regulations shall provide that records prepared for disciplinary purposes shall be confidential, closed records available solely to the civil service commission and those who possess authority to conduct investigations regarding disciplinary matters pursuant to the civil service commission's rules and regulations. A hearing officer shall be appointed by the civil service commission to hear any such appeals that involve discipline resulting in a suspension of greater than fifteen days, demotion, or termination, but the civil service commission shall make the final findings of fact, conclusions of law, and decision which shall be subject to any right of appeal under chapter 536.

9. A city not within a county that establishes and maintains a municipal police force under this section:

(1) Shall provide or contract for life insurance coverage and for insurance benefits providing health, medical, and disability coverage for commissioned and civilian personnel of the municipal police force to the same extent as was provided by the board of police commissioners under section 84.160;

(2) Shall provide or contract for medical and life insurance coverage for any commissioned or civilian personnel who retired from service with the board of police commissioners or who were employed by the board of police commissioners and retire from the municipal police force of a city not within a county to the same extent such medical and life insurance coverage was provided by the board of police commissioners under section 84.160;

(3) Shall make available medical and life insurance coverage for purchase to the spouses or dependents of commissioned and civilian personnel who retire from service with the board of police commissioners or the municipal police force and deceased commissioned and civilian personnel who receive pension benefits under sections 86.200 to 86.366 at the rate that such dependent's or spouse's coverage would cost under the appropriate plan if the deceased were living; and

(4) May pay an additional shift differential compensation to commissioned and civilian personnel for evening and night tours of duty in an amount not to exceed ten percent of the officer's base hourly rate.

10. A city not within a county that establishes a municipal police force under sections 84.343 to 84.346 shall establish a transition committee of five members for the purpose of: coordinating and implementing the transition of authority, operations, assets, and obligations from the board of police commissioners to the city; winding down the affairs of the board; making nonbinding recommendations for the transition of the police force from the board to the city; and other related duties, if any, established by executive order of the city's mayor. Once the ordinance referenced in section 84.344 is enacted, the city shall provide written notice to the board of police commissioners and the governor of the State of Missouri. Within thirty days of such notice, the mayor shall appoint three members to the committee, two of whom shall be members of a statewide law enforcement association that represents at least five thousand law enforcement officers. The remaining members of the committee shall include the police chief of the municipal police force and a person who currently or previously served as a commissioner on the board of police commissioners, who shall be appointed to the committee by the mayor of such city.

84.345. BOARD OF POLICE COMMISSIONERS, TERMS TO EXPIRE — CONTINUED OPERATION, WHEN — STATE TO PROVIDE LEGAL REPRESENTATION, WHEN — POLICE CHIEF, NO RESTRICTION ON SELECTION OF — SHERIFF'S DUTIES. — 1. Except as required for the board of police commissioners to conclude its affairs and pursue legal claims and defenses, upon the establishment of a municipal police force, the terms of office of the commissioners of the board of police created under sections 84.020 and 84.030 shall expire, and the provisions of sections 84.010 to 84.340 shall not apply to any city not within a county or its municipal police force as of such date. The board shall continue to operate, if necessary, to wind down the board's affairs until the transfer of ownership and obligations under subsection 2 of section 84.344 has been completed. During such time, the board of police commissioners shall designate and authorize its secretary to act on behalf of the board for purposes of performing the board's duties and any other actions incident to the transfer and winding down of the board's affairs.

2. For any claim, lawsuit, or other action arising out of actions occurring before the date of completion of the transfer provided under subsection 2 of section 84.344, the state shall continue to provide legal representation as set forth in section 105.726, and the state legal expense fund shall continue to provide reimbursement for such claims under section 105.726. This subsection applies to all claims, lawsuits, and other actions brought against any commissioner, police officer, employee, agent, representative, or any individual or entity acting or purporting to act on its or their behalf.

3. Notwithstanding any other provision of law, rule, or regulation to the contrary, any city not within a county that establishes a municipal police force under sections 84.343 to 84.346 shall not be restricted or limited in any way in the selection of a police chief or chief of the division created under subsection 8 of section 84.344.

4. It shall be the duty of the sheriff for any city not within a county, whenever called upon by the police chief of the municipal police force, to act under the police chief's control for the preservation of the public peace and quiet; and, whenever the exigency or circumstances may, in the police chief's judgment, warrant it, said police chief shall have the power to assume the control and command of all local and municipal conservators of the peace of the city, whether

sheriff, constable, policemen or others, and they shall act under the orders of the said police chief and not otherwise.

84.346. POLICE PENSION SYSTEM, CONTINUATION OF. — Any police pension system created under chapter 86 for the benefit of a police force established under sections 84.010 to 84.340 shall continue to be governed by chapter 86, and shall apply to any police force established under section 84.343 to 84.346. Other than any provision that makes chapter 86 applicable to a municipal police force established under section 84.343 to 84.346, nothing in sections 84.343 to 84.346 shall be construed as limiting or changing the rights or benefits provided under chapter 86.

84.347. NONSEVERABILITY CLAUSE. — Notwithstanding the provisions of section 1.140 to the contrary, the provisions of sections 84.343 to 84.346 shall be non-severable. If any provision of sections 84.343 to 84.346 is for any reason held to be invalid, such decision shall invalidate all of the remaining provisions of this act.

86.200. DEFINITIONS. — The following words and phrases as used in sections 86.200 to 86.366, unless a different meaning is plainly required by the context, shall have the following meanings:

(1) "Accumulated contributions", the sum of all mandatory contributions deducted from the compensation of a member and credited to the member's individual account, together with members' interest thereon;

(2) "Actuarial equivalent", a benefit of equal value when computed upon the basis of mortality tables and interest assumptions adopted by the board of trustees;

(3) "Average final compensation":

(a) With respect to a member who earns no creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last three years of creditable service as a police officer, or if the member has had less than three years of creditable service, the average earnable compensation of the member's entire period of creditable service;

(b) With respect to a member who is not participating in the DROP pursuant to section 86.251 on October 1, 2001, who did not participate in the DROP at any time before such date, and who earns any creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last two years of creditable service as a policeman, or if the member has had less than two years of creditable service, then the average earnable compensation of the member's entire period of creditable service;

(c) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and who terminates employment as a police officer for reasons other than death or disability before earning at least two years of creditable service after such return, the portion of the member's benefit attributable to creditable service earned before DROP entry shall be determined using average final compensation as defined in paragraph (a) of this subdivision; and the portion of the member's benefit attributable to creditable service earned after return to active participation in the system shall be determined using average final compensation as defined in paragraph (b) of this subdivision;

(d) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in the DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and who terminates employment as a police officer after earning at least two years of creditable service after such return, the member's benefit attributable to all of such member's creditable service shall be determined using the member's average final compensation as defined in paragraph (b) of this subdivision;

(e) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and whose employment as a police officer terminates due to death or disability after such return, the member's benefit attributable to all of such member's creditable service shall be determined using the member's average final compensation as defined in paragraph (b) of this subdivision; and

(f) With respect to the surviving spouse or surviving dependent child of a member who earns any creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last two years of creditable service as a police officer or, if the member has had less than two years of creditable service, the average earnable compensation of the member's entire period of creditable service;

(4) "Beneficiary", any person in receipt of a retirement allowance or other benefit;

(5) "Board of police commissioners", any board of police commissioners, police commissioners and any other officials or boards now or hereafter authorized by law to employ and manage a permanent police force in such cities;

(6) "Board of trustees", the board provided in sections 86.200 to 86.366 to administer the retirement system;

(7) "Creditable service", prior service plus membership service as provided in sections 86.200 to 86.366;

(8) "DROP", the deferred retirement option plan provided for in section 86.251;

(9) "Earnable compensation", the annual salary which a member would earn during one year on the basis of the member's rank or position as specified in the applicable salary matrix **[**in section 84.160,**]** plus any additional compensation for academic work **[**as provided in subsection 7 of section 84.160, plus**]** and shift differential **[**as provided in subdivision (4) of subsection 8 of section 84.160**]** that may be provided by any official or board now or hereafter authorized by law to employ and manage a permanent police force in such cities. Such amount shall include the member's deferrals to a deferred compensation plan pursuant to Section 457 of the Internal Revenue Code or to a cafeteria plan pursuant to Section 125 of the Internal Revenue Code or, effective October 1, 2001, to a transportation fringe benefit program pursuant to Section 132(f)(4) of the Internal Revenue Code. Earnable compensation shall not include a member's additional compensation for overtime, standby time, court time, nonuniform time or unused vacation time. Notwithstanding the foregoing, the earnable compensation taken into account under the plan established pursuant to sections 86.200 to 86.366 with respect to a member who is a noneligible participant, as defined in this subdivision, for any plan year beginning on or after October 1, 1996, shall not exceed the amount of compensation that may be taken into account under Section 401(a)(17) of the Internal Revenue Code, as adjusted for increases in the cost of living, for such plan year. For purposes of this subdivision, a "noneligible participant" is an individual who first becomes a member on or after the first day of the first plan year beginning after the earlier of:

(a) The last day of the plan year that includes August 28, 1995; or

(b) December 31, 1995;

(10) "Internal Revenue Code", the federal Internal Revenue Code of 1986, as amended;

(11) "Mandatory contributions", the contributions required to be deducted from the salary of each member who is not participating in DROP in accordance with section 86.320;

(12) "Member", a member of the retirement system as defined by sections 86.200 to 86.366;

(13) "Members' interest", interest on accumulated contributions at such rate as may be set from time to time by the board of trustees;

(14) "Membership service", service as a policeman rendered since last becoming a member, except in the case of a member who has served in the armed forces of the United States and has subsequently been reinstated as a policeman, in which case "membership service" means

service as a policeman rendered since last becoming a member prior to entering such armed service;

(15) "Plan year" or "limitation year", the twelve consecutive-month period beginning each October first and ending each September thirtieth;

(16) "Policeman" or "police officer", any member of the police force of such cities who holds a rank in such police force **[**for which the annual salary is listed in section 84.160**]**;

(17) "Prior service", all service as a policeman rendered prior to the date the system becomes operative or prior to membership service which is creditable in accordance with the provisions of sections 86.200 to 86.366;

(18) "Reserve officer", any member of the police reserve force of such cities, armed or unarmed, who works less than full time, without compensation, and who, by his or her assigned function or as implied by his or her uniform, performs duties associated with those of a police officer and who currently receives a service retirement as provided by sections 86.200 to 86.366;

(19) "Retirement allowance", annual payments for life as provided by sections 86.200 to 86.366 which shall be payable in equal monthly installments or any benefits in lieu thereof granted to a member upon termination of employment as a police officer and actual retirement;

(20) "Retirement system", the police retirement system of the cities as defined in sections 86.200 to 86.366;

(21) "Surviving spouse", the surviving spouse of a member who was the member's spouse at the time of the member's death.

86.213. BOARD OF TRUSTEES TO ADMINISTER — MEMBERS OF BOARD, SELECTION — TERMS. — 1. The general administration and the responsibility for the proper operation of the retirement system and for making effective the provisions of sections 86.200 to 86.366 are hereby vested in a board of trustees of **[**ten**]** nine persons. The board shall be constituted as follows:

(1) **[**The president of the board of police commissioners of the city, ex officio. If the president is absent from any meeting of the board of trustees for any cause whatsoever, the president may be represented by any member of the board of police commissioners who in such case shall have full power to act as a member of the board of trustees;

(2)**]** The comptroller of the city, ex officio. If the comptroller is absent from any meeting of the board of trustees for any cause whatsoever, the comptroller may be represented by either the deputy comptroller or the first assistant comptroller who in such case shall have full power to act as a member of the said board of trustees;

[(3) Three**]** (2) Two members to be appointed by the mayor of the city to serve for a term of two years**,** except the mayor shall not appoint the police chief of the municipal police force, the city's director of public safety, or the president of the board of police commissioners of the city;

[(4)**]** (3) Three members to be elected by the members of the retirement system of the city for a term of three years; provided, however, that the term of office of the first three members so elected shall begin immediately upon their election and one such member's term shall expire one year from the date the retirement system becomes operative, another such member's term shall expire two years from the date the retirement system becomes operative and the other such member's term shall expire three years from the date the retirement system becomes operative; provided, further, that such members shall be members of the system and hold office only while members of the system;

[(5) Two**]** (4) Three members who shall be retired members of the retirement system to be elected by the retired members of the retirement system for a term of three years; except that, the term of office of the first two members so elected shall begin immediately upon their election and one such member's term shall expire two years from the date of election and the other such member's term shall expire three years from the date of election.

2. Any member elected chairman of the board of trustees may serve without term limitations.

3. Each commissioned elected trustee shall be granted travel time by the St. Louis metropolitan police department to attend any and all functions that have been authorized by the board of trustees of the police retirement system of St. Louis. Travel time, with compensation, for a trustee shall not exceed thirty days in any board fiscal year.

105.726. FRAUDULENT USE OF FACSIMILE SIGNATURE OR SEAL, PENALTY. — 1. Nothing in sections 105.711 to 105.726 shall be construed to broaden the liability of the state of Missouri beyond the provisions of sections 537.600 to 537.610, nor to abolish or waive any defense at law which might otherwise be available to any agency, officer, or employee of the state of Missouri. Sections 105.711 to 105.726 do not waive the sovereign immunity of the state of Missouri.

2. The creation of the state legal expense fund and the payment therefrom of such amounts as may be necessary for the benefit of any person covered thereby are deemed necessary and proper public purposes for which funds of this state may be expended.

3. Moneys in the state legal expense fund shall not be available for the payment of any claim or any amount required by any final judgment rendered by a court of competent jurisdiction against a board of police commissioners established under chapter 84, including the commissioners, any police officer, notwithstanding sections 84.330 and 84.710, or other provisions of law, other employees, agents, representative, or any other individual or entity acting or purporting to act on its or their behalf. Such was the intent of the general assembly in the original enactment of sections 105.711 to 105.726, and it is made express by this section in light of the decision in Wayman Smith, III, et al. v. State of Missouri, 152 S.W.3d 275. Except that the commissioner of administration shall reimburse from the legal expense fund **[**any**]** the board of police commissioners established under **[**chapter 84**]** section 84.350, and any successor-in-interest established pursuant to section 84.344, for liability claims otherwise eligible for payment under section 105.711 paid by such **[**boards on an equal share basis per claim**]** board up to a maximum of one million dollars per fiscal year.

4. Subject to the provisions of subsection 2 of section 84.345, if **[**If**]** the representation of the attorney general is requested by a board of police commissioners or its successor-in-interest established pursuant to section 84.344, the attorney general shall represent, investigate, defend, negotiate, or compromise all claims under sections 105.711 to 105.726 for the board of police commissioners, its successor-in-interest pursuant to section 84.344, any police officer, other employees, agents, representatives, or any other individual or entity acting or purporting to act on their behalf. The attorney general may establish procedures by rules promulgated under chapter 536 under which claims must be referred for the attorney general's representation. The attorney general and the officials of the city which the police board represents or represented shall meet and negotiate reasonable expenses or charges that will fairly compensate the attorney general and the office of administration for the cost of the representation of the claims under this section.

5. Claims tendered to the attorney general promptly after the claim was asserted as required by section 105.716 and prior to August 28, 2005, may be investigated, defended, negotiated, or compromised by the attorney general and full payments may be made from the state legal expense fund on behalf of the entities and individuals described in this section as a result of the holding in Wayman Smith, III, et al. v. State of Missouri, 152 S.W.3d 275.

[84.010. CITY ORDINANCES NOT TO CONFLICT WITH POWERS OF BOARD OF POLICE COMMISSIONERS — EMERGENCY (ST. LOUIS). — In all cities of this state that now have, or may hereafter attain, a population of seven hundred thousand inhabitants or over, the common council or municipal assembly, as the case may be, of such cities may pass ordinances for preserving order, securing property and persons from

violence, danger or destruction, protecting public and private property, and for promoting the interests and insuring the good government of the cities; but no ordinances heretofore passed, or that may hereafter be passed, by the common council or municipal assembly of the cities, shall, in any manner, conflict or interfere with the powers or the exercise of the powers of the boards of police commissioners of the cities as created by section 84.020, nor shall the cities or any officer or agent of the corporation of the cities, or the mayor thereof, in any manner impede, obstruct, hinder or interfere with the boards of police or any officer, or agent or servant thereof or thereunder, except that in any case of emergency imminently imperiling the lives, health or safety of the inhabitants of the city, the mayor may call upon and direct the chief of police of the city to provide such number of officers and patrolmen to meet the emergency as the mayor determines to be necessary and the chief of police shall continue to act under the direction of the mayor until the emergency has ceased, or until the board of police commissioners takes charge of such matter.**]**

[84.220. INTERFERENCE WITH ENFORCEMENT OF SECTIONS 84.010 TO 84.340 — PENALTY (ST. LOUIS). — Any officer or servant of the mayor or common council or municipal assembly of the said cities, or other persons whatsoever, who shall forcibly resist or obstruct the execution or enforcement of any of the provisions of sections 84.010 to 84.340 or relating to the same, or who shall disburse any money in violation thereof, or who shall hinder or obstruct the organization or maintenance of said board of police, or the police force therein provided to be organized and maintained, or who shall maintain or control any police force other than the one therein provided for, or who shall delay or hinder the due enforcement of sections 84.010 to 84.340 by failing or neglecting to perform the duties by said sections imposed upon him, shall be liable to a penalty of one thousand dollars for each and every offense, recoverable by the boards by action at law in the name of the state, and shall forever thereafter be disqualified from holding or exercising any office or employment whatsoever under the mayor or common council or municipal assembly of said cities, or under sections 84.010 to 84.340; provided, however, that nothing in this section shall be construed to interfere with the punishment, under any existing or any future laws of this state, of any criminal offense which shall be committed by the said parties in or about the resistance, obstruction, hindrance, conspiracy, combination or disbursement aforesaid.**]**

Adopted November 6, 2012. (For — 1,617,443; Against — 914,143)
Effective November 6, 2012.

DEFEATED INITIATIVE PETITION

Official Ballot Title
Proposition B

[Proposed by Initiative Petition, November 6, 2012]

Official Ballot Title:

Shall Missouri law be amended to:

- create the Health and Education Trust Fund with proceeds of a tax of $0.0365 per cigarette and 25% of the manufacturer's invoice price for roll-your-own tobacco and 15% for other tobacco products;
- use Fund proceeds to reduce and prevent tobacco use and for elementary, secondary, college, and university public school funding; and
- increase the amount that certain tobacco product manufacturers must maintain in their escrow accounts, to pay judgments or settlements, before any funds in escrow can be refunded to the tobacco product manufacturer and create bonding requirements for these manufacturers?

Estimated additional revenue to state government is $283 million to $423 million annually with limited estimated implementation costs or savings. The revenue will fund only programs and services allowed by the proposal. The fiscal impact to local governmental entities is unknown. Escrow fund changes may result in an unknown increase in future state revenue.

Fair Ballot Language:

A **"yes"** vote will amend Missouri law to create the Health and Education Trust Fund with proceeds from a tax on cigarettes and other tobacco products. The amount of the tax is $0.0365 per cigarette and 25% of the manufacturer's invoice price for roll-your-own tobacco and 15% for other tobacco products. The Fund proceeds will be used to reduce and prevent tobacco use and for elementary, secondary, college, and university public school funding. This amendment also increases the amount that certain tobacco product manufacturers must maintain in their escrow accounts, to pay judgments or settlements, before any funds in escrow can be refunded to the tobacco product manufacturer and creates bonding requirements for these manufacturers.

A **"no"** vote will not change the current Missouri law regarding taxes on cigarettes and other tobacco products or the escrow account and bonding requirements for certain tobacco product manufacturers.

If passed, this measure will increase taxes on cigarettes and other tobacco products.

For — 1,321,586; Against — 1,362,005

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ADOPTED REFERENDUM — NOVEMBER 6, 2012

PROPOSITION E. — (Proposed by the 96th General Assembly (Second Regular Session) SS SB 464)

Official Ballot Title:

Shall Missouri law be amended to prohibit the Governor or any state agency, from establishing or operating state-based health insurance exchanges unless authorized by a vote of the people or by the legislature?

No direct costs or savings for state and local governmental entities are expected from this proposal. Indirect costs or savings related to enforcement actions, missed federal funding, avoided implementation costs, and other issues are unknown.

Fair Ballot Language:

A "yes" vote will amend Missouri law to deny individuals, families, and small businesses the ability to access affordable health care plans through a state-based health benefit exchange unless authorized by statute, initiative or referendum or through an exchange operated by the federal government as required by the federal health care act.

A "no" vote will not change the current Missouri law regarding access to affordable health care plans through a state-based health benefit exchange.

If passed, this measure will have no impact on taxes.

SB 464 [SS SB 464]

AN ACT to amend chapter 376, RSMo, by adding thereto one new section relating to the authority for creating and operating health insurance exchanges in Missouri, with a referendum clause.

SECTION

A. Enacting clause.
376.1186. State-based health benefit exchanges prohibited without statutory authority — executive order to establish prohibited — state agency restrictions — taxpayer standing — definitions.
B. Referendum clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Chapter 376, RSMo, is amended by adding thereto one new section, to be known as section 376.1186, to read as follows:

376.1186. STATE-BASED HEALTH BENEFIT EXCHANGES PROHIBITED WITHOUT STATUTORY AUTHORITY — EXECUTIVE ORDER TO ESTABLISH PROHIBITED — STATE AGENCY RESTRICTIONS — TAXPAYER STANDING — DEFINITIONS. — 1. No state-based health benefit exchange may be established, created, or operated within this state in order to implement Section 1311 of the federal health care act, 42 U.S.C. Section 18031, or any

other provision of the federal health care act that relates to the creation and operation of a state-based health benefit exchange, unless the authority to create or operate such an exchange is enacted into law through:

(1) A bill as prescribed by Article III of the Missouri Constitution;

(2) An initiative petition as prescribed by Article III, Section 50 of the Missouri Constitution; or

(3) A referendum as prescribed by Article III, Section 52(a) of the Missouri Constitution.

2. In no case shall the authority for establishing, administering, or operating a state-based health benefit exchange in Missouri be based upon an executive order issued by the governor of Missouri.

3. No department, agency, instrumentality or political subdivision of the state of Missouri shall establish any program, promulgate any rule, policy, guideline or plan or change any program, rule, policy or guideline to implement, establish, create, administer or otherwise operate a state-based health benefit exchange described in the federal health care act unless such department, agency, instrumentality or political subdivision has received statutory authority to do so in a manner consistent with subsection 1 of this section. No department, agency, instrumentality or political subdivision of the state of Missouri shall act as an eligible entity as described in Section 1311(f)(3)(B) of the federal health care act to perform one or more of the responsibilities of a state- based health benefit exchange unless authorized by statute or a regulation validly promulgated pursuant to such statute.

4. No department, agency, instrumentality, or political subdivision of this state shall apply for, accept or expend federal moneys related to the creation, implementation or operation of a state-based health benefit exchange or a federally-facilitated health benefit exchange unless such acceptance or expenditure is authorized by statute or an appropriations bill.

5. No department, agency, instrumentality, political subdivision, public officer or employee of this state shall enter into any agreement or any obligation to establish, administer, or operate a federally-facilitated health benefit exchange described in Section 1321(c)(1) of the federal health care act unless such department, agency, instrumentality, political subdivision, public officer or employee of this state has received statutory authority to enter into such agreements or obligations. No department, agency, instrumentality, political subdivision, public officer or employee of this state shall provide assistance or resources of any kind to any department, agency, public official, employee or agent of the federal government related to the creation or operation of a federally-facilitated health benefit exchange unless such assistance or resources are authorized by state statute or a regulation promulgated thereto or such assistance or resources are specifically required by federal law.

6. Any taxpayer of this state or any member of the general assembly shall have standing to bring suit against the state of Missouri or any official, department, division, agency, or political subdivision of this state which is in violation of this section in any court with jurisdiction to enforce the provisions of this section. The court shall award attorney's fees, court costs, and all reasonable expenses incurred by the taxpayer or member of the general assembly if the court finds that the provisions of this section have been violated. Such attorney's fees, court costs, and reasonable expenses shall be paid from funds appropriated to the department, division, agency, or any political subdivision of this state determined to have violated, in whole or in part, the provisions of this section. In no case shall the award of attorney's fees, court costs, or reasonable expenses be paid from the legal defense fund, nor shall any department, division, agency, or political subdivision of this state request, or be granted, additional appropriations in order to satisfy an award made under this section.

7. As used in this section, the term "federal health care act" shall mean the federal Patient Protection and Affordable Care Act, Public Law 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Public Law 111-152, and any amendments thereto, or regulations or guidance issued under such federal acts.

8. As used in this section, the term "state-based health benefit exchange" means a governmental agency or non-profit entity established by the state of Missouri and not the federal government that meets the applicable requirements of Section 1311 of the federal health care act and regulations promulgated thereto and makes qualified health care plans available to qualified individuals and qualified employers. The term "state- based health benefit exchange" includes regional or other interstate exchanges and subsidiary exchanges as described in Section 1311(f)(1) and (2) of the federal health care act. The term "federally-facilitated health benefit exchange" means a health benefit exchange established and operated by the Secretary of Health and Human Services under Section 1321(c)(1) of the federal health care act, either directly or through agreement with a not-for-profit entity.

SECTION B. REFERENDUM CLAUSE. — This act is hereby submitted to the qualified voters of this state for approval or rejection at an election which is hereby ordered and which shall be held and conducted on Tuesday next following the first Monday in November, 2012, pursuant to the laws and constitutional provisions of this state for the submission of referendum measures by the general assembly, and this act shall become effective when approved by a majority of the votes cast thereon at such election and not otherwise.

For — 1,573,292; Against — 976,250

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DEFEATED AMENDMENT TO THE CONSTITUTION OF MISSOURI NOVEMBER 6, 2012

SJR 51 [SCS SJR 51]

CONSTITUTIONAL AMENDMENT NO. 3. — (Proposed by the 96th General Assembly, Second Regular Session, SJR 51)

Shall the Missouri Constitution be amended to change the current nonpartisan selection of supreme court and court of appeals judges to a process that gives the governor increased authority to:

- appoint a majority of the commission that selects these court nominees; and
- appoint all lawyers to the commission by removing the requirement that the governor's appointees be nonlawyers?

There are no estimated costs or savings expected if this proposal is approved by voters.

JOINT RESOLUTION Submitting to the qualified voters of Missouri, an amendment repealing sections 25(a) and 25(d) of article V of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to nonpartisan selection of judges.

SECTION
A. Enacting clause.
25(a). Nonpartisan selection of judges — courts subject to plan — appointments to fill vacancies.
25(d). Nonpartisan judicial commissions — number, qualifications, selection and terms of members — majority rule — reimbursement of expenses — rules of supreme court.

Be it resolved by the Senate, the House of Representatives concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2012, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article V of the Constitution of the state of Missouri:

SECTION A. ENACTING CLAUSE. — Sections 25(a) and 25(d), article V, Constitution of Missouri, are repealed and two new sections adopted in lieu thereof, to be known as sections 25(a) and 25(d), to read as follows:

SECTION 25(a). NONPARTISAN SELECTION OF JUDGES — COURTS SUBJECT TO PLAN — APPOINTMENTS TO FILL VACANCIES. — Whenever a vacancy shall occur in the office of **[**judge of any of the following courts of this state, to wit: The supreme court, the court of appeals, or in the office of**]** circuit or associate circuit judge within the city of St. Louis **[**and**],** Jackson County **or any other circuit electing under section 25(b) to have their circuit and associate circuit judges appointed**, the governor shall fill such vacancy by appointing one of three persons possessing the qualifications for such office, who shall be nominated and whose names shall be submitted to the governor by a nonpartisan judicial commission established and organized as hereinafter provided. **Whenever a vacancy shall occur in the office of judge of the supreme court or the court of appeals, the governor shall fill such vacancy by appointing one of four persons possessing the qualifications for such office, who shall be nominated and whose names shall be submitted to the governor by a nonpartisan judicial commission established and organized as hereinafter provided.** If the governor fails to appoint any of the nominees within sixty days after the list of nominees is submitted, the nonpartisan judicial commission making the nomination shall appoint one of the nominees to fill the vacancy.

SECTION 25(d). NONPARTISAN JUDICIAL COMMISSIONS — NUMBER, QUALIFICATIONS, SELECTION AND TERMS OF MEMBERS — MAJORITY RULE — REIMBURSEMENT OF EXPENSES — RULES OF SUPREME COURT — Nonpartisan judicial commissions whose duty it shall be to nominate and submit to the governor names of persons for appointment as provided by sections 25(a)-(g) are hereby established and shall be organized on the following basis: For vacancies in the office of judge of the supreme court or of the court of appeals, there shall be one such commission, to be known as "The Appellate Judicial Commission"; for vacancies in the office of circuit judge or associate circuit judge of any circuit court subject to the provisions of sections 25(a)-(g) there shall be one such commission, to be known as "The ..... Circuit Judicial Commission", for each judicial circuit which shall be subject to the provisions of sections 25(a)-(g)**[**;**]**. The appellate judicial commission shall consist of **[**a judge of the supreme court selected by the members of the supreme court, and the remaining members shall be chosen in the following manner:**]** **seven voting members and one nonvoting member. The members of the supreme court shall select a former judge, who has not lost a retention election or been removed for cause, of the court of appeals or the supreme court to serve as the nonvoting member of the commission. Nonvoting members shall be selected for terms of four years, with the first term beginning January 15, 2013.** The members of the bar of this state residing in each court of appeals district shall elect one of their number to serve as a **voting** member of said commission**[**, and**]**. The governor shall appoint **[**one citizen, not a member of the bar**]** **four citizens**, **one** from **[**among the residents of**]** each court of appeals district **and one from the state at-large**, to serve as **[**a member**]** **voting members** of said commission**[**, and**]**. **The terms of appointed members and of the supreme court judge member of the appellate judicial commission serving on January 15, 2013, shall end on that day. The governor shall appoint two members to the commission for terms ending January 15, 2015, and appoint two members for terms ending January 15, 2017. The terms of all subsequently appointed commission members shall end four years after the termination of the prior term. Vacancies occurring in unexpired terms shall be filled for the remainder of the unexpired term.** The **voting** members of the commission shall select one of **[**their number**]** **the voting members** to serve as chairman. Each circuit judicial commission shall consist of five members, one of whom shall be the chief judge of the district of the court of appeals within which the judicial circuit of such commission, or the major portion of the population of said circuit is situated and the remaining four members shall be chosen in the following manner: The members of the bar of this state residing in the judicial circuit of such commission shall elect two of their number to serve as members of said commission, and the governor shall appoint two citizens, not members of the bar, from among the residents of said judicial circuit to serve as members of said commission, the members of the commission shall select one of their number to serve as chairman; and the terms of office of the members of such commission shall be fixed by law, but no law shall increase or diminish the term of any member then in office. No member of any **[**such**]** commission other than a judge shall hold any public office, and no member shall hold any official position in a political party. Every **[**such**]** commission may act only by the concurrence of a majority of its **voting** members. The members of **[**such commission**]** **commissions** shall receive no salary or other compensation for their services but they shall receive their necessary traveling and other expenses incurred while actually engaged in the discharge of their official duties. All **[**such**]** commissions shall be administered, and all elections provided for under this section shall be held and regulated, under such rules as the supreme court shall promulgate.

For — 608,458; Against — 1,929,470

HB 1 [SCS HCS HB 1]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

APPROPRIATIONS: BOARD OF FUND COMMISSIONERS

AN ACT to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund, and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds of these sections shall be expended for the purpose of costs associated with the travel or staffing of the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28, of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2013 and ending June 30, 2014 as follows:

SECTION 1.005.—To the Board of Fund Commissioners
For annual fees, arbitrage rebate, refunding, defeasance, and related expenses
From General Revenue Fund. $20,002

SECTION 1.010.—There is transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Fourth State Building Bond and Interest Fund for currently outstanding general obligations
From General Revenue Fund. $24,215,650

SECTION 1.015.—To the Board of Fund Commissioners
For payment of interest and sinking fund requirements on fourth state building bonds currently outstanding as provided by law
From Fourth State Building Bond and Interest Fund. $13,399,975

SECTION 1.020.—There is transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Water Pollution Control Bond and Interest Fund for currently outstanding general obligations
From General Revenue Fund. $37,630,572

There is transferred out of the State Treasury, chargeable to the Water and Wastewater Loan Revolving Fund pursuant to Title 33, Chapter 26, Subchapter VI, Section 1383, U.S. Code, to the Water Pollution Control Bond and Interest Fund for currently outstanding general obligations
From Water and Wastewater Loan Revolving Fund. 2,046,748
Total. $39,677,320

SECTION 1.025.—To the Board of Fund Commissioners
For payment of interest and sinking fund requirements on water pollution control bonds currently outstanding as provided by law
From Water Pollution Control Bond and Interest Fund. $50,557,457

SECTION 1.030.—There is transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Stormwater Control Bond and Interest Fund for currently outstanding general obligations
From General Revenue Fund. $6,229,750

SECTION 1.035.—To the Board of Fund Commissioners
For payment of interest and sinking fund requirements on stormwater control bonds currently outstanding as provided by law
From Stormwater Control Bond and Interest Fund. $6,167,350

Bill Totals
General Revenue Fund. $68,095,974
Other Funds. 2,046,748
Total. $70,142,722

Approved June 28, 2013

HB 2 [CCS SCS HCS HB 2]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

APPROPRIATIONS: STATE BOARD OF EDUCATION AND DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2013 and ending June 30, 2014 as follows:

SECTION 2.005.—To the Department of Elementary and Secondary Education
For the Division of Financial and Administrative Services
Personal Service. $1,799,153

Expense and Equipment. 115,929
From General Revenue Fund. 1,915,082

Personal Service. 1,881,809
Expense and Equipment. 591,084
From Federal Funds. 2,472,893
Total (Not to exceed 72.80 F.T.E.). $4,387,975

SECTION 2.010.—To the Department of Elementary and Secondary Education
For refunds
From Federal and Other Funds. $70,000

SECTION 2.015.—To the Department of Elementary and Secondary Education
For distributions to the free public schools of $3,385,298,854 under the School Foundation Program as provided in Chapter 163, RSMo, as follows:
For the Foundation Formula. $3,075,271,737
For Transportation 100,297,713
For Early Childhood Special Education. 144,660,376
For Vocational Education 50,069,028
For Early Childhood Development. 15,000,000
From Outstanding Schools Trust Fund. 717,347,395
From State School Moneys Fund. 2,116,178,936
From Lottery Proceeds Fund 143,679,552
From Classroom Trust Fund. 385,580,321
From Early Childhood Development, Education and Care Fund. 12,412,900
From Missouri Senior Services Protection Fund. 10,099,750

For the Small Schools Program
From State School Moneys Fund. 15,000,000

For the Virtual Schools Program
From Lottery Proceeds Fund 389,778

For distribution to a metropolitan school district for the purpose of paying the costs of intra-district student transportation, these funds are subject to a sixty percent (60%) local match from the metropolitan school district
From General Revenue Fund. 750,000

For State Board of Education operated school programs
Personal Service and/or Expense and Equipment, provided that not more than twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment
From General Revenue Fund. 40,607,432
From Federal Funds 8,699,776

Expense and Equipment
From Bingo Proceeds for Education Fund. 1,876,355
Total (Not to exceed 718.90 F.T.E.). $3,452,622,195

SECTION 2.020.—To the Department of Elementary and Secondary Education
For a program to recruit, train and/or develop teachers to teach in

academically struggling school districts
From General Revenue Fund. $2,000,000

SECTION 2.021.—To the Department of Elementary and Secondary Education
For the purpose of funding educational programs for students who reside in the Kansas City Public School District. Seventy percent (70%) of the funds will be used to support a research-based scientifically proven extended learning program
From Lottery Proceeds Fund. $100,000

SECTION 2.022.—To the Department of Elementary and Secondary Education
For the purpose of funding the Missouri Scholars and Fine Arts Academies
From State School Moneys Fund. $200,000

SECTION 2.025.—To the Department of Elementary and Secondary Education
For School Board Member Training
From State School Moneys Fund. $136,326

For Regional Professional Development Centers
From General Revenue Fund. 1,000,000
Total. $1,136,326

SECTION 2.030.—To the Department of Elementary and Secondary Education
For Early Grade Literacy Programs offered at Southeast Missouri State University
From Federal Funds. $1
From General Revenue Fund. 100,000
Total. $100,001

SECTION 2.031.—To the Department of Elementary and Secondary Education
For the Bright Futures Program
From General Revenue Fund. $100,000

SECTION 2.035.—To the Department of Elementary and Secondary Education
For the School Food Services Program to reimburse schools for school food programs
From General Revenue Fund. $3,412,151
From Federal Funds. 287,610,200
Total. $291,022,351

SECTION 2.040.—To the Department of Elementary and Secondary Education
For distributions to the public elementary and secondary schools in this state, pursuant to Chapters 144, 163, and 164, RSMo, pertaining to the School District Trust Fund
From School District Trust Fund. $793,100,000

SECTION 2.045.—To the Department of Elementary and Secondary Education
For costs associated with school district bonds
From School District Bond Fund. $492,000

SECTION 2.050.—To the Department of Elementary and Secondary Education
For the purpose of receiving and expending grants, donations, contracts, and payments from private, federal, and other governmental agencies which

may become available between sessions of the General Assembly provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the use of said funds, and further provided that no funds shall be used to implement the Common Core Standards
From Federal and Other Funds. $10,000,000

SECTION 2.055.—To the Department of Elementary and Secondary Education
For the purpose of compensating eligible public school districts making a payment under the provision of Section 160.459, RSMo
From Rebuild Missouri Schools Fund. $900,000

SECTION 2.060.—To the Department of Elementary and Secondary Education
For the Division of Learning Services, provided that no funds are used to support the distribution or sharing of any individually identifiable student data with the federal government with the exception of the reporting requirements of the Migrant Education Program funds in Section 2.090, the Vocational Rehabilitation funds in Section 2.140, and the Disability Determination funds in Section 2.145
Personal Service. $3,338,108
Expense and Equipment. 231,937
From General Revenue Fund. 3,570,045

Personal Service. 6,455,863
Expense and Equipment. 4,929,393
From Federal Funds 11,385,256

Personal Service. 618,317
Expense and Equipment. 2,308,067
From Excellence in Education Fund. 2,926,384

For the Office of Adult Learning and Rehabilitative Services
Personal Service. 27,484,609
Expense and Equipment. 2,715,474
From Federal Funds. 30,200,083
Total (Not to exceed 885.06 F.T.E.). $48,081,768

SECTION 2.065.—To the Department of Elementary and Secondary Education
For reimbursements to school districts for the Early Childhood Program, Hard-to-Reach Incentives, and Parent Education in conjunction with the Early Childhood Education and Screening Program
From General Revenue Fund. $73,200
From Federal Funds 824,000
From State School Moneys Fund. 125,000

For grants to higher education institutions or area vocational technical schools for the Child Development Associate Certificate Program in collaboration with the Coordinating Board for Higher Education
From Federal Funds 399,500

For the purpose of funding the Missouri Preschool Program and Early Childhood Program administration and assessment, provided that no annual grant award

under the Missouri Preschool Program exceed $100,000
From Early Childhood Development, Education and Care Fund. 11,754,429
Total. $13,176,129

SECTION 2.070.—To the Department of Elementary and Secondary Education
For the School Age Child Care Program
From Federal Funds. $18,908,383
From After-School Retreat Reading and Assessment Grant Program Fund. . . . 20,000
Total. $18,928,383

SECTION 2.075.—To the Department of Elementary and Secondary Education
For the Performance Based Assessment Program, provided that no funds are used to support the distribution or sharing of any individually identifiable student data with the federal government with the exception of the reporting requirements of the Migrant Education Program funds in Section 2.090, the Vocational Rehabilitation funds in Section 2.140, and the Disability Determination funds in Section 2.145
From General Revenue Fund. $1,187,881
From Federal Funds 10,184,722
From Outstanding Schools Trust Fund. 128,125
From Lottery Proceeds Fund. 4,311,255
Total. $15,811,983

SECTION 2.080.—To the Department of Elementary and Secondary Education
For distributions to providers of vocational education programs
From Federal Funds. $25,991,000

SECTION 2.085.—To the Department of Elementary and Secondary Education
For the Missouri History Teachers Program
From Federal Funds. $543

SECTION 2.090.—To the Department of Elementary and Secondary Education
For improving basic programs operated by local education agencies under Title I of the No Child Left Behind Act
From Federal Funds. $250,000,000

SECTION 2.095.—To the Department of Elementary and Secondary Education
For the Title I School Improvement Grant Program
From Federal Stimulus Elementary and Secondary Education Fund. $5,000,000

SECTION 2.100.—To the Department of Elementary and Secondary Education
For innovative educational program strategies under Title V of the No Child Left Behind Act
From Federal Funds. $1,500,000

SECTION 2.105.—To the Department of Elementary and Secondary Education
For programs for the gifted from interest earnings accruing in the Stephen Morgan Ferman Memorial for Education of the Gifted
From State School Moneys Fund. $9,027

SECTION 2.110.—To the Department of Elementary and Secondary Education
For courses, exams, and other expenses that lead to high school students receiving

college credit and Advanced Placement examination fees for low-income families and for science and mathematics exams
From Federal Funds. $315,875

SECTION 2.115.—To the Department of Elementary and Secondary Education
For the Instructional Improvement Grants Program pursuant to Title II Improving Teacher Quality
From Federal Funds. $59,348,890

SECTION 2.120.—To the Department of Elementary and Secondary Education
For the Missouri Charter Public School Commission
Personal Service. $77,928
Expense and Equipment. 222,072
From General Revenue Fund. 300,000

For the Public Charter Schools Program
From Federal and Other Funds. 2,432,000
Total (Not to exceed 2.00 F.T.E.). $2,732,000

SECTION 2.125.—To the Department of Elementary and Secondary Education
For grants to rural and low-income schools
From Federal Funds. $4,500,000

SECTION 2.130.—To the Department of Elementary and Secondary Education
For language acquisition pursuant to Title III of the No Child Left Behind Act
From Federal Funds. $5,200,000

SECTION 2.135.—To the Department of Elementary and Secondary Education
For the Refugee Children School Impact Grants Program
From Federal Funds. $300,000

SECTION 2.136.—To the Department of Elementary and Secondary Education
For character education initiatives
From General Revenue Fund. $10,000

SECTION 2.140.—To the Department of Elementary and Secondary Education
For the Vocational Rehabilitation Program
From General Revenue Fund. $13,589,689
From Federal Funds 42,660,946
From Payments by the Department of Mental Health 1,000,000
From Lottery Proceeds Fund. 1,400,000
Total. $58,650,635

SECTION 2.145.—To the Department of Elementary and Secondary Education
For the Disability Determination Program
From Federal Funds. $21,000,000

SECTION 2.150.—To the Department of Elementary and Secondary Education
For Independent Living Centers
From General Revenue Fund. $2,381,486
From Federal Funds 1,292,546
From Independent Living Center Fund. 515,556

Total. $4,189,588

SECTION 2.155.—To the Department of Elementary and Secondary Education
For distributions to educational institutions for the Adult Basic Education Program
From General Revenue Fund. $4,500,388
From Federal Funds 9,999,155
From Outstanding Schools Trust Fund. 824,480
Total. $15,324,023

SECTION 2.160.—To the Department of Elementary and Secondary Education
For the Troops to Teachers Program
From Federal Funds. $153,610

SECTION 2.165.—To the Department of Elementary and Secondary Education
For the Special Education Program
From Federal Funds. $274,873,391

SECTION 2.170.—To the Department of Elementary and Secondary Education
For special education excess costs
From General Revenue Fund. $16,565,141
From Lottery Proceeds Fund. 19,590,000
Total. $36,155,141

SECTION 2.175.—To the Department of Elementary and Secondary Education
For the First Steps Program
From Missouri Senior Services Protection Fund. $20,240,309
From Federal Funds 10,993,757
From Early Childhood Development, Education and Care Fund. 578,644
From Part C Early Intervention Fund.. 13,000,000
Total. $44,812,710

SECTION 2.180.—To the Department of Elementary and Secondary Education
For payments to school districts for children in residential placements through the Department of Mental Health or the Department of Social Services pursuant to Section 167.126, RSMo
From General Revenue Fund. $3,330,731
From Lottery Proceeds Fund. 7,768,606
Total. $11,099,337

SECTION 2.185.—To the Department of Elementary and Secondary Education
For the Sheltered Workshops Program
From General Revenue Fund. $24,783,457

SECTION 2.190.—To the Department of Elementary and Secondary Education
For payments to readers for blind or visually-disabled students in elementary and secondary schools
From State School Moneys Fund. $25,000

SECTION 2.195.—To the Department of Elementary and Secondary Education
For a task force on blind student academic and vocational performance
From General Revenue Fund. $236,164

SECTION 2.200.—To the Department of Elementary and Secondary Education
For the Missouri School for the Deaf
From School for the Deaf Trust Fund. $49,500

SECTION 2.205.—To the Department of Elementary and Secondary Education
For the Missouri School for the Blind
From School for the Blind Trust Fund. $1,500,000

SECTION 2.210.—To the Department of Elementary and Secondary Education
For the Missouri Special Olympics Program
From General Revenue Fund. $100,000

SECTION 2.215.—To the Department of Elementary and Secondary Education
For the Missouri Schools for the Severely Disabled
From Handicapped Children's Trust Fund. $200,000

SECTION 2.220.—To the Department of Elementary and Secondary Education
For the Missouri Commission for the Deaf and Hard of Hearing
Personal Service. $218,897
Expense and Equipment. 63,880
From General Revenue Fund. 282,777

Personal Service. 33,762
Expense and Equipment. 119,000
From Missouri Commission for the Deaf and Hard of Hearing Fund 152,762

Expense and Equipment
From Missouri Commission for the Deaf and Hard of Hearing Board of
Certification of Interpreters Fund. 103,739
Total (Not to exceed 5.00 F.T.E.). $539,278

SECTION 2.225.—To the Department of Elementary and Secondary Education
For the Missouri Assistive Technology Council
Personal Service. $230,358
Expense and Equipment. 570,138
From Federal Funds 800,496

Personal Service. 221,299
Expense and Equipment. 1,639,703
From Deaf Relay Service and Equipment Distribution Program Fund. 1,861,002

Personal Service. 50,668
Expense and Equipment. 475,000
From Assistive Technology Loan Revolving Fund. 525,668

Expense and Equipment
From Assistive Technology Trust Fund. 850,000
Total (Not to exceed 10.00 F.T.E.). $4,037,166

SECTION 2.230.—To the Department of Elementary and Secondary Education
For the Children's Services Commission
From Missouri Children's Services Commission Fund. $8,000

SECTION 2.235.—To the Department of Elementary and Secondary Education
Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the State School Moneys Fund
From General Revenue Fund. $1,966,313,725

SECTION 2.240.—To the Department of Elementary and Secondary Education
Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund-County Foreign Tax Distribution, to the State School Moneys Fund
From General Revenue Fund. $92,400,000

SECTION 2.245.—To the Department of Elementary and Secondary Education
Funds are to be transferred out of the State Treasury, chargeable to the Fair Share Fund, to the State School Moneys Fund
From Fair Share Fund. $20,355,000

SECTION 2.250.—To the Department of Elementary and Secondary Education
Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Outstanding Schools Trust Fund
From General Revenue Fund. $718,300,000

SECTION 2.255.—To the Department of Elementary and Secondary Education
Funds are to be transferred out of the State Treasury, chargeable to the Gaming Proceeds for Education Fund, to the Classroom Trust Fund
From Gaming Proceeds for Education Fund. $375,395,340

SECTION 2.260.—To the Department of Elementary and Secondary Education
Funds are to be transferred out of the State Treasury, chargeable to the Lottery Proceeds Fund, to the Classroom Trust Fund
From Lottery Proceeds Fund. $10,184,981

SECTION 2.265.—To the Department of Elementary and Secondary Education
Funds are to be transferred out of the State Treasury, chargeable to the Gaming Proceeds for Education Fund, to the School District Bond Fund
From Gaming Proceeds for Education Fund. $392,000

SECTION 2.270.—To the Department of Elementary and Secondary Education
Funds are to be transferred out of the State Treasury, chargeable to the School Building Revolving Fund, to the State School Moneys Fund
From School Building Revolving Fund. $1,500,000

Bill Totals

General Revenue Fund.	$2,897,809,349
Federal Funds.	1,098,047,023
Other Funds.	1,508,047,074
Total.	$5,503,903,446

Approved June 28, 2013

HB 3 [CCS SCS HCS HB 3]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

APPROPRIATIONS: DEPARTMENT OF HIGHER EDUCATION

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2013 and ending June 30, 2014 as follows:

SECTION 3.005.—To the Department of Higher Education
For Higher Education Coordination and for grant and scholarship program administration
Personal Service and/or Expense and Equipment, provided that not more than five percent (5%) flexibility is allowed between personal service and expense and equipment
From General Revenue Fund. $650,403
From Federal and Guaranty Agency Operating Funds 280,793

Expense and Equipment
From Department of Higher Education Out-of-State Program Fund. 56,556

For workshops and conferences sponsored by the Department of Higher Education, and for distribution of federal funds to higher education institutions, to be paid for on a cost-recovery basis
From Quality Improvement Revolving Fund. 166,869
Total (Not to exceed 19.61 F.T.E.). $1,154,621

SECTION 3.010.—To the Department of Higher Education
For regulation of proprietary schools as provided in Section 173.600, RSMo
Personal Service. $188,889
Expense and Equipment. 115,708
From Proprietary School Certification Fund (Not to exceed 5.00 F.T.E.). $304,597

SECTION 3.015.—To the Department of Higher Education
For indemnifying individuals as a result of improper actions on the part of proprietary schools as provided in Section 173.612, RSMo
From Proprietary School Bond Fund. $200,000

SECTION 3.020.—To the Department of Higher Education
For annual membership in the Midwestern Higher Education Compact
From General Revenue Fund. $95,000

SECTION 3.025.—To the Department of Higher Education
For the Eisenhower Science and Mathematics Program and the Improving Teacher Quality State Grants Program
Personal Service. $53,436
Expense and Equipment 10,000
Federal Education Programs. 1,719,936
From Federal Funds (Not to exceed 1.50 F.T.E.). $1,783,372

SECTION 3.030.—To the Department of Higher Education
For receiving and expending donations and federal funds provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the expenditure of said funds, and further provided that no funds are used to implement or support the Common Core Standards
From Federal Funds. $1,000,000

SECTION 3.035.—To the Department of Higher Education
For receiving and expending Lumina Foundation Grants
From Institution Gift Trust Fund (Not to exceed 1.00 F.T.E.). $450,000

SECTION 3.040.—To the Department of Higher Education
For receiving and expending federal College Access Challenge Grants
From Federal Funds. $3,000,000

SECTION 3.045.—To the Department of Higher Education
Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Academic Scholarship Fund
From General Revenue Fund. $14,676,666

SECTION 3.050.—To the Department of Higher Education
For the Higher Education Academic Scholarship Program pursuant to Chapter 173, RSMo
From Academic Scholarship Fund. $15,676,666

SECTION 3.055.—To the Department of Higher Education
Funds are to be transferred out of the State Treasury, chargeable to the funds listed below, to the Access Missouri Financial Assistance Fund
From General Revenue Fund. $41,665,640
From Lottery Proceeds Fund 11,916,667
From Missouri Student Grant Program Gift Fund. 50,000
Total. $53,632,307

SECTION 3.060.—To the Department of Higher Education
For the Access Missouri Financial Assistance Program pursuant to Chapter 173, RSMo
From Access Missouri Financial Assistance Fund. $67,000,000

SECTION 3.065.—To the Department of Higher Education
Funds are to be transferred out of the State Treasury, chargeable to the funds listed below, to the A+ Schools Fund
From General Revenue Fund. $4,753,878

From Lottery Proceeds Fund 21,659,448
From Guaranty Agency Operating Fund. 4,000,000
Total. $30,413,326

SECTION 3.070.—To the Department of Higher Education
For the A+ Schools Program
From A+ Schools Fund. $35,000,000

SECTION 3.075.—To the Department of Higher Education
Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Marguerite Ross Barnett Scholarship Fund
From General Revenue Fund. $363,375

SECTION 3.080.—To the Department of Higher Education
For Advanced Placement grants for Access Missouri Financial Assistance Program and A+ Schools Program recipients, the Public Service Officer or Employee Survivor Grant Program pursuant to Section 173.260, RSMo, the Vietnam Veterans Survivors Scholarship Program pursuant to Section 173.236, RSMo, the Veteran's Survivors Grant Program pursuant to Section 173.234, RSMo, minority teaching student scholarships pursuant to Section 161.415, RSMo, and the Marguerite Ross Barnett Scholarship Program pursuant to Section 173.262, RSMo, provided that the Advanced Placement grants for Access Missouri Financial Assistance Program and A+ Schools Program recipients, the Public Service Officer or Employee Survivor Grant Program pursuant to Section 173.260, RSMo, the Vietnam Veterans Survivors Scholarship Program pursuant to Section 173.236, RSMo, the Veteran's Survivors Grant Program pursuant to Section 173.234, RSMo, and minority teaching student scholarships pursuant to Section 161.415, RSMo, are funded at a level sufficient to make awards to all eligible students and that sufficient resources are reserved for students who may become eligible during the school year
From AP Incentive Grant Fund. $100,000
From General Revenue Fund. 431,250
From Lottery Proceeds Fund 169,000

For the Marguerite Ross Barnett Scholarship Program pursuant to Section 173.262, RSMo
From Marguerite Ross Barnett Scholarship Fund. 500,000
Total. $1,200,250

SECTION 3.085.—To the Department of Higher Education
For the Kids' Chance Scholarship Program pursuant to Chapter 173, RSMo
From Kids' Chance Scholarship Fund. $17,500

SECTION 3.090.—To the Department of Higher Education
For the Minority and Underrepresented Environmental Literacy Program

pursuant to Section 640.240, RSMo
From General Revenue Fund. $32,964

SECTION 3.095.—To the Department of Higher Education
For the Advantage Missouri Program pursuant to Chapter 173, RSMo
From Advantage Missouri Trust Fund. $15,000

SECTION 3.100.—To the Department of Higher Education
For GEAR-UP Program scholarships
From GEAR-UP Scholarship Fund. $100,000

SECTION 3.105.—To the Department of Higher Education
For the Missouri Guaranteed Student Loan Program, provided that not more than twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment
Personal Service. $2,236,779
Expense and Equipment 8,325,693
Default prevention activities 890,000
Payment of fees for collection of defaulted loans 8,000,000
Payment of penalties to the federal government associated with late deposit of default collections. 500,000
From Guaranty Agency Operating Fund (Not to exceed 52.09 F.T.E.). $19,952,472

SECTION 3.110.—To the Department of Higher Education
Funds are to be transferred out of the State Treasury, chargeable to the Federal Student Loan Reserve Fund, to the Guaranty Agency Operating Fund
From Federal Student Loan Reserve Fund. $30,000,000

SECTION 3.115.—To the Department of Higher Education
For purchase of defaulted loans, payment of default aversion fees, reimbursement to the federal government, and investment of funds in the Federal Student Loan Reserve Fund
From Federal Student Loan Reserve Fund. $180,000,000

SECTION 3.120.—To the Department of Higher Education
For payment of refunds set off against debt as required by Section 143.786, RSMo
From Debt Offset Escrow Fund. $750,000

SECTION 3.125.—To the Department of Higher Education
Funds are to be transferred out of the State Treasury, chargeable to the Guaranty Agency Operating Fund, to the Federal Student Loan Reserve Fund
From Guaranty Agency Operating Fund. $1,000,000

SECTION 3.130.—To the Department of Higher Education
For competitive grants to eligible institutions of higher education based on a process and criteria jointly determined by the State Board of Nursing and the Department of Higher Education. Grant award amounts shall not exceed one hundred fifty thousand dollars ($150,000) and no campus shall receive more than one grant per year

From State Board of Nursing Fund. $1,000,000

SECTION 3.135.—To the University of Missouri
For the purpose of funding the Pharmacy Doctorate Program at Missouri State University in collaboration with the University of Missouri-Kansas City School of Pharmacy
All Expenditures
From General Revenue Fund.. . . . . $2,000,000

SECTION 3.136.—To Missouri State University
For the purpose of funding an Occupational Therapy program at Missouri State University-Springfield and Missouri State University-West Plains
From General Revenue Fund.. . . . . $1,325,000

SECTION 3.137.—To the University of Missouri
For the purpose of increasing the medical student class size at the University of Missouri in Columbia and to create a Springfield clinic campus in a public-private partnership withtwo (2) hospitals
From General Revenue Fund.. . . . . $10,000,000

SECTION 3.138.—To the Department of Higher Education and to Missouri State University
For the purpose of funding a cooperative program between Missouri State University-West Plains and Three Rivers Community College to operate a trade school in Willow Spring, MO
From General Revenue Fund.. . . . . $150,000

SECTION 3.140.—To Linn State Technical College, the University of Central Missouri, Southeast Missouri State University, Missouri State University, Lincoln University, Truman State University, Northwest Missouri State University, Missouri Southern State University, Missouri Western State University, Harris-Stowe State University, the University of Missouri, and the Department of Higher Education for distribution to the community colleges
For funding based on improved outcomes, with the funding amount for each two- and four-year public higher education institution based on improvement on specified performance measures
From General Revenue Fund.. . . . . $5,050,000
From Lottery Proceeds Fund. 20,000,000
Total. $25,050,000

SECTION 3.145.—To the Department of Higher Education
For distribution to community colleges as provided in Section 163.191, RSMo
From General Revenue Fund.. . . . . $117,657,939
From Lottery Proceeds Fund 7,452,485

For maintenance and repair at community colleges, local matching funds must be provided on a 50/50 state/local match rate in order to be eligible for state funds
From General Revenue Fund.. 4,396,718

For the payment of refunds set off against debt as required by Section 143.786, RSMo
From Debt Offset Escrow Fund. 1,300,000
Total. $130,807,142

SECTION 3.150.—To Linn State Technical College
All Expenditures
From General Revenue Fund. $4,150,111
From Lottery Proceeds Fund 420,528

For the payment of refunds set off against debt as required by Section 143.786, RSMo
From Debt Offset Escrow Fund. 30,000
Total. $4,600,639

SECTION 3.155.—To the University of Central Missouri
All Expenditures
From General Revenue Fund. $47,621,547
From Lottery Proceeds Fund 4,985,715

For the payment of refunds set off against debt as required by Section 143.786, RSMo
From Debt Offset Escrow Fund. 200,000
Total. $52,807,262

SECTION 3.160.—To Southeast Missouri State University
All Expenditures
From General Revenue Fund. $39,194,711
From Lottery Proceeds Fund 4,059,895

For the payment of refunds set off against debt as required by Section 143.786, RSMo
From Debt Offset Escrow Fund. 200,000
Total. $43,454,606

SECTION 3.165.—To Missouri State University
All Expenditures
From General Revenue Fund. $70,874,054
From Lottery Proceeds Fund 7,675,409

For the payment of refunds set off against debt as required by Section 143.786, RSMo
From Debt Offset Escrow Fund. 200,000
Total. $78,749,463

SECTION 3.170.—To Lincoln University
All Expenditures
From General Revenue Fund. $15,757,777
From Lottery Proceeds Fund 1,551,205

For the payment of refunds set off against debt as required by Section 143.786, RSMo

From Debt Offset Escrow Fund. 200,000
Total. $17,508,982

SECTION 3.175.—To Truman State University
All Expenditures
From General Revenue Fund. $35,734,815
From Lottery Proceeds Fund 3,776,109

For the payment of refunds set off against debt as required by Section 143.786, RSMo
From Debt Offset Escrow Fund. 200,000
Total. $39,710,924

SECTION 3.180.—To Northwest Missouri State University
All Expenditures
From General Revenue Fund. $26,752,181
From Lottery Proceeds Fund 2,599,805

For the payment of refunds set off against debt as required by Section 143.786, RSMo
From Debt Offset Escrow Fund. 200,000
Total. $29,551,986

SECTION 3.185.—To Missouri Southern State University
All Expenditures
From General Revenue Fund. $20,679,721
From Lottery Proceeds Fund 1,972,820

For the payment of refunds set off against debt as required by Section 143.786, RSMo
From Debt Offset Escrow Fund. 200,000
Total. $22,852,541

SECTION 3.190.—To Missouri Western State University
All Expenditures
From General Revenue Fund. $19,084,288
From Lottery Proceeds Fund 1,968,039

For the payment of refunds set off against debt as required by Section 143.786, RSMo
From Debt Offset Escrow Fund. 200,000
Total. $21,252,327

SECTION 3.195.—To Harris-Stowe State University
All Expenditures
From General Revenue Fund. $8,584,110
From Lottery Proceeds Fund 908,704

For the payment of refunds set off against debt as required by Section 143.786, RSMo
From Debt Offset Escrow Fund. 200,000
Total. $9,692,814

SECTION 3.200.—To the University of Missouri
For operation of its various campuses and programs
All Expenditures
From General Revenue Fund. $358,151,024
From Lottery Proceeds Fund 36,869,596

For the payment of refunds set off against debt as required by Section 143.786, RSMo
From Debt Offset Escrow Fund. 200,000
Total. $395,220,620

SECTION 3.205.—To the University of Missouri
For the Missouri Telehealth Network
All Expenditures
From Healthy Families Trust Fund. $437,640

SECTION 3.210.—To the University of Missouri
For the Missouri Rehabilitation Center
All Expenditures
From General Revenue Fund. $10,337,870

SECTION 3.215.—To the University of Missouri
For a program of research into spinal cord injuries
All Expenditures
From Spinal Cord Injury Fund. $1,500,000

SECTION 3.220.—To the University of Missouri
For the treatment of renal disease in a statewide program
All Expenditures
From General Revenue Fund. $1,750,000

SECTION 3.225.—To the University of Missouri
For the Missouri Federal and State Technology Partnership Program
All Expenditures
From General Revenue Fund. $340,000

SECTION 3.230.—To the University of Missouri
For the State Historical Society
All Expenditures
From General Revenue Fund. $1,727,605

SECTION 3.235.—To the Board of Curators of the University of Missouri
For investment in registered federal, state, county, municipal, or school district bonds as provided by law
From State Seminary Fund. $4,000,000

SECTION 3.240.—To the Board of Curators of the University of Missouri
For use by the University of Missouri pursuant to Sections 172.610 through 172.720, RSMo
From State Seminary Moneys Fund. $275,000

Bill Totals

General Revenue Fund	$863,988,647
Federal Funds	6,064,165
Other Funds	340,411,690
Total	$1,210,464,502

Approved June 28, 2013

HB 4 [CCS SCS HCS HB 4]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

APPROPRIATIONS: DEPARTMENT OF TRANSPORTATION AND DEPARTMENT OF REVENUE

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2013 and ending June 30, 2014, as follows:

SECTION 4.005.—To the Department of Revenue

For the purpose of collecting highway related fees and taxes

Personal Service and/or Expense and Equipment, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between Sections 4.005, 4.010, 4.015, 4.020, and 4.025

From General Revenue Fund	$10,315,178
From State Highways and Transportation Department Fund	13,336,336
Total (Not to exceed 445.79 F.T.E.)	$23,651,514

SECTION 4.010.—To the Department of Revenue

For the Division of Taxation

Personal Service and/or Expense and Equipment, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between Sections 4.005, 4.010, 4.015, 4.020, and 4.025

From General Revenue Fund	$22,400,932
From Health Initiatives Fund	54,981

From Petroleum Storage Tank Insurance Fund 28,378
From Conservation Commission Fund 563,644
From Petroleum Inspection Fund 36,250

For the integrated tax system
Expense and Equipment
From General Revenue Fund. 29,200,000
Total (Not to exceed 603.80 F.T.E.). $52,284,185

SECTION 4.015.—To the Department of Revenue
For the Division of Motor Vehicle and Driver Licensing
Personal Service and/or Expense and Equipment, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between Sections 4.005, 4.010, 4.015, 4.020, and 4.025
From General Revenue Fund. $644,278
From Federal Funds 162,192
From Motor Vehicle Commission Fund 436,263
From Department of Revenue Specialty Plate Fund. 16,683
Total (Not to exceed 32.05 F.T.E.). $1,259,416

SECTION 4.020.—To the Department of Revenue
For the Division of Legal Services
Personal Service and/or Expense and Equipment, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between Sections 4.005, 4.010, 4.015, 4.020, and 4.025
From General Revenue Fund. $1,538,395
From Federal Funds 416,322
From Motor Vehicle Commission Fund 495,967
From Tobacco Control Special Fund. 44,363
Total (Not to exceed 52.75 F.T.E.). $2,495,047

SECTION 4.025.—To the Department of Revenue
For the Division of Administration
Personal Service and/or Expense and Equipment, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between Sections 4.005, 4.010, 4.015, 4.020, and 4.025. . . . . $1,375,941
Annual salary adjustment in accordance with Section 105.005, RSMo. . . 250
From General Revenue Fund. 1,376,191
From Federal Funds 6,022,215
From Child Support Enforcement Fund. 2,614,920

For postage
Expense and Equipment
From General Revenue Fund. 3,764,817
From Health Initiatives Fund 5,373
From Motor Vehicle Commission Fund 44,029
From Conservation Commission Fund. 1,343
Total (Not to exceed 38.66 F.T.E.). $13,828,888

SECTION 4.030.—To the Department of Revenue
For the State Tax Commission
Personal Service and/or Expense and Equipment, provided that not more than twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment. $2,509,496
Annual salary adjustment in accordance with Section 105.005, RSMo. . . . 750
From General Revenue Fund. 2,510,246

For the Productive Capability of Agricultural and Horticultural Land Use Study
Expense and Equipment
From General Revenue Fund. 3,876
Total (Not to exceed 48.00 F.T.E.). $2,514,122

SECTION 4.035.—To the Department of Revenue
For the state's share of the costs and expenses incurred pursuant to an approved assessment and equalization maintenance plan as provided by Chapter 137, RSMo
From General Revenue Fund. $9,843,804

SECTION 4.040.—To the Department of Revenue
For payment of fees to counties as a result of delinquent collections made by circuit attorneys or prosecuting attorneys and payment of collection agency fees
From General Revenue Fund. $3,000,000

SECTION 4.045.—To the Department of Revenue
For payment of fees to counties for the filing of lien notices and lien releases
From General Revenue Fund. $465,000

SECTION 4.050.—To the Department of Revenue
For distribution to cities and counties of all funds accruing to the Motor Fuel Tax Fund under the provisions of Sections 30(a) and 30(b), Article IV, of the Constitution of Missouri
From Motor Fuel Tax Fund. $188,000,000

SECTION 4.055.—To the Department of Revenue
For distribution of emblem use fee contributions collected for specialty plates
From General Revenue Fund. $1,000

SECTION 4.060.—To the Department of Revenue
For refunds for overpayment or erroneous payment of any tax or any payment that is credited to the General Revenue Fund
From General Revenue Fund. $1,312,000,000E

SECTION 4.065.—To the Department of Revenue
For refunds for overpayment or erroneous payment of any tax or any payment credited to Federal and Other Funds
From Federal and Other Funds. $50,000

SECTION 4.070.—To the Department of Revenue
For the purpose of refunding any tax or fee credited to the State Highways and Transportation Department Fund

From State Highways and Transportation Department Fund. $2,290,564

SECTION 4.075.—To the Department of Revenue
For the purpose of refunding any overpayment or erroneous payment of any amount credited to the Aviation Trust Fund
From Aviation Trust Fund. $50,000

SECTION 4.080.—To the Department of Revenue
For refunds and distributions of motor fuel taxes
From State Highways and Transportation Department Fund. $10,914,000

SECTION 4.085.—To the Department of Revenue
For refunds for overpayment or erroneous payment of any tax or any payment credited to the Workers' Compensation Fund
From Workers' Compensation Fund. $2,000,000

SECTION 4.090.—To the Department of Revenue
For refunds for overpayment or erroneous payment of any tax or any payment for tobacco taxes
From Health Initiatives Fund. $25,000
From State School Moneys Fund. 25,000
From Fair Share Fund. 11,000
Total. $61,000

SECTION 4.095.—To the Department of Revenue
For apportionments to the several counties and the City of St. Louis to offset credits taken against the County Stock Insurance Tax
From General Revenue Fund. $660,700

SECTION 4.100.—To the Department of Revenue
For the payment of tax delinquencies set off by tax credits
From General Revenue Fund. $200,000

SECTION 4.105.—There is transferred out of the State Treasury, chargeable to the General Revenue Fund, such amounts as may be necessary to make payments of refunds set off against debts as required by Section 143.786, RSMo, to the Debt Offset Escrow Fund
From General Revenue Fund. $11,292,384

SECTION 4.110.—There is transferred out of the State Treasury, chargeable to the General Revenue Fund, such amounts as may be necessary to make payments of refunds set off against debts as required by Section 488.020(3), RSMo, to the Circuit Courts Escrow Fund
From General Revenue Fund. $1,600,000

SECTION 4.115.—For the payment of refunds set off against debts as required by Section 143.786, RSMo
From Debt Offset Escrow Fund. $1,164,119

SECTION 4.120.—There is transferred out of the State Treasury, chargeable to the School District Trust Fund, to the General Revenue Fund
From School District Trust Fund. $2,500,000

SECTION 4.125.—There is transferred out of the State Treasury, chargeable to the Parks Sales Tax Fund, sixty-six hundredths percent of the funds received, to the General Revenue Fund
From Parks Sales Tax Fund. $300,000

SECTION 4.130.—There is transferred out of the State Treasury, chargeable to the Soil and Water Sales Tax Fund, sixty-six hundredths percent of the funds received, to the General Revenue Fund
From Soil and Water Sales Tax Fund. $300,000

SECTION 4.135.—There is transferred out of the State Treasury, chargeable to the General Revenue Fund, such amounts generated by development projects, as required by Section 99.963, RSMo, to the State Supplemental Downtown Development Fund
From General Revenue Fund. $1,040,450

SECTION 4.140.—There is transferred out of the State Treasury, chargeable to the General Revenue Fund, such amounts generated by redevelopment projects, as required by Section 99.1092, RSMo, to the Downtown Revitalization Preservation Fund
From General Revenue Fund. $200,000

SECTION 4.145.—There is transferred out of the State Treasury, chargeable to the General Revenue Fund, amounts from income tax refunds designated by taxpayers for deposit in various income tax check-off funds
From General Revenue Fund. $396,000

SECTION 4.150.—There is transferred out of the State Treasury, chargeable to various income tax check-off funds, amounts from income tax refunds erroneously deposited to said funds, to the General Revenue Fund
From Other Funds. $13,669

SECTION 4.155.—For distribution from the various income tax check-off charitable trust funds
From Other Funds. $50,000

SECTION 4.160.—There is transferred out of the State Treasury, chargeable to the Department of Revenue Information Fund, to the State Highways and Transportation Department Fund
From Department of Revenue Information Fund. $1,250,000

SECTION 4.165.—There is transferred out of the State Treasury, chargeable to the Motor Fuel Tax Fund, to the State Highways and Transportation Department Fund
From Motor Fuel Tax Fund. $560,178,001

SECTION 4.170.—There is transferred out of the State Treasury, chargeable to the Department of Revenue Specialty Plate Fund, to the State Highways and Transportation Department Fund
From Department of Revenue Specialty Plate Fund. $20,000

SECTION 4.175.—To the Department of Revenue
For the State Lottery Commission
For any and all expenditures, including operating, maintenance and repair, and minor renovations, necessary for the purpose of operating a state lottery, provided that not more than twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment. $41,048,458
For advertising expenses. 16,000,000
From Lottery Enterprise Fund (Not to exceed 153.50 F.T.E.). $57,048,458

SECTION 4.180.—To the Department of Revenue
For the State Lottery Commission
For the payment of prizes
From Lottery Enterprise Fund. $102,000,000E

SECTION 4.185.—There is transferred out of the State Treasury, chargeable to the Lottery Enterprise Fund, to the Lottery Proceeds Fund
From Lottery Enterprise Fund. $298,563,213

SECTION 4.400.—To the Department of Transportation
For the Highways and Transportation Commission and Highway Program Administration
Personal Service. $18,092,652E
Expense and Equipment. 3,528,949E
From State Road Fund (Not to exceed 350.57 F.T.E.). $21,621,601

SECTION 4.405.—To the Department of Transportation
For department-wide fringe expenses
For Administration fringe benefits
Personal Service. $12,471,061
Expense and Equipment. 14,565,765
From State Road Fund 27,036,826

For Construction Program fringe benefits
Personal Service. 45,328,542
Expense and Equipment. 456,307
From State Road Fund 45,784,849

For Maintenance Program fringe benefits
Personal Service. 216,453
Expense and Equipment. 3,010
From Federal Funds 219,463

Personal Service. 102,015,953
Expense and Equipment. 6,288,445
From State Road Fund 108,304,398

For Fleet, Facilities, and Information Systems fringe benefits
Personal Service. 9,402,328
Expense and Equipment. 204,117
From State Road Fund 9,606,445

For Multimodal Operations fringe benefits
Personal Service
From Federal Funds 184,799
From State Road Fund 305,740
From Railroad Expense Fund 289,644
From State Transportation Fund 94,731
From Aviation Trust Fund. 345,628
Total. $192,172,523

SECTION 4.410.—To the Department of Transportation
For the Construction Program
To pay the costs of reimbursing counties and other political subdivisions for the acquisition of roads and bridges taken over by the state as permanent parts of the state highway system, and for the costs of locating, relocating, establishing, acquiring, constructing, reconstructing, widening, and improving those highways, bridges, tunnels, parkways, travelways, tourways, and coordinated facilities authorized under Article IV, Section 30(b) of the Constitution of Missouri; of acquiring materials, equipment, and buildings necessary for such purposes and for other purposes and contingencies relating to the location and construction of highways and bridges; and to expend funds from the United States Government for like purposes
Personal Service. $64,987,950E
Expense and Equipment 12,884,819E
Construction. 897,575,650E
From State Road Fund 975,448,419

For all expenditures associated with paying outstanding state road bond debt
From State Road and State Road Bond Funds. 292,819,000E

For the purpose of funding a feasibility study for the addition of a bike/pedestrian bridge to a St. Charles bridge
From General Revenue Fund. 50,000
Total (Not to exceed 1,326.44 F.T.E.). $1,268,317,419

SECTION 4.415.—To the Department of Transportation
For Construction and Maintenance Programs
Funds are to be transferred out of the State Treasury, chargeable to the Federal Stimulus - Missouri Department of Transportation Fund, to the State Road Fund, for reimbursement of expenditures for highway and bridge infrastructure investment projects
From Federal Stimulus - Missouri Department of Transportation Fund. $6,430,000

SECTION 4.420.—To the Department of Transportation
For the Maintenance Program
To pay the costs of preserving and maintaining the state system of roads and bridges and coordinated facilities authorized under Article IV, Section 30(b) of the Constitution of Missouri; of acquiring materials, equipment, and buildings necessary for such purposes and for other purposes and contingencies related to the preservation, maintenance, and safety of highways and bridges
Personal Service. $307,771

Expense and Equipment. 54,393
From Federal Funds 362,164

Personal Service. 137,946,508E
Expense and Equipment 218,437,298E
From State Road Fund 356,383,806

Expense and Equipment
From Motorcycle Safety Trust Fund. 425,000

For all allotments, grants, and contributions from federal sources that may be deposited in the State Treasury for grants of National Highway Safety Act moneys
From Federal Funds 14,977,120

For the Motor Carrier Safety Assistance Program
From Federal Funds. 1,999,725
Total (Not to exceed 3,643.93 F.T.E.). $374,147,815

SECTION 4.425.—To the Department of Transportation
For the Maintenance Program
Funds from grants of National Highway Safety Acts are to be transferred out of the State Treasury, chargeable to the Department of Transportation Highway Safety Fund, to the State Road Fund, for expenditures associated with hazard elimination roadway projects as required by federal guidelines
From Federal Funds. $30,000,000

SECTION 4.430.—To the Department of Transportation
For Fleet, Facilities, and Information Systems
To pay the costs of constructing, preserving, and maintaining the state system of roads and bridges and coordinated facilities authorized under Article IV, Section 30(b) of the Constitution of Missouri; of acquiring materials, equipment, and buildings necessary for such purposes and for other purposes and contingencies related to the construction, preservation, and maintenance of highways and bridges
Personal Service. $13,825,716
Expense and Equipment. 58,749,799
From State Road Fund (Not to exceed 299.25 F.T.E.). $72,575,515

SECTION 4.435.—To the Department of Transportation
For the purpose of refunding any tax or fee credited to the State Highways and Transportation Department Fund. $25,000E
For refunds and distributions of motor fuel taxes. 30,000,000E
From State Highways and Transportation Department Fund. $30,025,000

SECTION 4.440.—Funds are to be transferred out of the State Treasury, chargeable to the State Highways and Transportation Department Fund, to the State Road Fund
From State Highways and Transportation Department Fund. $528,000,000E

SECTION 4.445.—To the Department of Transportation
For Multimodal Operations Administration
Personal Service. $269,658
Expense and Equipment. 200,000
From Federal Funds 469,658

Personal Service. 436,794
Expense and Equipment. 24,852
From State Road Fund 461,646

Personal Service. 410,086
Expense and Equipment. 100,902
From Railroad Expense Fund 510,988

Personal Service 147,971
Expense and Equipment. 8,820
From State Transportation Fund 156,791

Personal Service. 487,175
Expense and Equipment. 24,827
From Aviation Trust Fund. 512,002
Total (Not to exceed 33.30 F.T.E.). $2,111,085

SECTION 4.450.—To the Department of Transportation
For Multimodal Operations
For reimbursements to the State Road Fund for providing professional and technical services and administrative support of the multimodal program
From Federal Funds. $83,500
From Railroad Expense Fund 90,500
From State Transportation Fund 35,000
From Aviation Trust Fund. 75,567
Total. $284,567

SECTION 4.455.—To the Department of Transportation
For Multimodal Operations
For loans from the State Transportation Assistance Revolving Fund to political subdivisions of the state or to public or private not-for-profit organizations or entities in accordance with Section 226.191, RSMo
From State Transportation Assistance Revolving Fund. $1,000,000

SECTION 4.460.—To the Department of Transportation
For the Transit Program
For distributing funds to urban, small urban, and rural transportation systems
From General Revenue Fund. $500,000
From State Transportation Fund. 560,875
Total. $1,060,875

SECTION 4.465.—To the Department of Transportation
For the Transit Program
For locally matched capital improvement grants under Sections 5310 and 5317, Title 49, United States Code to assist private, non-profit organizations in improving public transportation for the state's elderly and people with

disabilities and to assist disabled persons with transportation services beyond those required by the Americans with Disabilities Act
From Federal Funds. $15,190,030

SECTION 4.470.—To the Department of Transportation
For the Transit Program
For an operating subsidy for not-for-profit transporters of the elderly, people with disabilities, and low-income individuals
From General Revenue Fund. $1,194,129
From State Transportation Fund 1,274,478
Total. $2,468,607

SECTION 4.475.—To the Department of Transportation
For the Transit Program
For locally matched grants to small urban and rural areas under Sections 5311 and 5316, Title 49, United States Code
From Federal and Local Funds. $27,126,692

SECTION 4.480.—To the Department of Transportation
For the Transit Program
For grants under Section 5309, Title 49, United States Code to assist private, non-profit organizations providing public transportation services
From Federal Funds. $16,499,394

SECTION 4.485.—To the Department of Transportation
For the Transit Program
For grants to metropolitan areas under Section 5305, Title 49, United States Code
From Federal Funds. $15,910,249

SECTION 4.490.—To the Department of Transportation
For the Transit Program
For grants to public transit providers to replace, rehabilitate, and purchase vehicles and related equipment and to construct vehicle-related facilities under Moving Ahead for Progress in the 21st Century Act
From Federal Funds. $5,000,000

SECTION 4.495.—To the Department of Transportation
For the Rail Program
For infrastructure improvements and preliminary engineering evaluations on the existing rail corridor between St. Louis and Kansas City
From Federal Funds. $35,000,000

SECTION 4.500.—To the Department of Transportation
Funds are to be transferred out of the State Treasury, chargeable to the Federal Stimulus - Missouri Department of Transportation Fund, to the Multimodal Operations Federal Fund, for expenditures associated with passenger rail projects
From Federal Stimulus - Missouri Department of Transportation Fund. $35,000,000

SECTION 4.505.—To the Department of Transportation
For the Light Rail Safety Program

From Light Rail Safety Fund. $1,000,000

SECTION 4.510.—To the Department of Transportation
For the Rail Program
For passenger rail service in Missouri
From General Revenue Fund. $8,900,000

SECTION 4.515.—To the Department of Transportation
For station repairs and improvements at Missouri Amtrak stations
From State Transportation Fund. $25,000

SECTION 4.520.—To the Department of Transportation
For protection of the public against hazards existing at railroad crossings pursuant to Chapter 389, RSMo
From Transportation Department Grade Crossing Safety Account. $3,000,000

SECTION 4.525.—There is transferred out of the State Treasury, chargeable to the Transportation Department Grade Crossing Safety Account, to the Railroad Expense Fund
From Transportation Department Grade Crossing Safety Account. $100,000

SECTION 4.530.—To the Department of Transportation
For the Aviation Program
For construction, capital improvements, and maintenance of publicly owned airfields, including land acquisition, and for printing charts and directories
From Aviation Trust Fund. $10,000,000

SECTION 4.531.—To the Department of Transportation
For the purpose of funding airport master-planning in accordance with Chapter 305.230 RSMo, at airports located in Mid-Missouri
From Aviation Trust Fund. $1,000,000

SECTION 4.532.—To the Department of Transportation
For the purpose of funding airport improvements in accordance with Chapter 305.230 RSMo, at the Springfield-Branson National Airport
From Aviation Trust Fund. $5,000,000

SECTION 4.535.—To the Department of Transportation
For the Aviation Program
For construction, capital improvements, or planning of publicly owned airfields by cities or other political subdivisions, including land acquisition, pursuant to the provisions of the State Block Grant Program administered through the Federal Airport Improvement Program
From Federal Funds. $41,416,304

SECTION 4.540.—To the Department of Transportation
For the Waterways Program
For grants to port authorities for assistance in port planning, acquisition, or construction within the port districts as follows: Jefferson County Port Authority $421,667, Kansas City Port Authority $183,333, Mississippi County Port Authority $44,000, New Bourbon Regional Port Authority $458,333, New Madrid County Port Authority $616,000, Pemiscot

County Port Authority $91,666, Southeast Missouri Regional Port Authority $435,417, St. Joseph Regional Port Authority $499,584, Lewis County/Canton Port Authority $250,000, and any port authority $375,000

From General Revenue Fund	$3,000,000
From State Transportation Fund	375,000
Total	$3,375,000

SECTION 4.545. — To the Department of Transportation
For the Federal Rail, Port and Freight Assistance Program
From Multimodal Operations Federal Fund $1,000,000

SECTION 4.550. — To the Department of Transportation
For the Freight Enhancement Program
For projects to improve connectors for ports, rail, and other non-highway transportation systems
From State Transportation Fund $850,000

Department of Revenue Totals

General Revenue Fund	$100,453,251
Federal Funds	6,600,729
Other Funds	364,726,988
Total	$471,780,968

Department of Transportation Totals

General Revenue Fund	$13,644,129
Federal Funds	175,439,098
Other Funds	1,936,969,449
Total	$2,126,052,676

Approved June 28, 2013

HB 5 [CCS SCS HCS HB 5]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

APPROPRIATIONS: OFFICE OF ADMINISTRATION, DEPARTMENT OF TRANSPORTATION, DEPARTMENT OF CONSERVATION, DEPARTMENT OF PUBLIC SAFETY, AND CHIEF EXECUTIVE'S OFFICE

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Conservation, the Department of Public Safety, the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the travel or staffing of the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2013 and ending June 30, 2014, as follows:

SECTION 5.005.—To the Office of Administration
For the Commissioner's Office
Personal Service. $627,737
Annual salary adjustment in accordance with Section 105.005, RSMo 250
Expense and Equipment. 79,921
From General Revenue Fund. 707,908

For the Office of Equal Opportunity
Personal Service. 218,363
Expense and Equipment. 79,318
From General Revenue Fund. 297,681

For the purpose of receiving and expending funds for a disparity study for the State of Missouri
From Office of Administration Donated Fund. 1,000,000
From Missouri Humanities Council Trust Fund. 700,000
Total (Not to exceed 14.50 F.T.E.). $2,705,589

SECTION 5.010.—To the Office of Administration
For the Division of Accounting
Personal Service. $2,076,452
Expense and Equipment. 117,721
From General Revenue Fund (Not to exceed 49.00 F.T.E.). $2,194,173

SECTION 5.015.—To the Office of Administration
For the Division of Budget and Planning
Personal Service. $1,589,484
Expense and Equipment. 72,120
From General Revenue Fund (Not to exceed 26.00 F.T.E.). $1,661,604

SECTION 5.020.—To the Office of Administration
For the Information Technology Services Division
Personal Service and/or Expense and Equipment, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, provided that no funds shall be expended or flexed for the scanning and retention of source documents in the course of issuing driver licenses and other non-driver identification documents except any document required to be retained under federal motor carrier regulations in Title 49, Code of Federal Regulations, and further provided that no funds shall be expended or flexed for the purchase or use of any photo validation system
From General Revenue Fund. $42,122,217

For the scanning and retention of source documents in the course of issuing driver licenses and other non-driver identification documents
Expense and Equipment
From General Revenue Fund. 1

For the purchase or use of any photo validation system
Expense and Equipment
From General Revenue Fund. 1

Personal Service and/or Expense and Equipment, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, also provided that no flexibility between funds, provided that no funds shall be expended or flexed for the scanning and retention of source documents in the course of issuing driver licenses and other non-driver identification documents except any document required to be retained under federal motor carrier regulations in Title 49, Code of Federal Regulations, and further provided that no funds shall be expended or flexed for the purchase or use of any photo validation system
From Federal Funds 91,003,988

Personal Service and/or Expense and Equipment, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, also provided that no flexibility between funds, provided that no funds shall be expended or flexed for the scanning and retention of source documents in the course of issuing driver licenses and other non-driver identification documents except any document required to be retained under federal motor carrier regulations in Title 49, Code of Federal Regulations, and further provided that no funds shall be expended or flexed for the purchase or use of any photo validation system
From Child Support Enforcement Fund. 1,713,529
From Elevator Safety Fund. 9,190
From Missouri Arts Council Trust Fund. 22,660
From Missouri Commission for the Deaf Board of Certification of Interpreters. 7,997
From Nursing Facility Quality of Care Fund 414,842
From Division of Tourism Fund. 55,478
From Health Initiatives Fund 2,066
From Health Access Incentive Fund. 7,690
From Lottery Proceeds Fund 109,178
From Animal Health Laboratory Fees 5,925
From Mammography Fund. 4,637
From Animal Care Reserve Fund. 9,407
From Elderly Home-Delivered Meals Trust Fund 10,970
From Missouri Public Health Services Fund. 863,582
From Livestock Brands Fund 2,998
From Veteran's Commission Capital Improvement Trust Fund 38,980
From Commodity Council Merchandising Fund. 776
From Federal Surplus Property Fund 12,639
From Single-Purpose Animal Facilities Loan Program Fund. 1,155
From State Fair Fees Fund. 9,624
From Missouri Veteran's Homes Fund 857,796
From DNR Cost Allocation Fund. 6,847,050
From State Facilities Maintenance & Operation Fund 234,143

From DIPF Administrative Fund. 37,372
From Working Capital Revolving Fund. 223,937
From Inmate Revolving Fund 15,200
From DOSS Administrative Trust Fund. 400,649
From DED Administrative Fund 1,710,524
From Division of Credit Union Fund 6,606
From Division of Finance Fund. 142,245
From Insurance Examiners Fund. 121,328
From Deaf Relay Service and Equipment Distribution Program Fund. 12,990
From Professional and Practical Nursing Student Loan and Nurse Loan Repayment Fund 7,095
From Insurance Dedicated Fund. 883,615
From International Promotions Revolving Fund 2,762
From Livestock Sales & Markets Fees Fund 260
From Chemical Emergency Preparedness Fund. 11,425
From Motor Vehicle Commission Fund 37,821
From Missouri Job Development Fund 7,000
From Conservation Commission Fund. 33,198
From Blind Pension Fund. 29,591
From Livestock Dealer Law Enforcement and Administration Fund. 95
From State Highways and Transportation Department Fund 2,764,972
From Milk Inspection Fees Fund 4,961
From Department of Health and Senior Services Document Services Fund 108,323
From Grain Inspection Fees Fund. 33,845
From Excellence In Education Fund. 20,000
From Workers Compensation Fund 324,460
From Department of Health Donated Fund 20,563
From Petroleum Inspection Fund 114,056
From Hazardous Waste Fund. 1,995
From Safe Drinking Water Fund. 1,185
From Crime Victims Compensation Fund 25,554
From Agriculture Business Development Fund 2,491
From Professional Registration Fees Fund 1,164,856
From Children's Trust Fund 1,100
From Missouri Commission for the Deaf and Hard of Hearing Fund 995
From Boiler & Pressure Vessels Safety Fund 14,020
From Putative Father Registry Fund 12,300
From Missouri Senior RX Plan Fund. 15,000
From Missouri Wine and Grape Fund. 10,117
From Organ Donor Program Fund. 9,825
From Child Labor Enforcement Fund. 14,995
From Early Childhood Development, Education and Care Fund. 23,850
From Guaranty Agency Operating Fund. 830,881
From Childhood Lead Testing Fund 13,032
From Agriculture Development Fund. 880
From Institution Gift Trust Fund 90
From Special Employment Security Fund. 109,999
From Unemployment Automation Fund. 5,276,040
From Agriculture Protection Fund 667

Personal Service and/or Expense and Equipment, provided that not more than ten percent (10%) flexibility is allowed between personal service and

expense and equipment, provided that no funds shall be expended or flexed for the scanning and retention of source documents in the course of issuing driver licenses and other non-driver identification documents except any document required to be retained under federal motor carrier regulations Title 49, Code of Federal Regulations, and further provided that no funds shall be expended or flexed for the purchase or use of any photo validation system
From Missouri Revolving Information Technology Trust Fund. 105,612,231

Expense and Equipment
For the purpose of funding additional security enhancements
From General Revenue Fund. 4,500,000

Expense and Equipment
For the payment of Office of Administration ITSD employee benefits
From General Revenue Fund. 1,500,000
From Federal and Other Funds. 3,000,000
Total (Not to exceed 1,035.10 F.T.E.). $273,585,515

SECTION 5.025.—To the Office of Administration
For the Information Technology Services Division
For the centralized telephone billing system
Expense and Equipment
From Missouri Revolving Information Technology Trust Fund. $44,700,697

SECTION 5.030.—To the Office of Administration
For the Information Technology Services Division
For rural broadband including higher education broadband
From Federal Stimulus Office of Administration Fund
(Not to exceed 2.00 F.T.E.). $2,661,362

SECTION 5.035.—To the Office of Administration
For the Information Technology Services Division
For health care information technology
From Federal Stimulus Office of Administration Fund. $4,199,282

SECTION 5.040.—To the Office of Administration
For the Division of Personnel
Personal Service. $2,728,814
Expense and Equipment. 82,014
From General Revenue Fund. 2,810,828

Personal Service. 173,171
Expense and Equipment. 471,489
From Office of Administration Revolving Administrative Trust Fund. 644,660

Personal Service. 84,546
Expense and Equipment. 3,600
From Missouri Revolving Information Technology Trust Fund. 88,146
Total (Not to exceed 72.97 F.T.E.). $3,543,634

SECTION 5.045.—To the Office of Administration
For the Division of Purchasing and Materials Management
Personal Service. $1,669,608
Expense and Equipment. 73,281
From General Revenue Fund (Not to exceed 33.00 F.T.E.). $1,742,889

SECTION 5.050.—To the Office of Administration
For the Division of Purchasing and Materials Management
For refunding bid and performance bonds
From Office of Administration Revolving Administrative Trust Fund. $3,000,000

SECTION 5.055.—To the Office of Administration
For the Division of Purchasing and Materials Management
For the operation of the State Agency for Surplus Property
Personal Service. $765,994
Expense and Equipment 495,698

For the Fixed Price Vehicle Program
Expense and Equipment. 1,495,994
From Federal Surplus Property Fund (Not to exceed 20.00 F.T.E.). $2,757,686

SECTION 5.060.—To the Office of Administration
For the Division of Purchasing and Materials Management
For Surplus Property recycling activities
Personal Service. $47,153
Expense and Equipment. 50,322
From Federal Surplus Property Fund (Not to exceed 1.00 F.T.E.). $97,475

SECTION 5.065.—There is transferred out of the State Treasury, chargeable to the Federal Surplus Property Fund, to the Department of Social Services for the heating assistance program, as provided by Section 34.032, RSMo
From Federal Surplus Property Fund. $30,000

SECTION 5.070.—To the Office of Administration
For the Division of Purchasing and Materials Management
For the disbursement of surplus property sales receipts
From Proceeds of Surplus Property Sales Fund. $299,894

SECTION 5.075.—There is transferred out of the State Treasury, chargeable to the Proceeds of Surplus Property Sales Fund, to various state agency funds
From Proceeds of Surplus Property Sales Fund. $2,000,000

SECTION 5.080.—To the Office of Administration
For the Division of Facilities Management, Design and Construction Asset Management
For authority to spend donated funds to support renovations and operations of the Governor's Mansion
From State Facility Maintenance and Operation Fund. $60,000

SECTION 5.085.—To the Office of Administration
For the Division of Facilities Management, Design and Construction Asset Management

For any and all expenditures necessary for the purpose of funding the operations of the Board of Public Buildings, state-owned and leased office buildings, institutional facilities, laboratories, and support facilities
Personal Service and/or Expense and Equipment, provided that not more than five percent (5%) flexibility is allowed between personal service and expense and equipment
From State Facility Maintenance and Operation Fund
(Not to exceed 752.50 F.T.E.) $92,807,957

SECTION 5.090.—To the Office of Administration
For the Division of Facilities Management, Design and Construction Asset Management
For the purpose of funding expenditures associated with the State Capitol Commission
Expense and Equipment
From State Capitol Commission Fund. $25,000

SECTION 5.095.—To the Board of Public Buildings
For the Office of Administration
For the Division of Facilities Management, Design and Construction Asset Management
For modifications, replacement, repair costs, and other support services at state-operated facilities or institutions when recovery is obtained from a third party including energy rebates or disaster recovery
From State Facility Maintenance and Operation Fund. $2,000,000

SECTION 5.100.—To the Office of Administration
For the Division of General Services
Personal Service. $858,282
Expense and Equipment. 76,035
From General Revenue Fund. 934,317

Personal Service. 2,799,941
Expense and Equipment. 979,728
From Office of Administration Revolving Administrative Trust Fund 3,779,669
Total (Not to exceed 106.00 F.T.E.) $4,713,986

SECTION 5.105.—There is transferred out of the State Treasury, chargeable to the General Revenue Fund, to the State Property Preservation Fund
From General Revenue Fund. $1E

SECTION 5.110.—To the Office of Administration
For the Division of General Services
For the repair or replacement of state-owned or leased facilities that have suffered damage from natural or man-made events or for the defeasance of outstanding debt secured by the damaged facilities when a notice of coverage has been issued by the Commissioner of Administration, as provided by Sections 37.410 through 37.413, RSMo
From State Property Preservation Fund. $1E

SECTION 5.115.—To the Office of Administration
For the Division of General Services
For rebillable expenses and for the replacement or repair of damaged equipment when recovery is obtained from a third party
Expense and Equipment
From Office of Administration Revolving Administrative Trust Fund. $16,000,000

SECTION 5.120.—There is transferred out of the State Treasury, chargeable to the funds shown below, for the payment of claims, premiums, and expenses as provided by Sections 105.711 through 105.726, RSMo, to the State Legal Expense Fund
From General Revenue Fund. $6,000,000
From Federal and Other Funds. 757,435
Total. $6,757,435

SECTION 5.125.—To the Office of Administration
For the Division of General Services
For the payment of claims and expenses as provided by Section 105.711 et seq., RSMo, and for purchasing insurance against any or all liability of the State of Missouri or any agency, officer, or employee thereof
From State Legal Expense Fund. $6,757,435

SECTION 5.130.—To the Office of Administration
For the Administrative Hearing Commission
Personal Service and/or Expense and Equipment, provided that not more than five percent (5%) flexibility is allowed between personal service and expense and equipment. $932,204
Annual salary adjustment in accordance with Section 105.005, RSMo 823
From General Revenue Fund. 933,027

Personal Service and/or Expense and Equipment 131,179
Annual salary adjustment in accordance with Section 105.005, RSMo. 125
From Administrative Hearing Commission Educational Due Process Hearing Fund. 131,304
Total (Not to exceed 16.50 F.T.E.). $1,064,331

SECTION 5.135.—To the Office of Administration
For the purpose of funding the Office of Child Advocate
Personal Service and/or Expense and Equipment, provided that not more than five percent (5%) flexibility is allowed between personal service and expense and equipment
From General Revenue Fund. $78,416
From Federal Funds. 138,924
Total (Not to exceed 5.00 F.T.E.). $217,340

SECTION 5.140.—To the Office of Administration
For the administrative, promotional, and programmatic costs of the Children's Trust Fund Board as provided by Section 210.173, RSMo
Personal Service. $215,210
Expense and Equipment 119,104
For Program Disbursements. 3,360,000
From Children's Trust Fund (Not to exceed 5.00 F.T.E.). $3,694,314

SECTION 5.145.—To the Office of Administration
For the purpose of funding the Governor's Council on Disability
Personal Service. $172,744
Expense and Equipment. 19,687
From General Revenue Fund (Not to exceed 4.00 F.T.E.). $192,431

SECTION 5.150.—To the Office of Administration
For those services provided through the Office of Administration that are contracted with and reimbursed by the Board of Trustees of the Missouri Public Entity Risk Management Fund as provided by Chapter 537, RSMo
Personal Service. $659,942
Expense and Equipment. 47,500
From Office of Administration Revolving Administrative Trust Fund (Not to exceed 14.00 F.T.E.). $707,442

SECTION 5.155.—To the Office of Administration
For the Missouri Ethics Commission
Personal Service and/or Expense and Equipment, provided that not more than five percent (5%) flexibility is allowed between personal service and expense and equipment
From General Revenue Fund (Not to exceed 22.00 F.T.E.). $1,375,905

SECTION 5.160.—To the Office of Administration
For the purpose of funding alternatives to abortion services
From General Revenue Fund. $1,533,561
From Federal Funds 50,000

For the alternatives to abortion public awareness program
From General Revenue Fund. 50,000
Total. $1,633,561

SECTION 5.165.—To the Office of Administration
For the Division of Accounting
For payment of rent by the state for state agencies occupying Board of Public Buildings revenue bond financed buildings. Funds are to be used for principal, interest, bond issuance costs, and reserve fund requirements of Board of Public Buildings bonds
From General Revenue Fund. $33,625,157

SECTION 5.170.—To the Office of Administration
For the Division of Accounting
For annual fees, arbitrage rebate, refunding, defeasance, and related expenses of House Bill 5 debt
From General Revenue Fund. $30,654

SECTION 5.175.—To the Office of Administration
For the Division of Accounting
For payment of the state's lease/purchase debt requirements
From General Revenue Fund. $12,984,094
From State Facility Maintenance and Operation Fund. 2,593,241
Total. $15,577,335

SECTION 5.180.—To the Office of Administration
For the Division of Accounting
For MOHEFA debt service and all related expenses associated with the Series 2011 MU-Columbia Arena project bonds
From General Revenue Fund. $2,526,600

SECTION 5.185.—To the Office of Administration
For the Information Technology Services Division
For debt service related to Unified Communications
From Missouri Revolving Information Technology Trust Fund. $4,030,368

SECTION 5.190.—To the Office of Administration
For the Division of Facilities Management, Design and Construction
For debt service related to guaranteed energy cost savings contracts
From Facilities Maintenance Reserve Fund. $5,535,815

SECTION 5.195.—To the Office of Administration
For the Division of Accounting
For Debt Management
Expense and Equipment
From General Revenue Fund. $85,000

SECTION 5.200.—To the Office of Administration
For the Division of Accounting
For debt service contingency for the New Jobs and Jobs Retention Training Certificates Program
From General Revenue Fund. $1

SECTION 5.205.—To the Office of Administration
For the Division of Accounting
For the Bartle Hall Convention Center expansion, operations, development, or maintenance in Kansas City pursuant to Sections 67.638 through 67.641, RSMo
From General Revenue Fund. $2,000,000

SECTION 5.210.—To the Office of Administration
For the Division of Accounting
For the maintenance of the Jackson County Sports Complex pursuant to Sections 67.638 through 67.641, RSMo
From General Revenue Fund. $3,000,000

SECTION 5.215.—To the Office of Administration
For the Division of Accounting
For debt service and maintenance on the Edward Jones Dome project in St. Louis
From General Revenue Fund. $12,000,000

SECTION 5.220.—To the Office of Administration
For the Division of Accounting
For interest payments on federal grant monies in accordance with the Cash Management Improvement Act of 1990 and 1992, and any other interest or penalties due to the federal government

From General Revenue Fund. $300,000

SECTION 5.225.—There is transferred out of the State Treasury, chargeable to the Budget Reserve Fund and Other Funds, such amounts as may be necessary for cash-flow assistance to various funds, provided, however, that funds other than the Budget Reserve Fund will not be used without prior notification to the Commissioner of the Office of Administration, the Chair of the Senate Appropriations Committee, and the Chair of the House Budget Committee. Cash-flow assistance from funds other than the Budget Reserve Fund shall only be transferred from May 15 to June 30 in any fiscal year, and an amount equal to the transfer received, plus interest, shall be transferred back to the appropriate Other Funds prior to June 30 of the fiscal year in which the transfer was made

From Budget Reserve Fund and Other Funds to General Revenue Fund. . . . $500,000,000
From Budget Reserve Fund and Other Funds to Other Funds. 25,000,000
Total. $525,000,000

SECTION 5.230.—There is transferred out of the State Treasury, such amounts as may be necessary for repayment of cash-flow assistance to the Budget Reserve Fund and Other Funds, provided, however, that the Commissioner of the Office of Administration, the Chair of the Senate Appropriations Committee, and the Chair of the House Budget Committee shall be notified when repayment to funds, other than the Budget Reserve Fund, has been made

From General Revenue Fund. $500,000,000
From Other Funds. 25,000,000
Total. $525,000,000

SECTION 5.235.—There is transferred out of the State Treasury, such amounts as may be necessary for interest payments on cash-flow assistance, to the Budget Reserve Fund and Other Funds

From General Revenue Fund. $3,000,000
From Other Funds. 500,000
Total. $3,500,000

SECTION 5.240.—There is transferred out of the State Treasury, such amounts as may be necessary for constitutional requirements of the Budget Reserve Fund

From General Revenue Fund. $1E
From Budget Reserve Fund 1E
Total. $2

SECTION 5.245.—There is transferred out of the State Treasury, such amounts as may be necessary for corrections to fund balances

From General Revenue Fund. $50,000
From Other Funds. 50,000
Total. $100,000

SECTION 5.250.—There is transferred out of the State Treasury, chargeable to various funds such amounts as are necessary for allocation of costs to other funds in support of the state's central services performed by the

Office of Administration, the Department of Revenue, the Capitol Police, the Elected Officials, and the General Assembly, to the General Revenue Fund
From Other Funds. $9,767,565

SECTION 5.255.—To the Office of Administration
For the Division of Accounting
For paying the several counties of Missouri the amount that has been paid into the State Treasury by the United States Treasury as a refund from the leases of flood control lands, under the provisions of an Act of Congress approved June 28, 1938, to be distributed to certain counties in Missouri in accordance with the provisions of state law
From Federal Funds. $1,800,000

SECTION 5.260.—To the Office of Administration
For the Division of Accounting
For paying the several counties of Missouri the amount that has been paid into the State Treasury by the United States Treasury as a refund from the National Forest Reserve, under the provisions of an Act of Congress approved June 28, 1938, to be distributed to certain counties in Missouri
From Federal Funds. $8,500,000

SECTION 5.265.—To the Office of Administration
For the Division of Accounting
For payments to counties for county correctional prosecution reimbursements pursuant to Sections 50.850 and 50.853, RSMo
From General Revenue Fund. $15,000

SECTION 5.270.—To the Office of Administration
For the Commissioner's Office
For distribution of state grants to regional planning commissions and local governments as provided by Chapter 251, RSMo
From General Revenue Fund. $100,000

SECTION 5.450.—To the Office of Administration
For transferring funds for state employees and participating political subdivisions to the OASDHI Contributions Fund
From General Revenue Fund. $72,275,258
From Federal Funds 27,900,339
From Other Funds. 43,894,409
Total. $144,070,006

SECTION 5.455.—For the Department of Public Safety
For transferring funds for employees of the State Highway Patrol to the OASDHI Contributions Fund, said transfers to be administered by the Office of Administration
From State Highways and Transportation Department Fund. $7,653,957

SECTION 5.460.—To the Office of Administration
For the Division of Accounting
For the payment of OASDHI taxes for all state employees and for participating political subdivisions within the state to the Treasurer of the United States

for compliance with current provisions of Title 2 of the Federal Social Security Act, as amended, in accordance with the agreement between the State Social Security Administrator and the Secretary of the Department of Health and Human Services; and for administration of the agreement under Section 218 of the Social Security Act which extends Social Security benefits to state and local public employees

From OASDHI Contributions Fund. $151,723,963

SECTION 5.465.—To the Office of Administration
For transferring funds for the state's contribution to the Missouri State Employees' Retirement System to the State Retirement Contributions Fund, provided that no more than $8,571,642 is for administration of the plan, investment expenses not included

From General Revenue Fund. $193,358,866
From Federal Funds 71,187,878
From Other Funds. 58,812,303
Total. $323,359,047

SECTION 5.470.—To the Office of Administration
For the Division of Accounting
For payment of the state's contribution to the Missouri State Employees' Retirement System, provided that no more than $8,571,642 is for administration of the plan, investment expenses not included

From State Retirement Contributions Fund. $323,359,047

SECTION 5.475.—To the Office of Administration
For the Division of Accounting
For payment of retirement benefits to the Public School Retirement System pursuant to Section 104.342, RSMo

From General Revenue Fund. $2,400,000
From Federal Funds 550,000
From Other Funds. 32,100
Total. $2,982,100

SECTION 5.480.—To the Office of Administration
For the Division of Accounting
For reimbursing the Division of Employment Security benefit account for claims paid to former state employees for unemployment insurance coverage and for related professional services

From General Revenue Fund. $1,637,723
From Federal Funds 567,341
From Other Funds. 1,622,832
Total. $3,827,896

SECTION 5.485.—To the Office of Administration
For the Division of Accounting
For reimbursing the Division of Employment Security benefit account for claims paid to former state employees of the Department of Public Safety for unemployment insurance coverage and for related professional services

From State Highways and Transportation Department Fund. $169,942

SECTION 5.490.—To the Office of Administration
For transferring funds for the state's contribution to the Missouri Consolidated Health Care Plan to the Missouri Consolidated Health Care Plan Benefit Fund, provided that no more than $8,124,829 plus the statewide pay plan is for administration of the plan, excluding third party administrator fees

From General Revenue Fund	$225,699,322
From Federal Funds	90,240,318
From Other Funds	54,092,144
Total	$370,031,784

SECTION 5.495.—To the Office of Administration
For the Division of Accounting
For payment of the state's contribution to the Missouri Consolidated Health Care Plan, provided that no more than $8,124,829 plus the statewide pay plan is for administration of the plan, excluding third party administrator fees

From Missouri Consolidated Health Care Plan Benefit Fund	$370,031,784

SECTION 5.500.—To the Office of Administration
For the Division of Accounting
For paying refunds for overpayment or erroneous payment of employee withholding taxes

From General Revenue Fund	$36,000

SECTION 5.505.—To the Office of Administration
For the Division of Accounting
For providing voluntary life insurance

From Missouri State Employees' Voluntary Life Insurance Fund	$3,900,000

SECTION 5.510.—To the Office of Administration
For the Division of Accounting
For employee medical expense reimbursements reserve

From General Revenue Fund	$1

SECTION 5.515.—To the Office of Administration
For the Division of Accounting
Personal Service for state payroll contingency

From General Revenue Fund	$36,000

SECTION 5.520.—To the Office of Administration
For the Division of General Services
For the provision of workers' compensation benefits to state employees through either a self-insurance program administered by the Office of Administration and/or by contractual agreement with a private carrier and for administrative and legal expenses authorized, in part, by Section 105.810, RSMo

From General Revenue Fund	$27,438,451
From Conservation Commission Fund	800,000
Total	$28,238,451

SECTION 5.525. — There is hereby transferred out of the State Treasury, chargeable to various funds, amounts paid from the General Revenue Fund for workers' compensation benefits provided to employees paid from these other funds, to the General Revenue Fund

From Federal Funds	$2,639,801
From Other Funds	3,186,057
Total	$5,825,858

SECTION 5.530. — To the Office of Administration
For the Division of General Services
For workers' compensation tax payments pursuant to Section 287.690, RSMo

From General Revenue Fund	$1,465,000
From Conservation Commission Fund	60,000
Total	$1,525,000

Office of Administration Totals

General Revenue Fund	$138,351,467
Federal Funds	106,701,600
Other Funds	39,123,711
Total	$284,176,778

Employee Benefits Totals

General Revenue Fund	$524,310,621
Federal Funds	190,445,876
Other Funds	171,037,687
Total	$885,794,184

Approved June 28, 2013

HB 6 [CCS SCS HCS HB 6]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

APPROPRIATIONS: DEPARTMENT OF AGRICULTURE; DEPARTMENT OF NATURAL RESOURCES; DEPARTMENT OF CONSERVATION; CAPITAL IMPROVEMENTS FOR DEPARTMENT OF NATURAL RESOURCES

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2013 and ending June 30, 2014 as follows:

SECTION 6.005.—To the Department of Agriculture
For the Office of the Director
Personal Service. $1,035,033
Annual salary adjustment in accordance with Section 105.005, RSMo 252
Expense and Equipment. 1,923,471
From Federal and Other Funds 2,958,756

For refunds of erroneous receipts due to errors in application for licenses, registrations, permits, certificates, subscriptions, or other fees
From General Revenue Fund. 3,639
From Federal and Other Funds 13,500

For the purpose of receiving and expending grants, donations, contracts, and payments from private, federal, and other governmental agencies which may become available between sessions of the General Assembly provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the use of said funds
Personal Service. 45,708
Expense and Equipment. 284,883
From Federal and Other Funds. 330,591
Total (Not to exceed 21.00 F.T.E.). $3,306,486

SECTION 6.010.—To the Department of Agriculture
There is hereby transferred out of the State Treasury, chargeable to the Lottery Proceeds Fund, to the Veterinary Student Loan Payment Fund
From Lottery Proceeds Fund. $120,000

SECTION 6.015.—To the Department of Agriculture
For the purpose of providing large animal veterinary student loans in accordance with the provisions of Sections 340.375 to 340.396, RSMo
From Veterinary Student Loan Payment Fund. $180,000

SECTION 6.020.—To the Department of Agriculture
There is hereby transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Missouri Qualified Biodiesel Producer Incentive Fund
From General Revenue Fund. $5,525,000

SECTION 6.025.—To the Department of Agriculture
For Missouri Biodiesel Producer Incentive Payments
From Missouri Qualified Biodiesel Producer Incentive Fund. $5,525,000

SECTION 6.030.—To the Department of Agriculture
For the Agriculture Business Development Division
Personal Service. $1,104,264

Expense and Equipment 1,077,965
For Agriculture Awareness Program..... 22,815
For Governor's Conference on Agriculture expenses..... 210,638
For Urban Agriculture Program..... 25,000
From Federal and Other Funds (Not to exceed 25.51 F.T.E.)..... $2,440,682

SECTION 6.035.—To the Department of Agriculture
For the Agriculture Business Development Division
For the Agri Missouri Marketing Program
Personal Service..... $35,825
Expense and Equipment..... 118,756
From Federal and Other Funds (Not to exceed 0.97 F.T.E.)..... $154,581

SECTION 6.040.—To the Department of Agriculture
For the Agriculture Business Development Division
For the purpose of funding the Agricultural Product Utilization Grant Fund as provided in 348.408, RSMo to implement a National Center for Beef Excellence Program as provided in 348.407, RSMo
From Agricultural Product Utilization Grant Fund..... $100,000

For the purpose of funding the Agricultural Product Utilization Grant Fund as provided in 348.408, RSMo to facilitate the development and implementation of an abattoir on the University of Missouri-Columbia property as provided in 348.407, RSMo
From Agricultural Product Utilization Grant Fund..... 200,000
Total..... $300,000

SECTION 6.045.—To the Department of Agriculture
For the Agriculture Business Development Division
For the Wine and Grape Program
Personal Service..... $260,337
Expense and Equipment..... 1,598,695
From Other Funds (Not to exceed 5.00 F.T.E.)..... $1,859,032

SECTION 6.050.—To the Department of Agriculture
For the Agriculture Business Development Division
For the Agriculture and Small Business Development Authority
Personal Service..... $120,821
Expense and Equipment..... 11,364
From Other Funds (Not to exceed 3.20 F.T.E.)..... $132,185

SECTION 6.055.—To the Department of Agriculture
There is hereby transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Single-Purpose Animal Facilities Loan Guarantee Fund
From General Revenue Fund..... $5,000

SECTION 6.060.—To the Department of Agriculture
For the purpose of funding loan guarantees as provided in Sections 348.190 and 348.200, RSMo
From Single-Purpose Animal Facilities Loan Guarantee Fund..... $201,046

SECTION 6.065.—To the Department of Agriculture
There is hereby transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Agricultural Product Utilization and Business Development Loan Guarantee Fund
From General Revenue Fund. $15,000

SECTION 6.070.—To the Department of Agriculture
For the purpose of funding loan guarantees as provided in Sections 348.403, 348.408, and 348.409, RSMo
From Agricultural Product Utilization and Business Development Loan Guarantee Fund. $624,501

SECTION 6.075.—To the Department of Agriculture
There is hereby transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Livestock Feed and Crop Input Loan Guarantee Fund
From General Revenue Fund. $5,000

SECTION 6.080.—To the Department of Agriculture
For the purpose of funding loan guarantees for loans administered by the Missouri Agricultural and Small Business Development Authority for the purpose of financing the purchase of livestock feed used to produce livestock and input used to produce crops for the feeding of livestock, provided that the appropriation may not exceed $2,000,000
From Livestock Feed and Crop Input Loan Guarantee Fund. $50,000

SECTION 6.085.—To the Department of Agriculture
For the Agriculture Business Development Division
For the Agriculture Development Program
Personal Service. $74,271
Expense and Equipment 41,744

For all monies in the Agriculture Development Fund for reinvestments and emergency agricultural relief and rehabilitation as provided by law. 100,000
From Agriculture Development Fund (Not to exceed 1.60 F.T.E.). $216,015

SECTION 6.090.—To the Department of Agriculture
For the Division of Animal Health
Personal Service. $2,538,348
Expense and Equipment. 945,693
From General Revenue Fund. 3,484,041

Personal Service. 1,477,169
Expense and Equipment. 1,628,009
From Federal and Other Funds 3,105,178

To support local efforts to spay and neuter cats and dogs
From Missouri Pet Spay/Neuter Fund 50,000

To support the Livestock Brands Program
From Livestock Brands Fund 30,698

For expenses incurred in regulating Missouri livestock markets
From Livestock Sales and Markets Fees Fund 30,690

For processing livestock market bankruptcy claims
From Agriculture Bond Trustee Fund 135,000

For the expenditures of contributions, gifts, and grants in support of relief efforts to reduce the suffering of abandoned animals
From Institution Gift Trust Fund. 5,000
Total (Not to exceed 87.92 F.T.E.). $6,840,607

SECTION 6.095.—To the Department of Agriculture
For the Division of Animal Health
For funding indemnity payments and for indemnifying producers and owners of livestock and poultry for preventing the spread of disease during emergencies declared by the State Veterinarian, subject to the approval by the Department of Agriculture of a state match rate up to fifty percent (50%)
From General Revenue Fund. $10,000

SECTION 6.100.—To the Department of Agriculture
For the Division of Grain Inspection and Warehousing
Personal Service and/or Expense and Equipment, provided that not more than five percent (5%) flexibility is allowed between personal service and expense and equipment
From General Revenue Fund. $768,414
From Federal and Other Funds. 1,993,041
Total (Not to exceed 65.25 F.T.E.). $2,761,455

SECTION 6.105.—To the Department of Agriculture
For the Division of Grain Inspection and Warehousing
For the Missouri Aquaculture Council
From Aquaculture Marketing Development Fund. $11,000

For research, promotion, and market development of apples
From Apple Merchandising Fund. 11,000

For the Missouri Wine Marketing and Research Council
From Missouri Wine Marketing and Research Development Fund. 111,000
Total. $133,000

SECTION 6.110.—To the Department of Agriculture
For the Division of Plant Industries
Personal Service. $2,362,234
Expense and Equipment. 1,256,021
From Federal and Other Funds (Not to exceed 61.71 F.T.E.). $3,618,255

SECTION 6.115.—To the Department of Agriculture
For the Division of Weights and Measures
Personal Service and/or Expense and Equipment, provided that not more than five percent (5%) flexibility is allowed between personal service and expense and equipment
From General Revenue Fund. $532,915

From Federal and Other Funds. 3,564,458
Total (Not to exceed 70.11 F.T.E.). $4,097,373

SECTION 6.120.—To the Department of Agriculture
For the Missouri State Fair
Personal Service and/or Expense and Equipment, provided that not more than five percent (5%) flexibility is allowed between personal service and expense and equipment
From Federal and Other Funds. $4,421,010

For the purpose of funding sewer and water infrastructure improvements and maintenance at the Missouri State Fair grounds
From Other Funds. 500,000
Total (Not to exceed 59.38 F.T.E.). $4,921,010

SECTION 6.125.—To the Department of Agriculture
For cash to start the Missouri State Fair
Expense and Equipment
From State Fair Fees Fund. $74,250
From State Fair Trust Fund. 9,900
Total. $84,150

SECTION 6.130.—To the Department of Agriculture
For the Missouri State Fair
For equipment replacement
Expense and Equipment
From State Fair Fees Fund. $165,962

SECTION 6.135.—To the Department of Agriculture
For the State Milk Board
Personal Service and/or Expense and Equipment, provided that not more than five percent (5%) flexibility is allowed between personal service and expense and equipment
From General Revenue Fund. $103,437
From Other Funds. 1,388,445
Total (Not to exceed 11.93 F.T.E.). $1,491,882

SECTION 6.200.—To the Department of Natural Resources
For department operations, administration, and support
Personal Service. $191,716
Annual salary adjustment in accordance with Section 105.005, RSMo 28
Expense and Equipment. 124,095
From General Revenue Fund. 315,839

Personal Service. 3,811,774
Annual salary adjustment in accordance with Section 105.005, RSMo 223
Expense and Equipment. 988,858
From Federal and Other Funds 4,800,855

For Contractual Audits
From Federal and Other Funds. 500,000
Total (Not to exceed 87.19 F.T.E.). $5,616,694

SECTION 6.205.—To the Department of Natural Resources
For the Division of Energy
Personal Service. $1,862,540
Expense and Equipment. 612,145
From Federal and Other Funds 2,474,685

For the purpose of funding the promotion of energy, renewable energy, and energy efficiency
From Utilicare Stabilization Fund. 100

For the purpose of funding the promotion of energy, renewable energy, and energy efficiency, provided that $30,000,000 be used solely to encumber funds for future fiscal year expenditures
From Federal and Other Funds. 49,127,000
Total (Not to exceed 37.00 F.T.E.). $51,601,785

SECTION 6.210.—To the Department of Natural Resources
For the Water Resources Center
Personal Service. $1,395,125
Expense and Equipment. 1,569,772
From General Revenue Fund. 2,964,897

Personal Service. 402,333
Expense and Equipment. 184,570
From Federal and Other Funds. 586,903
Total (Not to exceed 32.80 F.T.E.). $3,551,800

SECTION 6.215.—To the Department of Natural Resources
There is hereby transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Missouri Water Development Fund
From General Revenue Fund. $626,124

SECTION 6.220.—To the Department of Natural Resources
For the payment of interest, operations, and maintenance in accordance with the Cannon Water Contract
From Missouri Water Development Fund. $626,124

SECTION 6.225.—To the Department of Natural Resources
For the Soil and Water Conservation Program
Personal Service. $1,352,624
Expense and Equipment. 629,982
From Federal and Other Funds 1,982,606

For demonstration projects and technical assistance related to soil and water conservation
From Federal and Other Funds 1,000,000

For grants to local soil and water conservation districts. 11,680,570
For soil and water conservation cost-share grants. 27,700,000
For a conservation incentive program 500,000
For a special area land treatment program. 1,600,000
For grants to colleges and universities for research projects on soil erosion

and conservation. 200,000
From Soil and Water Sales Tax Fund. 41,680,570
Total (Not to exceed 32.86 F.T.E.). $44,663,176

SECTION 6.230.—To the Department of Natural Resources
For the Division of Environmental Quality
Personal Service and/or Expense and Equipment, provided that not more than twenty-five percent (25%) flexibility is allowed between programs and/or regional offices and that not more than twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment
From General Revenue Fund. $4,430,870

Personal Service. 31,027,925
Expense and Equipment. 9,899,824
From Federal and Other Funds 40,927,749

For funding environmental education and studies, demonstration projects, and technical assistance grants
From Federal and Other Funds 1,749,812

For water infrastructure grants and loans, provided that $333,529,824 be used solely to encumber funds for future fiscal year expenditures
From Federal and Other Funds 453,633,965

For grants and contracts to study or reduce water pollution, improve ground water and/or surface water quality, provided that $26,000,000 be used solely to encumber funds for future fiscal year expenditures
From Federal and Other Funds 40,200,000

For drinking water sampling, analysis, and public drinking water quality and treatment studies
From Safe Drinking Water Fund. 599,852

For closure of concentrated animal feeding operations
From Concentrated Animal Feeding Operation Indemnity Fund. 60,000

For grants and contracts for air pollution control activities, provided that $4,400,000 be used solely to encumber funds for future fiscal year expenditures
From Federal and Other Funds 8,272,621

For the cleanup of leaking underground storage tanks
From Federal Funds 420,000

There is hereby transferred out of the State Treasury, chargeable to general revenue, to the Hazardous Waste Fund
From General Revenue Fund. 2,744,944

For the cleanup of hazardous waste sites
From Federal and Other Funds 975,000
From Hazardous Waste Fund. 2,803,944
From Dry-cleaning Environmental Response Trust Fund. 350,000

For implementation provisions of the Solid Waste Management Law in accordance with Sections 260.250 through 260.345, RSMo
From Solid Waste Management Fund 9,998,820
From Solid Waste Management Fund-Scrap Tire Subaccount 3,000,000

For funding all expenditures of forfeited financial assurance instruments to ensure proper closure and post closure of solid waste landfills, with general revenue expenditures not to exceed collections pursuant to Section 260.228, RSMo
From General Revenue Fund. 16,387E
From Post Closure Fund 424,073

For the receipt and expenditure of bond forfeiture funds for the reclamation of mined land
From Mined Land Reclamation Fund 500,000

For the reclamation of mined lands under the provisions of Section 444.960, RSMo
From Coal Mine Land Reclamation Fund 200,000

For the reclamation of abandoned mined lands
From Federal Funds 3,732,500

For contracts for hydrologic studies to assist small coal operators to meet permit requirements
From Federal Funds 10,000

For environmental emergency response
From Federal Funds 50,000
From Other Funds 150,000

For cleanup of controlled substances
From Federal Funds. 150,000
Total (Not to exceed 794.24 F.T.E.). $575,400,537

SECTION 6.235.—To the Department of Natural Resources
For petroleum related activities and environmental emergency response
Personal Service. $699,918
Expense and Equipment. 68,354
From Petroleum Storage Tank Insurance Fund (Not to exceed 16.20 F.T.E.). . . . $768,272

SECTION 6.260.—To the Department of Natural Resources
For the Division of Geology and Land Survey
Personal Service. $781,648
Expense and Equipment. 223,280
From General Revenue Fund. 1,004,928

Personal Service. 2,623,749
Expense and Equipment. 600,289
From Federal and Other Funds 3,224,038

For expenditures in accordance with the provisions of Section 259.190, RSMo
From Oil and Gas Remedial Fund 23,000

For corner restoration contracts with the county or private surveyors; to restore, protect, and preserve corners of the United States Public Land Survey System (USPLSS)
From General Revenue Fund 30,000

For surveying corners and for records restorations
From Federal and Other Funds. 240,000
Total (Not to exceed 76.05 F.T.E.). $4,521,966

SECTION 6.280.—To the Department of Natural Resources
For the Board of Trustees for the Petroleum Storage Tank Insurance Fund
For the general administration and operation of the fund
Personal Service. $192,943
Expense and Equipment 2,095,354

For the purpose of investigating and paying claims obligations of the Petroleum Storage Tank Insurance Fund 20,000,000
For the purpose of funding the refunds of erroneously collected receipts. 70,000
From Petroleum Storage Tank Insurance Fund (Not to exceed 2.00 F.T.E.). . . $22,358,297

SECTION 6.285.—To the Department of Natural Resources
For the Division of State Parks
For State Parks operations
Personal Service. $21,245,682
Expense and Equipment. 16,903,223
From Federal and Other Funds 38,148,905

For state park support activities and grants and/or loans for recreational purposes, provided that $7,900,000 be used solely to encumber funds for future fiscal year expenditures
From Federal and Other Funds. 12,000,000
Total (Not to exceed 661.21 F.T.E.). $50,148,905

SECTION 6.290.—To the Department of Natural Resources
For Historic Preservation Operations
Personal Service. $687,990
Expense and Equipment. 92,193
From Federal and Other Funds 780,183

For historic preservation grants and contracts
From Federal and Other Funds. 2,407,243
Total (Not to exceed 17.25 F.T.E.). $3,187,426

SECTION 6.295.—To the Department of Natural Resources
There is hereby transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Historic Preservation Revolving Fund
From General Revenue Fund. $720,000

SECTION 6.300.—To the Department of Natural Resources
For expenditures of payments received for damages to the state's natural resources
From Federal and Other Funds. $6,157,917

SECTION 6.310.—To the Department of Natural Resources
For revolving services
Expense and Equipment
From Natural Resources Revolving Services Fund. $3,001,745

SECTION 6.315.—To the Department of Natural Resources
For the purpose of funding the refund of erroneously collected receipts
From Federal and Other Funds. $380,000

SECTION 6.320.—To the Department of Natural Resources
For sales tax on retail sales
From Federal and Other Funds. $250,000

SECTION 6.330.—There is hereby transferred out of the State Treasury to the Department of Natural Resources Cost Allocation Fund for the department, for real property leases, related services, utilities, systems furniture, structural modifications, capital improvements and related expenses, and for the purpose of funding the consolidation of Information Technology Services
From Federal and Other Funds. $17,049,185

SECTION 6.335.—There is hereby transferred out of the State Treasury to the OA Information Technology - Federal and Other Fund for the purpose of funding the consolidation of Information Technology Services
From Federal Funds. $2,788,018

SECTION 6.340.—To the Department of Natural Resources
For the State Environmental Improvement and Energy Resources Authority
For all costs incurred in the operation of the authority, including special studies
From State Environmental Improvement Authority Fund. $1

SECTION 6.600.—To the Department of Conservation
For Personal Service and Expense and Equipment, including refunds; and for payments to counties for the unimproved value of land in lieu of property taxes for privately owned lands acquired by the Conservation Commission after July 1, 1977, and for lands classified as forest croplands
From Conservation Commission Fund (Not to exceed 1,812.81 F.T.E.). $147,339,487

Department of Agriculture Totals

General Revenue Fund.	$10,448,807
Federal Funds.	4,446,472
Other Funds.	23,290,257
Total.	$38,185,536

Department of Natural Resources Totals

General Revenue Fund	$12,853,989
Federal Funds	59,868,876
Other Funds	297,951,856
Total	$370,674,721

Department of Conservation Totals

Total - Other Funds	$147,339,487

Approved June 28, 2013

HB 7 [CCS SCS HCS HB 7]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

APPROPRIATIONS: DEPARTMENT OF ECONOMIC DEVELOPMENT, DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION; DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Be it enacted by the General Assembly of the State of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2013 and ending June 30, 2014 as follows:

SECTION 7.005. — To the Department of Economic Development

For general administration of Administrative Services	
Personal Service and/or Expense and Equipment, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment	$459,893
Annual salary adjustment in accordance with Section 105.005, RSMo	70
From General Revenue Fund	459,963
Personal Service	1,093,994
Annual salary adjustment in accordance with Section 105.005, RSMo	145
Expense and Equipment	426,585
From Federal Funds	1,520,724

Personal Service. 525,336
Annual salary adjustment in accordance with Section 105.005, RSMo 35
Expense and Equipment 612,237
For refunds. 12,000
From Department of Economic Development Administrative Fund. 1,149,608
Total (Not to exceed 38.31 F.T.E.). $3,130,295

SECTION 7.010.—To the Department of Economic Development
Funds are to be transferred, for payment of administrative costs, to the Department ofEconomic Development Administrative Fund
From Federal Funds. $1,000,453
From Division of Tourism Supplemental Revenue Fund 162,974
From Manufactured Housing Fund 11,317
From Public Service Commission Fund. 306,829
From Missouri Arts Council Trust Fund. 41,233
Total. $1,522,806

SECTION 7.015.—To the Department of Economic Development
For the Division of Business and Community Services
For the Missouri Economic Research and Information Center
Personal Service and/or Expense and Equipment, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between teams
From General Revenue Fund. 128,789
From Federal Funds 1,780,222

For the Marketing Team
Personal Service and/or Expense and Equipment, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between teams
From General Revenue Fund. 1,296,546
From Federal Funds 184,308
From Department of Economic Development Administrative Fund. 43,824
From International Promotions Revolving Fund 1,402,238
From Economic Development Advancement Fund 214,252

For the Sales Team
Personal Service and/or Expense and Equipment, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between teams
From General Revenue Fund. 1,036,632
From Federal Funds 95,329
From Department of Economic Development Administrative Fund. 6,816
From Economic Development Advancement Fund 398,364

For the Finance Team
Personal Service and/or Expense and Equipment, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is

allowed between teams
From General Revenue Fund. 126,317
Federal Funds. 299,249
From Economic Development Advancement Fund 768,934
From State Supplemental Downtown Development Fund. 46,692

For the Compliance Team
Personal Service and/or Expense and Equipment, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between teams
From General Revenue Fund. 84,929
From Federal Funds 728,980
From Economic Development Advancement Fund 26,253

For the Small Business Regulatory Fairness Board
Personal Service. 48,612
Expense and Equipment. 5,538
From General Revenue Fund. 54,150

For refunding any overpayment or erroneous payment of any amount that is credited to the Economic Development Advancement Fund
From Economic Development Advancement Fund 1E

For International Trade and Investment Offices
From General Revenue Fund. 1,060,000
From Economic Development Advancement Fund 650,000

For business recruitment and marketing
From Economic Development Advancement Fund. 2,250,000
Total (Not to exceed 114.72 F.T.E.). $12,682,825

***SECTION 7.018.**—To the Department of Economic Development
For maintenance of a community improvement district in Springfield
From General Revenue Fund. $25,000

*I hereby veto $25,000 General Revenue for the maintenance of a community improvement district in Springfield. Community improvement districts are separate, local entities formed to use a variety of local funding options to provide local infrastructure, improvements and services. The formation and operation of community improvement districts is a local issue and state funds should not be used to support such entities.

Said section is vetoed in its entirety from $25,000 to $0 General Revenue.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 7.020.—To the Department of Economic Development
For an economic development incentives programs due diligence officer
Personal Service
From Federal Funds (Not to exceed 1.00 F.T.E.). $50,250

SECTION 7.025.—To the Department of Economic Development
For the response to, and analysis of, the impact of Missouri's military bases on the nation's military readiness and the state's economy
From General Revenue Fund. $300,000

SECTION 7.035.—To the Department of Economic Development
For the Missouri Technology Corporation
For administration and for science and technology development, including but not limited to, innovation centers and the Missouri Manufacturing Extension Partnership, provided that all funds appropriated to the Missouri Technology Corporation by the General Assembly shall be subject to the provisions of Section 196.1127, RSMo
From Missouri Technology Investment Fund. $6,360,000

SECTION 7.040.—To the Department of Economic Development
Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Missouri Technology Investment Fund
From General Revenue Fund. $6,360,000

SECTION 7.041.—To the Department of Economic Development
For the Missouri Small Business and Technology Development Centers
From General Revenue Fund. $700,000

SECTION 7.045.—To the Department of Economic Development
For the Division of Business and Community Services
For Community Development Programs
From Federal Funds. $80,000,000

For the Missouri Disaster Case Management Program
Expense and Equipment
From Federal Funds. 2,813,163
Total. $82,813,163

SECTION 7.050.—To the Department of Economic Development
For the State Small Business Credit Initiative
Personal Service. $219,922
Expense and Equipment. 9,166,300
From Federal Funds. $9,386,222

SECTION 7.055.—To the Department of Economic Development
For the Division of Business and Community Services
For the Missouri Main Street Program
From Economic Development Advancement Fund. $42,614

SECTION 7.065.—To the Department of Economic Development
For Missouri supplemental tax increment financing as provided in Section 99.845, RSMo. This appropriation may be used for the following projects: Kansas City Midtown, Independence Santa Fe Trail Neighborhood, St. Louis City Convention Hotel, Cupples Station, Springfield Jordan Valley Park, Kansas City Bannister Mall/Three Trails Office, St. Louis Lambert Airport Eastern Perimeter, Old Post Office in Kansas City, 1200 Main Garage Project in Kansas

City, Riverside Levee, Branson Landing, Eastern Jackson County Bass Pro, Kansas City East Village Project, Joplin Disaster Area, and St. Louis Innovation District. The presence of a project in this list is not an indication said project is nor shall be approved for tax increment financing. A listed project must have completed the application process and a certificate of approval must have been issued pursuant to Section 99.845 (10) RSMo, before a project may be disbursed funds subject to the appropriation

From Missouri Supplemental Tax Increment Financing Fund. $12,365,000

SECTION 7.070.—Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Missouri Supplemental Tax Increment Financing Fund

From General Revenue Fund. $12,365,000

SECTION 7.075.—To the Department of Economic Development
For the Missouri Downtown Economic Stimulus Act as provided in Sections 99.915 to 99.980, RSMo
From State Supplemental Downtown Development Fund. $994,008

SECTION 7.080.—To the Department of Economic Development
For the Downtown Revitalization Preservation Program as provided in Sections 99.1080 to 99.1092, RSMo
From Downtown Revitalization Preservation Fund. $200,000

SECTION 7.085.—To the Department of Economic Development
For the Division of Business and Community Services
For the Missouri Community Service Commission
Personal Service
From General Revenue Fund. $33,930

Personal Service 192,927
Expense and Equipment. 3,750,000
From Federal Funds. 3,942,927
Total (Not to exceed 5.00 F.T.E.). $3,976,857

***SECTION 7.090.**—To the Department of Economic Development
For the Missouri State Council on the Arts
Personal Service. $337,472
Expense and Equipment. 635,014
From Federal Funds 972,486

Personal Service 432,561
Expense and Equipment. 9,158,414
For the Blues in Schools Program. 80,000
From Missouri Arts Council Trust Fund. 9,670,975

For grants to public television and radio stations as provided in Section 143.183, RSMo
From Missouri Public Broadcasting Corporation Special Fund 800,000

For the Missouri Humanities Council
Expense and Equipment
From Missouri Humanities Council Trust Fund. 1,050,000

For a museum that commemorates the contributions of African-American athletes to the sport of baseball
From Missouri Humanities Council Trust Fund. 250,000

For a World War I memorial
From General Revenue Fund. 50,000
From Missouri Humanities Council Trust Fund. 150,000
Total (Not to exceed 15.00 F.T.E.). $12,943,461

*I hereby veto $80,000 Missouri Arts Council Trust Fund for the Blues in Schools Program. This appropriation attempts to bypass the well-established process that is in place to ensure accountability and fairness in selecting recipients of Missouri Arts Council grants.

For the Blues in Schools Program
From $80,000 to $0 Missouri Arts Council Trust Fund
From $9,670,975 to $9,590,975 in total from Missouri Arts Council Trust Fund
From $12,943,461 to $12,863,461 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 7.095.—Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Missouri Arts Council Trust Fund as authorized by Sections 143.183 and 185.100, RSMo
From General Revenue Fund. $4,800,000

SECTION 7.100.—Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Missouri Humanities Council Trust Fund as authorized by Sections 143.183 and 186.065, RSMo
From General Revenue Fund. $800,000

SECTION 7.105.—Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Missouri Public Broadcasting Corporation Special Fund as authorized by Section 143.183, RSMo
From General Revenue Fund. $450,000
From Humanities Council Trust Fund. 350,000
Total. $800,000

SECTION 7.110.—To the Department of Economic Development
For the Division of Workforce Development
For general administration of Workforce Development activities
Personal Service. $18,757,673
Expense and Equipment. 4,018,529
From Federal Funds 22,776,202

Personal Service 379,741
Expense and Equipment. 81,389
From Missouri Job Development Fund 461,130

For the Show-Me Heroes Program
From Hero at Home Fund 500,000

For the purpose of providing funding for specific persons with autism through a contract with a Southeast Missouri not-for-profit organization concentrating on the maximization of giftedness, workforce transition skills, independent living skills, and employment support services
From General Revenue Fund. 200,000
Total (Not to exceed 476.72 F.T.E.). $23,937,332

SECTION 7.115.—To the Department of Economic Development
For job training and related activities
From Federal Funds. $78,659,293

For administration of programs authorized and funded by the United States Department of Labor, such as Trade Adjustment Assistance (TAA), and provided that all funds shall be expended from discrete accounts and that no monies shall be expended for funding administration of these programs by the Division of Workforce Development
From Federal Funds 18,000,000

For the purpose of expending grants for economic development assistance, including administrative costs
From Federal Stimulus - Economic Development Fund. 25,000

For the purpose of expending grants for the Emerging Industry Competitive Grants Program
From Federal Stimulus - Economic Development Fund. 1,000,000
Total. $97,684,293

SECTION 7.120.—To the Department of Economic Development
For funding new and expanding industry training programs and basic industry retraining programs
From Missouri Job Development Fund. $15,202,235

SECTION 7.125.—Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Missouri Job Development Fund
From General Revenue Fund. $13,959,257

SECTION 7.130.—To the Department of Economic Development
For the Missouri Community College New Jobs Training Program
For funding training of workers by community college districts
From Missouri Community College Job Training Program Fund. $16,000,000

SECTION 7.135.—To the Department of Economic Development
For the Missouri Community College Job Retention Training Program
From Missouri Community College Job Retention Training Program Fund. . . $10,000,000

SECTION 7.140.—To the Department of Economic Development
For the Missouri Women's Council
Personal Service. $56,520

Expense and Equipment. 12,765
From Federal Funds (Not to exceed 1.00 F.T.E.). $69,285

SECTION 7.145.—To the Department of Economic Development
For the Missouri Film Office
Personal Service and/or Expense and Equipment, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment
From the Division of Tourism Supplemental Revenue Fund. $100,000

For the Division of Tourism to include coordination of advertising of at least $70,000 for the Missouri State Fair and further provided that no less than ten percent (10%) be used to promote Missouri State Parks
Personal Service 1,650,938
Expense and Equipment. 13,016,680
From Division of Tourism Supplemental Revenue Fund 14,767,618

Expense and Equipment
From Tourism Marketing Fund. 24,500
Total (Not to exceed 41.00 F.T.E.). $14,792,118

SECTION 7.150.—Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Division of Tourism Supplemental Revenue Fund
From General Revenue Fund. $14,060,573

SECTION 7.155.—To the Department of Economic Development
For the Missouri Housing Development Commission
For general administration of affordable housing activities
For funding housing subsidy grants or loans
From Missouri Housing Trust Fund. $4,450,000

SECTION 7.160.—To the Department of Economic Development
For Manufactured Housing
Personal Service. $348,232
Expense and Equipment. 120,946
For Manufactured Housing programs. 20,000
For refunds. 10,000
From Manufactured Housing Fund 499,178

For Manufactured Housing to pay consumer claims
From Manufactured Housing Consumer Recovery Fund. 192,000
Total (Not to exceed 8.00 F.T.E.). $691,178

SECTION 7.165.—To the Department of Economic Development
Funds are to be transferred out of the State Treasury, chargeable to the Manufactured Housing Fund, to the Manufactured Housing Consumer Recovery Fund
From Manufactured Housing Fund. $192,000

SECTION 7.170.—To the Department of Economic Development
For the Office of the Public Counsel

Personal Service and/or Expense and Equipment, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment
From Public Service Commission Fund (Not to exceed 12.00 F.T.E.) $705,783

SECTION 7.175.—To the Department of Economic Development
For the Public Service Commission
For general administration of utility regulation activities
Personal Service and/or Expense and Equipment, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment $13,056,726
Annual salary adjustment in accordance with Section 105.005, RSMo 1,250
For refunds 10,000
From Public Service Commission Fund 13,067,976

For the Deaf Relay Service and Equipment Distribution Program
From Deaf Relay Service and Equipment Distribution Program Fund 2,495,808

For promotion of energy, renewable energy, and energy efficiency
Personal Service 89,599
Expense and Equipment 13,189
From Federal Stimulus - Natural Resources Fund 102,788
Total (Not to exceed 196.00 F.T.E.) $15,666,572

SECTION 7.400.—To the Department of Insurance, Financial Institutions and Professional Registration
Personal Service $140,154
Expense and Equipment 38,136
From Department of Insurance, Financial Institutions and Professional Registration Administrative Fund (Not to exceed 4.82 F.T.E.) $178,290

SECTION 7.405.—To the Department of Insurance, Financial Institutions and Professional Registration
Funds are to be transferred for administrative services to the Department of Insurance, Financial Institutions and Professional Registration Administrative Fund
From Division of Credit Unions Fund $40,000
From Division of Finance Fund 125,000
From Insurance Dedicated Fund 35,000
From Professional Registration Fees Fund 200,000
Total $400,000

SECTION 7.410.—To the Department of Insurance, Financial Institutions and Professional Registration
Personal Service $458,837
Expense and Equipment 64,511
From Federal Funds (Not to exceed 21.00 F.T.E.) $523,348

SECTION 7.415.—To the Department of Insurance, Financial Institutions and Professional Registration
Funds are to be transferred out of federal funds, to the Insurance Dedicated Fund, for the purpose of administering federal grants

From Federal Funds. $150,000

SECTION 7.420.—To the Department of Insurance, Financial Institutions and Professional Registration
For Insurance Operations
Personal Service. $7,081,870
Expense and Equipment. 1,916,449
From Insurance Dedicated Fund. 8,998,319

For consumer restitution payments
From Consumer Restitution Fund. 5,000
Total (Not to exceed 156.36 F.T.E.). $9,003,319

SECTION 7.425.—To the Department of Insurance, Financial Institutions and Professional Registration
For market conduct and financial examinations of insurance companies
Personal Service. $3,262,900
Expense and Equipment. 765,674
From Insurance Examiners Fund (Not to exceed 42.50 F.T.E.). $4,028,574

SECTION 7.430.—To the Department of Insurance, Financial Institutions and Professional Registration
For refunds
From Insurance Examiners Fund. $60,000
From Insurance Dedicated Fund. 75,000
Total. $135,000

SECTION 7.435.—To the Department of Insurance, Financial Institutions and Professional Registration
For the purpose of funding programs providing counseling on health insurance coverage and benefits to Medicare beneficiaries
From Federal Funds. $1,250,000
From Insurance Dedicated Fund. 200,000
Total. $1,450,000

SECTION 7.440.—To the Department of Insurance, Financial Institutions and Professional Registration
For the Division of Credit Unions
Personal Service. $1,139,893
Expense and Equipment. 119,084
From Division of Credit Unions Fund (Not to exceed 15.50 F.T.E.). $1,258,977

SECTION 7.445.—To the Department of Insurance, Financial Institutions and Professional Registration
For the Division of Finance
Personal Service. $7,624,121
Expense and Equipment. 880,241
For Out-of-State Examinations. 48,250
From Division of Finance Fund (Not to exceed 118.15 F.T.E.). $8,552,612

SECTION 7.450.—Funds are to be transferred out of the Division of Savings and Loan Supervision Fund, to the Division of Finance Fund, for the

purpose of supervising state chartered savings and loan associations
From Division of Savings and Loan Supervision Fund. $50,000

SECTION 7.455.—Funds are to be transferred out of the Residential Mortgage Licensing Fund, to the Division of Finance Fund, for the purpose of administering the Residential Mortgage Licensing Law
From Residential Mortgage Licensing Fund. $700,000

SECTION 7.460.—Funds are to be transferred out of the Division of Savings and Loan Supervision Fund, to the General Revenue Fund, in accordance with Section 369.324, RSMo
From Division of Savings and Loan Supervision Fund. $25,000

SECTION 7.465.—To the Department of Insurance, Financial Institutions and Professional Registration
For general administration of the Division of Professional Registration
Personal Service. $3,375,489
Expense and Equipment. 1,037,686
For examination and other fees 252,000
For refunds. 125,000
From Professional Registration Fees Fund 4,790,175

For a Professional Registration licensure system replacement
From Professional Registration board funds. 1,000,000
Total (Not to exceed 84.50 F.T.E.). $5,790,175

SECTION 7.470.—To the Department of Insurance, Financial Institutions and Professional Registration
For the State Board of Accountancy
Personal Service. $284,857
Expense and Equipment. 171,991
From State Board of Accountancy Fund (Not to exceed 7.00 F.T.E.). $456,848

SECTION 7.475.—To the Department of Insurance, Financial Institutions and Professional Registration
For the State Board of Architects, Professional Engineers, Land Surveyors, and Landscape Architects
Personal Service. $384,415
Expense and Equipment. 301,397
From State Board for Architects, Professional Engineers, Land Surveyors, and Landscape Architects Fund (Not to exceed 10.00 F.T.E.). $685,812

SECTION 7.480.—To the Department of Insurance, Financial Institutions and Professional Registration
For the State Board of Chiropractic Examiners
Expense and Equipment
From State Board of Chiropractic Examiners' Fund. $131,820

SECTION 7.485.—To the Department of Insurance, Financial Institutions and Professional Registration
For the State Board of Cosmetology and Barber Examiners
Expense and Equipment. $272,899

For criminal history checks. 1,000
From Board of Cosmetology and Barber Examiners Fund. $273,899

SECTION 7.490.—To the Department of Insurance, Financial Institutions and Professional Registration
For the Missouri Dental Board
Personal Service. $380,953
Expense and Equipment. 237,475
From Dental Board Fund (Not to exceed 8.50 F.T.E.). $618,428

SECTION 7.495.—To the Department of Insurance, Financial Institutions and Professional Registration
For the State Board of Embalmers and Funeral Directors
Expense and Equipment
From Board of Embalmers and Funeral Directors' Fund. $164,200

SECTION 7.500.—To the Department of Insurance, Financial Institutions and Professional Registration
For the State Board of Registration for the Healing Arts
Personal Service. $1,836,195
Expense and Equipment. 753,115
From Board of Registration for Healing Arts Fund (Not to exceed 45.00 F.T.E.). $2,589,310

SECTION 7.505.—To the Department of Insurance, Financial Institutions and Professional Registration
For the State Board of Nursing
Personal Service. $1,210,516
Expense and Equipment. 577,518
From State Board of Nursing Fund (Not to exceed 28.00 F.T.E.). $1,788,034

SECTION 7.510.—To the Department of Insurance, Financial Institutions and Professional Registration
For the State Board of Optometry
Expense and Equipment
From Optometry Fund. $34,726

SECTION 7.515.—To the Department of Insurance, Financial Institutions and Professional Registration
For the State Board of Pharmacy
Personal Service. $947,067
Expense and Equipment. 666,448
For criminal history checks. 5,000
From Board of Pharmacy Fund (Not to exceed 14.00 F.T.E.). $1,618,515

SECTION 7.520.—To the Department of Insurance, Financial Institutions and Professional Registration
For the State Board of Podiatric Medicine
Expense and Equipment
From State Board of Podiatric Medicine Fund. $13,734

SECTION 7.525.—To the Department of Insurance, Financial Institutions and Professional Registration

For the Missouri Real Estate Commission
Personal Service. $920,248
Expense and Equipment. 276,669
From Real Estate Commission Fund (Not to exceed 25.00 F.T.E.). $1,196,917

SECTION 7.530.—To the Department of Insurance, Financial Institutions and Professional Registration
For the Missouri Veterinary Medical Board
Expense and Equipment. $57,975
For payment of fees for testing services. 50,000
From Veterinary Medical Board Fund. $107,975

SECTION 7.535.—To the Department of Insurance, Financial Institutions and Professional Registration
Funds are to be transferred, for administrative costs, to the General Revenue Fund
From Professional Registration board funds. $1,461,218

SECTION 7.540.—To the Department of Insurance, Financial Institutions and Professional Registration
Funds are to be transferred, for payment of operating expenses, to the Professional Registration Fees Fund
From Professional Registration board funds. $8,829,032

SECTION 7.545.—Funds are to be transferred, for funding new licensing activity pursuant to Section 324.016, RSMo, to the Professional Registration Fees Fund
From any board funds. $200,000

SECTION 7.550.—Funds are to be transferred, for the reimbursement of funds loaned for new licensing activity pursuant to Section 324.016, RSMo, to the appropriate board fund
From Professional Registration Fees Fund. $320,000

SECTION 7.800.—To the Department of Labor and Industrial Relations
For the Director and Staff
Expense and Equipment
From Unemployment Compensation Administration Fund. $1,764,700

Personal Service and/or Expense and Equipment, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment. 3,989,456
Annual salary adjustment in accordance with Section 105.005, RSMo. 250
From Department of Labor and Industrial Relations Administrative Fund. 3,989,706
Total (Not to exceed 49.90 F.T.E.). $5,754,406

SECTION 7.805.—Funds are to be transferred, for payment of administrative costs, to the Department of Labor and Industrial Relations Administrative Fund
From General Revenue Fund. $250,864
From Federal Funds 4,192,266
From Workers' Compensation Fund. 898,264

From Special Employment Security Fund. 100,000
Total. $5,441,394

SECTION 7.810.—Funds are to be transferred, for payment of administrative costs charged by the Office of Administration, to the Department of Labor and Industrial Relations Administrative Fund
From General Revenue Fund. $65,276
From Federal Funds 4,905,824
From Workers' Compensation Fund. 965,270
Total. $5,936,370

SECTION 7.815.—To the Department of Labor and Industrial Relations
For the Labor and Industrial Relations Commission
Personal Service and/or Expense and Equipment, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment
From General Revenue Fund. $10,931

Personal Service. 480,077
Annual salary adjustment in accordance with Section 105.005, RSMo 375
Expense and Equipment. 60,588
From Unemployment Compensation Administration Fund 541,040

Personal Service. 376,452
Annual salary adjustment in accordance with Section 105.005, RSMo 375
Expense and Equipment. 47,423
From Workers' Compensation Fund. 424,250
Total (Not to exceed 14.00 F.T.E.). $976,221

SECTION 7.820.—To the Department of Labor and Industrial Relations
For the Division of Labor Standards
For Administration
Personal Service and/or Expense and Equipment, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment
From General Revenue Fund. $138,174

Personal Service
From Workers' Compensation Fund. 3,071

For the Child Labor Program
Personal Service and/or Expense and Equipment, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment
From General Revenue Fund. 45,978

Expense and Equipment
From Child Labor Enforcement Fund. 179,450

For the Mine and Cave Inspection Program
Personal Service and/or Expense and Equipment, provided that not more than ten percent (10%) flexibility is allowed between personal service and

expense and equipment
From General Revenue Fund. 93,219

Personal Service and/or Expense and Equipment, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment
From Mine Inspection Fund. 53,250

For the Prevailing Wage Program
Personal Service and/or Expense and Equipment, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment
From General Revenue Fund. 309,829

For the Wage and Hour Program
Personal Service and/or Expense and Equipment, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment
From General Revenue Fund. 169,199

For the Workers' Safety Program
Personal Service and/or Expense and Equipment, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment
From Workers' Compensation Fund. 193,959

Expense and Equipment
From Federal Funds. 32,670
Total (Not to exceed 18.50 F.T.E.). $1,218,799

SECTION 7.825.—To the Department of Labor and Industrial Relations
For the Division of Labor Standards
For safety and health programs
Personal Service. $695,275
Expense and Equipment. 290,893
From Federal Funds 986,168

Personal Service and/or Expense and Equipment, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment
From Workers' Compensation Fund. 154,125
Total (Not to exceed 17.00 F.T.E.). $1,140,293

SECTION 7.830.—To the Department of Labor and Industrial Relations
For the Division of Labor Standards
For mine safety and health training programs
Personal Service. $180,795
Expense and Equipment. 165,081
From Federal Funds 345,876

Personal Service and/or Expense and Equipment, provided that not more than ten percent (10%) flexibility is allowed between personal service and

expense and equipment
From Workers' Compensation Fund. 83,788
Total (Not to exceed 5.50 F.T.E.). $429,664

SECTION 7.835.—To the Department of Labor and Industrial Relations
For the State Board of Mediation
Personal Service and/or Expense and Equipment, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment
From General Revenue Fund (Not to exceed 2.00 F.T.E.). $118,948

SECTION 7.840.—To the Department of Labor and Industrial Relations
For the Division of Workers' Compensation
For the purpose of funding Administration
Personal Service and/or Expense and Equipment, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment. $9,322,710
Funds are to be transferred from the Workers' Compensation Fund pursuant to Section 173.258, RSMo to the Kids' Chance Scholarship Fund. 50,000
From Workers' Compensation Fund. 9,372,710

Expense and Equipment
From Tort Victims' Compensation Fund. 4,836
Total (Not to exceed 149.25 F.T.E.). $9,377,546

SECTION 7.845.—To the Department of Labor and Industrial Relations
For the Division of Workers' Compensation
For payment of special claims
From Workers' Compensation - Second Injury Fund. $47,359,511

SECTION 7.850.—To the Department of Labor and Industrial Relations
For the Division of Workers' Compensation
For refunds for overpayment of any tax or any payment credited to the Workers' Compensation - Second Injury Fund
From Workers' Compensation - Second Injury Fund. $250,000

SECTION 7.855.—To the Department of Labor and Industrial Relations
For the Line of Duty Compensation Program as provided in Section 287.243, RSMo
From Line of Duty Compensation Fund. $450,000

SECTION 7.860.—Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Line of Duty Compensation Fund
From General Revenue Fund. $450,000

SECTION 7.865.—To the Department of Labor and Industrial Relations
For the Division of Workers' Compensation
For payments of claims to tort victims
From Tort Victims' Compensation Fund. $1,000,000

SECTION 7.870.—Funds are to be transferred pursuant to Section 537.675, RSMo, to the Basic Civil Legal Services Fund
From Tort Victims' Compensation Fund. $351,351

SECTION 7.875.—To the Department of Labor and Industrial Relations
For the Division of Employment Security
Personal Service. $23,178,515
Expense and Equipment. 7,933,171
From Unemployment Compensation Administration Fund 31,111,686

There is hereby appropriated out of the funds made available to Missouri under Section 903(g) of the Social Security Act, Personal Service and/or Expense and Equipment, to be used under the direction of the Division of Employment Security, for the purpose of acquiring or developing information technology equipment, software or systems, which improve unemployment insurance operations
From Federal Stimulus - Labor and Industrial Relations 8,724,025
From Unemployment Compensation Administration Fund 2,603,196

Personal Service
From Unemployment Automation Fund. 204,055
Total (Not to exceed 520.00 F.T.E.). $42,642,962

SECTION 7.880.—To the Department of Labor and Industrial Relations
For the Division of Employment Security
For administration of programs authorized and funded by the United States Department of Labor, such as Disaster Unemployment Assistance (DUA), and provided that all funds shall be expended from discrete accounts and that no monies shall be expended for funding administration of these programs by the Division of Employment Security
From Unemployment Compensation Administration Fund. $11,000,000

SECTION 7.885.—To the Department of Labor and Industrial Relations
For the Division of Employment Security
Personal Service. $518,151
Expense and Equipment. 5,974,965
For interest payments. 19,000,001
From Special Employment Security Fund (Not to exceed 14.21 F.T.E.). $25,493,117

SECTION 7.890.—To the Department of Labor and Industrial Relations
For the Division of Employment Security
For the War on Terror Unemployment Compensation Program
Expense and Equipment. $45,000
For payment of benefits. 45,000
From War on Terror Unemployment Compensation Fund. $90,000

SECTION 7.895.—To the Department of Labor and Industrial Relations
For the Division of Employment Security
For the payment of refunds set off against debts as required by Section 143.786, RSMo
From Debt Offset Escrow Fund. $5,000,000

SECTION 7.900. — To the Department of Labor and Industrial Relations
For the Missouri Commission on Human Rights
Personal Service and/or Expense and Equipment, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment
From General Revenue Fund. $521,873

Personal Service 918,423
Expense and Equipment. 154,984
From Human Rights Commission Fund. 1,073,407

For the Martin Luther King, Jr. State Celebration Commission
From General Revenue Fund. 30,128
From Martin Luther King, Jr. State Celebration Commission Fund. 5,000
Total (Not to exceed 32.70 F.T.E.). $1,630,408

Department of Economic Development Totals
General Revenue Fund. $58,351,086
Federal Funds. 222,906,428
Other Funds. 56,156,148
Total. $337,413,662

Department of Insurance, Financial Institutions and Professional Registration Totals
Federal Funds. $1,773,348
Other Funds. 38,567,165
Total. $40,340,513

Department of Labor and Industrial Relations Totals
General Revenue Fund. $2,204,419
Federal Funds. 67,280,858
Other Funds. 86,584,656
Total $156,069,933

Approved June 28, 2013

HB 8 [CCS SCS HCS HB 8]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

APPROPRIATIONS: DEPARTMENT OF PUBLIC SAFETY

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated, for the period beginning July 1, 2013 and ending June 30, 2014, as follows:

SECTION 8.005.—To the Department of Public Safety
For the Office of the Director
Personal Service. $684,958
Annual salary adjustment in accordance with Section 105.005, RSMo 250
Expense and Equipment. 139,631
From General Revenue Fund. 824,839

Personal Service. 745,148
Expense and Equipment. 829,406
From Federal Funds 1,574,554

Personal Service. 520,139
Expense and Equipment. 1,479,310
From Other Funds 1,999,449

Personal Service. 2,000,550
Expense and Equipment. 41,000,000
From Department of Public Safety Federal Homeland Security Fund. 43,000,550

For the purpose of receiving and expending grants, donations, contracts, and payments from private, federal, and other governmental agencies, provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the expenditure of said funds
From Federal and Other Funds 5,000,000

For the purpose of funding drug task force grants, provided that not more than three percent (3%) is used for grant administration
From General Revenue Fund. 2,000,000
Total (Not to exceed 68.80 F.T.E.). $54,399,392

SECTION 8.010.—To the Department of Public Safety
For the Office of the Director
For the Juvenile Justice Delinquency Prevention Program
From Federal Funds. $1,240,042

SECTION 8.015.—To the Department of Public Safety
For the Office of the Director
For the Juvenile Accountability Incentive Block Grant Program
From Federal Funds. $996,000

SECTION 8.020.—To the Department of Public Safety
For the Office of the Director
For the Narcotics Control Assistance Program and multi-jurisdictional task forces
From Federal Funds. $6,180,000

SECTION 8.025.—To the Department of Public Safety
For the Office of the Director
For the Missouri Sheriff Methamphetamine Relief Taskforce
For the purpose of supplementing deputy sheriffs' salary and related employment benefits pursuant to Section 57.278, RSMo
From Deputy Sheriff Salary Supplementation Fund. $5,400,000

SECTION 8.026.—To the Department of Public Safety
For the Office of the Director
For the Missouri Sheriff Methamphetamine Relief Taskforce
For the purpose of funding grants related to the issuance of the conceal and carry permits
From General Revenue Fund. $2,000,000

SECTION 8.027.—To the Department of Public Safety
For the Office of the Director
For the purpose of funding operating grants to local law enforcement cyber crimes task forces, provided that not more than three percent (3%) is used for grant administration
From General Revenue Fund. $1,500,000

SECTION 8.030.—To the Department of Public Safety
For the Office of the Director
For the Services to Victims Program provided up to three percent (3%) of each grant award be allowed for the administrative expenses of each grantee
From Services to Victims Fund.. . . . . $3,950,000

For counseling and other support services for crime victims
From Crime Victims' Compensation Fund. 50,000
Total. $4,000,000

SECTION 8.035.—To the Department of Public Safety
For the Office of the Director
For the Victims of Crime Program
From Federal Funds. $7,500,000

SECTION 8.040.—To the Department of Public Safety
For the Office of the Director
For the Violence Against Women Program
From Federal Funds. $2,494,232

SECTION 8.045.—To the Department of Public Safety
For the Office of the Director
For the Crime Victims' Compensation Program
From General Revenue Fund. $1,600,000
From Federal Funds 3,400,000
From Crime Victims' Compensation Fund. 4,837,329
Total. $9,837,329

SECTION 8.050.—To the Department of Public Safety
For the National Forensic Sciences Improvement Act Program
From Federal Funds. $225,000

SECTION 8.055.—To the Department of Public Safety
For the State Forensic Laboratory Program
From State Forensic Laboratory Fund. $399,200

SECTION 8.060.—To the Department of Public Safety
For the Office of the Director
For the Residential Substance Abuse Treatment Program
From Federal Funds. $600,000

SECTION 8.065.—To the Department of Public Safety
For the Office of the Director
For peace officer training
From Peace Officer Standards and Training Commission Fund. $1,400,000

SECTION 8.070.—To the Department of Public Safety
For the Missouri Public Safety Officer Medal of Valor Act
From General Revenue Fund. $326

SECTION 8.075.—To the Department of Public Safety
For the Capitol Police
Personal Service. $1,289,917
Expense and Equipment. 55,018
From General Revenue Fund (Not to exceed 32.00 F.T.E.). $1,344,935

SECTION 8.080.—To the Department of Public Safety
For the State Highway Patrol
For Administration
Personal Service. $246,263
Expense and Equipment. 3,395
From General Revenue Fund. 249,658

For the High-Intensity Drug Trafficking Area Program
From Federal Funds 2,644,485

Personal Service. 5,595,363
Expense and Equipment. 422,589
From State Highways and Transportation Department Fund 6,017,952

Personal Service
From Criminal Record System Fund 41,162

Personal Service. 33,607
Expense and Equipment. 4,802
From Gaming Commission Fund. 38,409
Total (Not to exceed 113.00 F.T.E.). $8,991,666

SECTION 8.085.—To the Department of Public Safety
For the State Highway Patrol
For fringe benefits, including retirement contributions for members of the Missouri Department of Transportation and Highway Patrol Employees' Retirement System, and insurance premiums
Personal Service. $10,738,510

Expense and Equipment	949,707
From General Revenue Fund	11,688,217
Personal Service	2,497,122
Expense and Equipment	116,984
From Federal Stimulus - Public Safety and Federal Funds	2,614,106
Personal Service	295,842
Expense and Equipment	27,425
From Gaming Commission Fund	323,267
Personal Service	1,153,504
Expense and Equipment	103,080
From Missouri State Water Patrol Fund	1,256,584
Personal Service	69,521,846
Expense and Equipment	6,386,801
From State Highways and Transportation Department Fund	75,908,647
Personal Service	2,991,974
Expense and Equipment	257,608
From Criminal Record System Fund	3,249,582
Personal Service	76,025
Expense and Equipment	6,427
From Highway Patrol Academy Fund	82,452
Personal Service	4,181
Expense and Equipment	617
From Highway Patrol's Motor Vehicle, Aircraft, and Watercraft Revolving Fund	4,798
Personal Service	48,778
Expense and Equipment	6,026
From DNA Profiling Analysis Fund	54,804
Personal Service	52,492
Expense and Equipment	4,993
From Highway Patrol Traffic Records Fund	57,485
Total	$95,239,942

SECTION 8.090. — To the Department of Public Safety
For the State Highway Patrol
For the Enforcement Program

Personal Service	$9,287,407
Expense and Equipment	851,950
From General Revenue Fund	10,139,357
Personal Service	65,579,028
Expense and Equipment	5,522,131
From State Highways and Transportation Department Fund	71,101,159

For receiving and expending donations and federal funds provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the expenditure of said funds
Personal Service. 5,148,977
Expense and Equipment. 5,971,125
From Federal Stimulus - Public Safety, Federal, and Other Funds. 11,120,102

Expense and Equipment
All expenditures must be in compliance with the United States Department of Justice Equitable Sharing Program guidelines
From Federal Drug Seizure Fund 1,815,527

Personal Service
From Criminal Record System Fund 108,541

Expense and Equipment
From Gaming Commission Fund. 357,488

Personal Service. 7,810
Expense and Equipment. 242,625
From Highway Patrol's Motor Vehicle, Aircraft, and Watercraft Revolving Fund. . . 250,435

For a statewide interoperable communication system
From State Highways and Transportation Department Fund 9,100,000

Expense and Equipment
From Highway Patrol Traffic Records Fund. 245,242
Total (Not to exceed 1,286.50 F.T.E.). $104,237,851

SECTION 8.095.—To the Department of Public Safety
For the State Highway Patrol
For the Water Patrol Division
Personal Service. $3,815,353
Expense and Equipment. 227,443
From General Revenue Fund. 4,042,796

Personal Service. 519,212
Expense and Equipment. 2,226,991
From Federal Funds 2,746,203

Expense and Equipment
All expenditures must be in compliance with the United States Department of Justice Equitable Sharing Program guidelines
From Federal Drug Seizure Fund 16,499

Personal Service. 1,708,253
Expense and Equipment. 590,000
From Missouri State Water Patrol Fund. 2,298,253
Total (Not to exceed 100.00 F.T.E.). $9,103,751

SECTION 8.100.—To the Department of Public Safety
For the State Highway Patrol
For gasoline expenses for State Highway Patrol vehicles, including aircraft and Gaming Commission vehicles
Expense and Equipment

From General Revenue Fund	~~$448,547~~
From Gaming Commission Fund	775,366
From State Highways and Transportation Department Fund	6,313,699
Total	$7,537,612

SECTION 8.105.—To the Department of Public Safety
For the State Highway Patrol
For purchase of vehicles, aircraft, and watercraft for the State Highway Patrol and the Gaming Commission in accordance with Section 43.265 RSMo, also for maintenance and repair costs for vehicles
Expense and Equipment
All expenditures must be in compliance with the United States Department of Justice Equitable Sharing Program guidelines

From Federal Drug Seizure Fund	600,000
From State Highways and Transportation Department Fund	4,818,182
From Highway Patrol's Motor Vehicle, Aircraft, and Watercraft Revolving Fund	8,238,448
From Gaming Commission Fund	549,074
Total	$14,205,704

SECTION 8.110.—To the Department of Public Safety
For the State Highway Patrol
For Crime Labs

Personal Service	$2,125,710
Expense and Equipment	452,866
From General Revenue Fund	2,578,576
Personal Service	3,749,420
Expense and Equipment	914,499
From State Highways and Transportation Department Fund	4,663,919
Personal Service	62,254
Expense and Equipment	1,478,305
From DNA Profiling Analysis Fund	1,540,559
Personal Service	116,122
Expense and Equipment	900,000
From Federal Funds	1,016,122
Personal Service	184,203
Expense and Equipment	2,575
From Criminal Record System Fund	186,778
Expense and Equipment	
From State Forensic Laboratory Fund	270,915
Total (Not to exceed 109.00 F.T.E.)	$10,256,869

SECTION 8.115.—To the Department of Public Safety
For the State Highway Patrol
For the Law Enforcement Academy
Personal Service
From General Revenue Fund. $78,750

Expense and Equipment
From Federal Funds 59,655

Personal Service. 168,095
Expense and Equipment. 79,440
From Gaming Commission Fund. 247,535

Personal Service. 1,248,056
Expense and Equipment. 73,576
From State Highways and Transportation Department Fund 1,321,632

Personal Service. 98,726
Expense and Equipment. 581,717
From Highway Patrol Academy Fund. 680,443
Total (Not to exceed 35.00 F.T.E.). $2,388,015

SECTION 8.120.—To the Department of Public Safety
For the State Highway Patrol
For Vehicle and Driver Safety
Expense and Equipment
From Federal Funds. $350,000

Personal Service. 10,685,200
Expense and Equipment. 942,525
From State Highways and Transportation Department Fund 11,627,725

Personal Service. 125,000
Expense and Equipment. 360,632
From Highway Patrol Inspection Fund. 485,632
Total (Not to exceed 298.00 F.T.E.). $12,463,357

SECTION 8.125.—To the Department of Public Safety
For the State Highway Patrol
For refunding unused motor vehicle inspection stickers
From State Highways and Transportation Department Fund. $100,000

SECTION 8.130.—To the Department of Public Safety
For the State Highway Patrol
For Technical Services
Personal Service. $363,013
Expense and Equipment. 37,298
From General Revenue Fund. 400,311

Personal Service. 211,352
Expense and Equipment. 2,495,285
From Federal Funds 2,706,637

Personal Service. 13,154,837
Expense and Equipment. 13,686,001
From State Highways and Transportation Department Fund 26,840,838

Personal Service. 3,629,676
Expense and Equipment 4,243,536
For National Criminal Record Reviews. 2,500,000
From Criminal Record System Fund 10,373,212

Personal Service
From Gaming Commission Fund. 20,912
From Highway Patrol Traffic Records Fund 76,421

Expense and Equipment
From Criminal Justice Network and Technology Revolving Fund. 2,699,050

Expense and Equipment
For the purpose of funding an interface to receive conceal and carry permit information
From General Revenue Fund. 100,000
Total (Not to exceed 369.00 F.T.E.). $43,217,381

SECTION 8.135.—To the Department of Public Safety
For the State Highway Patrol
For the recoupment, receipt, and disbursement of funds for equipment replacement, and expenses
Expense and Equipment
From Highway Patrol Expense Fund.. . . . . $65,000

SECTION 8.140.—Funds are to be transferred out of the State Treasury, chargeable to the Highway Patrol Inspection Fund, to the State Road Fund pursuant to Section 307.365, RSMo
From Highway Patrol Inspection Fund. $2,000,000

SECTION 8.145.—To the Department of Public Safety
For the Division of Alcohol and Tobacco Control
Personal Service. $744,210
Expense and Equipment. 87,992
From General Revenue Fund. 832,202

Personal Service. 100,850
Expense and Equipment. 63,442
From Federal Funds 164,292

Personal Service. 110,707
Expense and Equipment. 33,046
From Healthy Families Trust Fund. 143,753
Total (Not to exceed 19.00 F.T.E.). $1,140,247

SECTION 8.150.—To the Department of Public Safety
For the Division of Alcohol and Tobacco Control

For refunds for unused liquor and beer licenses and for liquor and beer stamps not used and canceled
From General Revenue Fund. $55,000

SECTION 8.155.—To the Department of Public Safety
For the Division of Fire Safety, provided not more than five (5%) flexibility is allowed from personal service to expense and equipment and no flexibility is allowed from expense and equipment to personal service
Personal Service. $2,093,624
Expense and Equipment. 459,289
From General Revenue Fund. 2,552,913

Personal Service. 372,024
Expense and Equipment. 88,914
From Elevator Safety Fund. 460,938

Personal Service. 371,111
Expense and Equipment. 115,496
From Boiler and Pressure Vessels Safety Fund 486,607

Personal Service. 104,717
Expense and Equipment. 12,027
From Missouri Explosives Safety Act Administration Fund. 116,744
Total (Not to exceed 69.92 F.T.E.). $3,617,202

SECTION 8.160.—To the Department of Public Safety
For the Division of Fire Safety
For the Fire Safe Cigarette Program
Personal Service. $20,400
Expense and Equipment. 10,204
From Cigarette Fire Safety Standard and Firefighter Protection Act Fund. $30,604

SECTION 8.165.—To the Department of Public Safety
For the Division of Fire Safety
For firefighter training contracted services
Expense and Equipment
From General Revenue Fund. $200,000
From Chemical Emergency Preparedness Fund. 100,000
From Fire Education Fund. 320,000
Total. $620,000

SECTION 8.170.—To the Department of Public Safety
For the Missouri Veterans' Commission
For Administration and Service to Veterans
Personal Service. $515,757
Expense and Equipment. 131,588
From Missouri Veterans' Homes Fund 647,345

Personal Service. 3,498,093
Expense and Equipment. 1,307,855
From Veterans Commission Capital Improvement Trust Fund. 4,805,948

Expense and Equipment
From Veterans' Trust Fund. 23,832
Total (Not to exceed 114.46 F.T.E.). $5,477,125

SECTION 8.175.—To the Department of Public Safety
For the Missouri Veterans' Commission
For Veterans' Service Officer Program
From Veterans Commission Capital Improvement Trust Fund. $1,600,000

SECTION 8.180.—To the Department of Public Safety
For the Missouri Veterans' Commission
For Missouri Veterans' Homes
Personal Service. $51,139,787
Expense and Equipment. 22,118,246
From Missouri Veterans' Homes Fund 73,258,033

Expense and Equipment
From Veterans' Trust Fund. 49,980

Personal Service
From Veterans Commission Capital Improvement Trust Fund. 28,610

For refunds to veterans and/or the U.S. Department of Veterans' Affairs
From Missouri Veterans' Homes Fund 1,274,400

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees
From Missouri Veterans' Homes Fund. 1,553,288
Total (Not to exceed 1,639.48 F.T.E.). $76,164,311

SECTION 8.182.—To the Department of Public Safety
For the Veteran's Commission
For installation of electronic medical records at veterans homes statewide
From Federal Funds. $1,601,600
From Veterans Commission Capital Improvement Trust Fund. 2,362,500
Total. $3,964,100

SECTION 8.185.—Funds are to be transferred out of the State Treasury, chargeable to the Veterans Commission Capital Improvement Trust Fund, to the Missouri Veterans' Homes Fund
From Veterans Commission Capital Improvement Trust Fund. $30,000,000

SECTION 8.190.—To the Department of Public Safety
For the Gaming Commission
For the Divisions of Gaming and Bingo
Personal Service. $13,889,507
Expense and Equipment. 1,726,519
From Gaming Commission Fund. 15,616,026

Expense and Equipment
From Compulsive Gamblers Fund. 56,310

Total (Not to exceed 239.00 F.T.E.). $15,672,336

SECTION 8.195.—To the Department of Public Safety
For the Gaming Commission
For fringe benefits, including retirement contributions for members of the Missouri Department of Transportation and Highway Patrol Employees' Retirement System, and insurance premiums for State Highway Patrol employees assigned to work under the direction of the Gaming Commission
Personal Service. $6,605,754
Expense and Equipment. 267,317
From Gaming Commission Fund. $6,873,071

SECTION 8.200.—To the Department of Public Safety
For the Gaming Commission
For refunding any overpayment or erroneous payment of any amount that is credited to the Gaming Commission Fund
From Gaming Commission Fund. $100,000

SECTION 8.205.—To the Department of Public Safety
For the Gaming Commission
For refunding any overpayment or erroneous payment of any amount received for bingo fees
From Bingo Proceeds for Education Fund. $5,000

SECTION 8.210.—To the Department of Public Safety
For the Gaming Commission
For breeder incentive payments
From Missouri Breeders Fund. $5,000

SECTION 8.215.—Funds are to be transferred out of the State Treasury, chargeable to the Gaming Commission Fund, to the Veterans Commission Capital Improvement Trust Fund
From Gaming Commission Fund. $36,320,000

SECTION 8.220.—Funds are to be transferred out of the State Treasury, chargeable to the Gaming Commission Fund, to the Missouri National Guard Trust Fund
From Gaming Commission Fund. $4,000,000

SECTION 8.225.—Funds are to be transferred out of the State Treasury, chargeable to the Gaming Commission Fund, to the Access Missouri Financial Assistance Fund
From Gaming Commission Fund. $5,000,000

SECTION 8.230.—Funds are to be transferred out of the State Treasury, chargeable to the Gaming Commission Fund, to the Compulsive Gamblers Fund
From Gaming Commission Fund. $489,850

SECTION 8.235.—To the Adjutant General
For Missouri Military Forces Administration
Personal Service. $1,015,039

Expense and Equipment 95,319
From General Revenue Fund 1,110,358

Expense and Equipment
All expenditures must be in compliance with the United States Department of Justice Equitable Sharing Program guidelines
From Federal Drug Seizure Fund 370,000
Total (Not to exceed 29.48 F.T.E.) $1,480,358

SECTION 8.240.—To the Adjutant General
For activities in support of the Missouri National Guard, including the National Guard Tuition Assistance Program and the Military Honors Program
Expense and Equipment
From General Revenue Fund $1,766,802

Personal Service 1,242,969
Expense and Equipment 3,226,247
From Missouri National Guard Trust Fund 4,469,216
Total (Not to exceed 42.40 F.T.E.) $6,236,018

SECTION 8.245.—To the Adjutant General
For the Veterans Recognition Program
Personal Service $91,715
Expense and Equipment 136,732
From Veterans Commission Capital Improvement Trust Fund (Not to exceed 3.00 F.T.E.) $228,447

SECTION 8.250.—To the Adjutant General
For Missouri Military Forces Field Support
Personal Service $679,290
Expense and Equipment 179,899
From General Revenue Fund 859,189

Personal Service 97,985
Expense and Equipment 98,417
From Federal Funds 196,402
Total (Not to exceed 40.37 F.T.E.) $1,055,591

SECTION 8.255.—To the Adjutant General
For operational expenses at armories from armory rental fees
Expense and Equipment
From Adjutant General Revolving Fund $25,000

SECTION 8.260.—To the Adjutant General
For the Missouri Military Family Relief Program
Expense and Equipment $10,000
For grants to family members of the National Guard and reservists who are in financial need 140,000
From Missouri Military Family Relief Fund $150,000

SECTION 8.265.—To the Adjutant General
For training site operating costs

Expense and Equipment
From Missouri National Guard Training Site Fund. $330,000

SECTION 8.270.—To the Adjutant General
For Military Forces Contract Services
Personal Service. $426,309
Expense and Equipment. 19,856
From General Revenue Fund. 446,165

Personal Service. 12,243,109
Expense and Equipment. 7,155,972
From Federal Funds 19,399,081

For refund of federal overpayments to the state for the Contract Services Program
From Federal Funds 865,561

Personal Service
From Missouri National Guard Training Site Fund. 19,643

Expense and Equipment
From Missouri National Guard Trust Fund. 227,097
Total (Not to exceed 327.80 F.T.E.). $20,957,547

SECTION 8.275.—To the Adjutant General
For the Office of Air Search and Rescue
Expense and Equipment
From General Revenue Fund. $11,535

SECTION 8.280.—To the Department of Public Safety
For the State Emergency Management Agency
For Administration and Emergency Operations
Personal Service. $1,198,237
Expense and Equipment. 187,829
From General Revenue Fund. 1,386,066

Personal Service. 1,573,089
Expense and Equipment. 858,007
From Federal Funds 2,431,096

Personal Service. 156,915
Expense and Equipment. 85,117
From Chemical Emergency Preparedness Fund. 242,032
Total (Not to exceed 71.00 F.T.E.). $4,059,194

SECTION 8.285.—To the Department of Public Safety
For the State Emergency Management Agency
For the Community Right-to-Know Act
From Chemical Emergency Preparedness Fund. $650,000

For distribution of funds to local emergency planning commissions to implement the federal Hazardous Materials Transportation Uniform Safety Act of 1990

From Federal Funds 346,890
Total. $996,890

SECTION 8.290. — To the Department of Public Safety
For the State Emergency Management Agency
For all allotments, grants, and contributions from federal and other sources that are deposited in the State Treasury for administrative and training expenses of the State Emergency Management Agency and for first responder training programs
From Federal Funds. $12,499,853

For all allotments, grants, and contributions from federal and other sources that are deposited in the State Treasury for the use of the State Emergency Management Agency for alleviating distress from disasters
From Missouri Disaster Fund. 80,504,659

To provide matching funds for federal grants and for emergency assistance expenses of the State Emergency Management Agency as provided in Section 44.032, RSMo
From General Revenue Fund. 12,543,999

To provide for expenses of any state agency responding during a declared emergency at the direction of the Governor provided the services furnish immediate aid and relief
From General Revenue Fund. 3,455,010
Total. $109,003,521

Bill Totals
General Revenue Fund. $64,160,551
Federal Funds. 215,413,587
Other Funds. 390,207,602
Total. $669,781,740

Approved June 28, 2013

HB 9 [CCS SCS HCS HB 9]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

APPROPRIATIONS: DEPARTMENT OF CORRECTIONS

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2013 and ending June 30, 2014, as follows:

SECTION 9.005.—To the Department of Corrections
For the Office of the Director
Personal Service and/or Expense and Equipment, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between divisions. $4,444,110
Annual salary adjustment in accordance with Section 105.005, RSMo. . . . 250
From General Revenue Fund. 4,444,360

For the purpose of funding Family Support Services
From General Revenue Fund. 284,093
From Federal Funds. 71,024
Total (Not to exceed 106.00 F.T.E.). $4,799,477

SECTION 9.010.—To the Department of Corrections
For the Justice Reinvestment Program
For per diem payments to counties (@ $30/day) for housing state prisoners
From General Revenue Fund. $100,000

SECTION 9.015.—To the Department of Corrections
For the Office of the Director
For the purpose of funding all costs associated with the Offender Reentry Program
Expense and Equipment
From Inmate Revolving Fund. $199,500

For a Kansas City Reentry Program. 178,000
For St. Louis Reentry Program. 750,000
From General Revenue Fund. 928,000
Total. $1,127,500

SECTION 9.020.—To the Department of Corrections
For the Office of the Director
For the purpose of receiving and expending grants, donations, contracts, and payments from private, federal, and other governmental agencies which may become available between sessions of the General Assembly provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they should be expended, in writing, prior to the use of said funds
Personal Service. $2,586,553
Expense and Equipment. 2,988,076
From Federal and Other Funds 5,574,629

For the expenditures of contributions, gifts, and grants in support of a foster care dog program to increase the adoptability of shelter animals and train service dogs for the disabled
From Institution Gift Trust Fund. 10,000

Total (Not to exceed 50.00 F.T.E.). $5,584,629

SECTION 9.025.—To the Department of Corrections
For the Office of the Director
For the purpose of funding costs associated with increased offender population department-wide, including, but not limited to, funding for personal service, expense and equipment, contractual services, repairs, renovations, capital improvements, and compensatory time, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between divisions
From General Revenue Fund. $1,405,510
From Inmate Incarceration Reimbursement Act Revolving Fund. 750,000
Total (Not to exceed 14.00 F.T.E.). $2,155,510

SECTION 9.030.—To the Department of Corrections
For the Office of the Director
For the purpose of funding telecommunications department-wide, provided that not more than ten percent (10%) flexibility is allowed between divisions
Expense and Equipment
From General Revenue Fund. $1,910,539

SECTION 9.035.—To the Department of Corrections
For the Office of the Director
For the purpose of funding restitution payments for those wrongly convicted
From General Revenue Fund. $75,278

SECTION 9.040.—To the Department of Corrections
For the Division of Human Services
Personal Service and/or Expense and Equipment, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between divisions
From General Revenue Fund. $8,660,031
From Inmate Revolving Fund. 172,293
Total (Not to exceed 241.60 F.T.E.). $8,832,324

SECTION 9.045.—To the Department of Corrections
For the Division of Human Services
For the purpose of funding general services, provided that not more than ten percent (10%) flexibility is allowed between divisions
Expense and Equipment
From General Revenue Fund. $318,680

SECTION 9.050.—To the Department of Corrections
For the Division of Human Services
For the purchase, transportation, and storage of food and food service items, and operational expenses of food preparation facilities at all correctional institutions, provided that not more than ten percent (10%) flexibility is allowed between divisions
Expense and Equipment
From General Revenue Fund. $30,505,700

From Federal Funds. 250,000
Total. $30,755,700

SECTION 9.055.—To the Department of Corrections
For the Division of Human Services
For the purpose of funding training costs department-wide, provided that not more than ten percent (10%) flexibility is allowed between divisions
Expense and Equipment
From General Revenue Fund. $914,702

SECTION 9.060.—To the Department of Corrections
For the Division of Human Services
For the purpose of funding employee health and safety, provided that not more than ten percent (10%) flexibility is allowed between divisions
Expense and Equipment
From General Revenue Fund. $580,135

SECTION 9.065.—To the Department of Corrections
For the Division of Human Services
For the purpose of paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees, provided that not more than ten percent (10%) flexibility is allowed between divisions
From General Revenue Fund. $5,994,997

SECTION 9.070.—To the Department of Corrections
For the Division of Adult Institutions
For the purpose of funding the expenses and small equipment purchases at any of the adult institutions department-wide, provided that not more than ten percent (10%) flexibility is allowed between divisions
Expense and Equipment
From General Revenue Fund. $17,282,768

SECTION 9.075.—To the Department of Corrections
For the Division of Adult Institutions
Personal Service and/or Expense and Equipment, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between divisions
From General Revenue Fund (Not to exceed 37.41 F.T.E.). $1,661,785

SECTION 9.080.—To the Department of Corrections
For the Division of Adult Institutions
For the purpose of funding the inmate wage and discharge costs at all correctional facilities, provided that not more than ten percent (10%) flexibility is allowed between divisions
Expense and Equipment
From General Revenue Fund. $3,259,031

SECTION 9.085.—To the Department of Corrections
For the Division of Adult Institutions

For the purpose of funding the Jefferson City Correctional Center
Personal Service, provided that not more than ten percent (10%) flexibility is allowed between institutions
From General Revenue Fund (Not to exceed 518.00 F.T.E.) $16,755,035

SECTION 9.090.—To the Department of Corrections
For the Division of Adult Institutions
For the purpose of funding the Women's Eastern Reception, Diagnostic and Correctional Center at Vandalia
Personal Service, provided that not more than ten percent (10%) flexibility is allowed between institutions
From General Revenue Fund (Not to exceed 423.00 F.T.E.) $13,371,954

SECTION 9.095.—To the Department of Corrections
For the Division of Adult Institutions
For the purpose of funding the Ozark Correctional Center at Fordland
Personal Service, provided that not more than ten percent (10%) flexibility is allowed between institutions
From General Revenue Fund $5,305,144
From Inmate Revolving Fund 268,926
Total (Not to exceed 165.00 F.T.E.) $5,574,070

SECTION 9.100.—To the Department of Corrections
For the Division of Adult Institutions
For the purpose of funding the Moberly Correctional Center
Personal Service, provided that not more than ten percent (10%) flexibility is allowed between institutions
From General Revenue Fund (Not to exceed 377.00 F.T.E.) $12,462,707

SECTION 9.105.—To the Department of Corrections
For the Division of Adult Institutions
For the purpose of funding the Algoa Correctional Center at Jefferson City
Personal Service, provided that not more than ten percent (10%) flexibility is allowed between institutions
From General Revenue Fund (Not to exceed 319.00 F.T.E.) $10,357,164

SECTION 9.110.—To the Department of Corrections
For the Division of Adult Institutions
For the purpose of funding the Missouri Eastern Correctional Center at Pacific
Personal Service, provided that not more than ten percent (10%) flexibility is allowed between institutions
From General Revenue Fund (Not to exceed 327.00 F.T.E.) $10,573,791

SECTION 9.115.—To the Department of Corrections
For the Division of Adult Institutions
For the purpose of funding the Chillicothe Correctional Center
Personal Service, provided that not more than ten percent (10%) flexibility is allowed between institutions
From General Revenue Fund $12,107,799
From Inmate Revolving Fund 28,635
Total (Not to exceed 451.02 F.T.E.) $12,136,434

SECTION 9.120.—To the Department of Corrections
For the Division of Adult Institutions
For the purpose of funding the Boonville Correctional Center
Personal Service, provided that not more than ten percent (10%) flexibility is allowed between institutions
From General Revenue Fund. $9,675,560
From Inmate Revolving Fund. 34,953
Total (Not to exceed 292.00 F.T.E.). $9,710,513

SECTION 9.125.—To the Department of Corrections
For the Division of Adult Institutions
For the purpose of funding the Farmington Correctional Center
Personal Service, provided that not more than ten percent (10%) flexibility is allowed between institutions
From General Revenue Fund (Not to exceed 544.00 F.T.E.). $17,871,124

SECTION 9.130.—To the Department of Corrections
For the Division of Adult Institutions
For the purpose of funding the Western Missouri Correctional Center at Cameron
Personal Service, provided that not more than ten percent (10%) flexibility is allowed between institutions
From General Revenue Fund (Not to exceed 477.00 F.T.E.). $15,393,217

SECTION 9.135.—To the Department of Corrections
For the Division of Adult Institutions
For the purpose of funding the Potosi Correctional Center
Personal Service, provided that not more than ten percent (10%) flexibility is allowed between institutions
From General Revenue Fund (Not to exceed 321.00 F.T.E.). $10,648,807

SECTION 9.140.—To the Department of Corrections
For the Division of Adult Institutions
For the purpose of funding the Fulton Reception and Diagnostic Center
Personal Service, provided that not more than ten percent (10%) flexibility is allowed between institutions
From General Revenue Fund (Not to exceed 406.00 F.T.E.). $13,113,064

SECTION 9.145.—To the Department of Corrections
For the Division of Adult Institutions
For the purpose of funding the Tipton Correctional Center
Personal Service, provided that not more than ten percent (10%) flexibility is allowed between institutions
From General Revenue Fund. $9,952,033
From Inmate Revolving Fund. 90,471
Total (Not to exceed 302.00 F.T.E.). $10,042,504

SECTION 9.150.—To the Department of Corrections
For the Division of Adult Institutions
For the purpose of funding the Western Reception, Diagnostic and Correctional Center at St. Joseph
Personal Service, provided that not more than ten percent (10%) flexibility is allowed between institutions

From General Revenue Fund (Not to exceed 483.00 F.T.E.). $15,358,541

SECTION 9.155.—To the Department of Corrections
For the Division of Adult Institutions
For the purpose of funding the Maryville Treatment Center
Personal Service, provided that not more than ten percent (10%) flexibility is allowed between institutions
From General Revenue Fund (Not to exceed 172.00 F.T.E.). $5,727,937

SECTION 9.160.—To the Department of Corrections
For the Division of Adult Institutions
For the purpose of funding the Crossroads Correctional Center at Cameron
Personal Service, provided that not more than ten percent (10%) flexibility is allowed between institutions
From General Revenue Fund (Not to exceed 375.00 F.T.E.). $12,050,249

SECTION 9.165.—To the Department of Corrections
For the Division of Adult Institutions
For the purpose of funding the Northeast Correctional Center at Bowling Green
Personal Service, provided that not more than ten percent (10%) flexibility is allowed between institutions
From General Revenue Fund (Not to exceed 521.00 F.T.E.). $16,471,913

SECTION 9.170.—To the Department of Corrections
For the Division of Adult Institutions
For the purpose of funding the Eastern Reception, Diagnostic and Correctional Center at Bonne Terre
Personal Service, provided that not more than ten percent (10%) flexibility is allowed between institutions
From General Revenue Fund (Not to exceed 605.00 F.T.E.). $18,904,327

SECTION 9.175.—To the Department of Corrections
For the Division of Adult Institutions
For the purpose of funding the South Central Correctional Center at Licking
Personal Service, provided that not more than ten percent (10%) flexibility is allowed between institutions
From General Revenue Fund (Not to exceed 402.00 F.T.E.). $12,772,580

SECTION 9.180.—To the Department of Corrections
For the Division of Adult Institutions
For the purpose of funding the Southeast Correctional Center at Charleston
Personal Service, provided that not more than ten percent (10%) flexibility is allowed between institutions
From General Revenue Fund (Not to exceed 398.00 F.T.E.). $12,563,284

SECTION 9.185.—To the Department of Corrections
For the Division of Offender Rehabilitative Services
Personal Service and/or Expense and Equipment, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between divisions
From General Revenue Fund (Not to exceed 27.15 F.T.E.). $1,389,117

SECTION 9.190.—To the Department of Corrections
For the Division of Offender Rehabilitative Services
For the purpose of funding contractual services for offender physical and mental health care, provided that not more than ten percent (10%) flexibility is allowed between divisions
From General Revenue Fund. $155,889,805

SECTION 9.195.—To the Department of Corrections
For the Division of Offender Rehabilitative Services
For the purpose of funding medical equipment, provided that not more than ten percent (10%) flexibility is allowed between divisions
Expense and Equipment
From General Revenue Fund. $219,087

SECTION 9.200.—To the Department of Corrections
For the Division of Offender Rehabilitative Services
For the purpose of substance abuse services, provided that not more than ten percent (10%) flexibility is allowed between divisions
From General Revenue Fund. $8,936,721

Expense and Equipment
From Correctional Substance Abuse Earnings Fund. 264,600
Total (Not to exceed 112.00 F.T.E.). $9,201,321

SECTION 9.205.—To the Department of Corrections
For the Division of Offender Rehabilitative Services
For the purpose of toxicology testing, provided that not more than ten percent (10%) flexibility is allowed between divisions
Expense and Equipment
From General Revenue Fund. $517,601

SECTION 9.210.—To the Department of Corrections
For the Division of Offender Rehabilitative Services
For offender education
Personal Service and/or Expense and Equipment, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between divisions
From General Revenue Fund (Not to exceed 226.00 F.T.E.). $8,666,837

SECTION 9.215.—To the Department of Corrections
For the Division of Offender Rehabilitative Services
For the purpose of funding Missouri Correctional Enterprises
Personal Service and/or Expense and Equipment, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment
Personal Service. $8,340,691
Expense and Equipment. 25,345,002
From Working Capital Revolving Fund (Not to exceed 222.00 F.T.E.). $33,685,693

SECTION 9.220.—To the Department of Corrections
For the Division of Offender Rehabilitative Services

For the purpose of funding the Private Sector/Prison Industry Enhancement Program
Expense and Equipment
From Working Capital Revolving Fund. $866,486

SECTION 9.225.—To the Department of Corrections
For the Board of Probation and Parole, provided that no funds shall be used to transport non-custody inmates, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between divisions
Personal Service and/or Expense and Equipment. $66,749,875
Annual salary adjustment in accordance with Section 105.005, RSMo. . . 1,750
From General Revenue Fund. 66,751,625

Expense and Equipment
From Inmate Revolving Fund 4,703,605

For transfers and refunds set-off against debts as required by Section 143.786, RSMo
From Debt Offset Escrow Fund. 750,000
Total (Not to exceed 1,748.81 F.T.E.). $72,205,230

SECTION 9.230.—To the Department of Corrections
For the Board of Probation and Parole
For the purpose of funding the St. Louis Community Release Center, provided that not more than ten percent (10%) flexibility is allowed between divisions
Personal Service
From General Revenue Fund (Not to exceed 124.86 F.T.E.). $4,187,137

SECTION 9.235.—To the Department of Corrections
For the Board of Probation and Parole
For the purpose of funding the Kansas City Community Release Center, provided that not more than ten percent (10%) flexibility is allowed between divisions
Personal Service
From General Revenue Fund. $2,445,866
From Inmate Revolving Fund. 48,622
Total (Not to exceed 76.18 F.T.E.). $2,494,488

SECTION 9.240.—To the Department of Corrections
For the Board of Probation and Parole
For the purpose of funding the Command Center, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between divisions
Expense and Equipment
From General Revenue Fund. $4,981

Personal Service
From Inmate Revolving Fund. 557,390
Total (Not to exceed 14.40 F.T.E.). $562,371

SECTION 9.245.—To the Department of Corrections
For the Board of Probation and Parole
For the purpose of funding Local Sentencing initiatives
Expense and Equipment

From General Revenue Fund	$2,000,000
From Inmate Revolving Fund	40,000
Total	$2,040,000

SECTION 9.250.—To the Department of Corrections
For the Board of Probation and Parole
For the purpose of funding residential treatment facilities
Expense and Equipment

From Inmate Revolving Fund	$3,989,458

SECTION 9.255.—To the Department of Corrections
For the Board of Probation and Parole
For the purpose of funding electronic monitoring
Expense and Equipment

From Inmate Revolving Fund	$1,780,289

SECTION 9.260.—To the Department of Corrections
For the Board of Probation and Parole
For the purpose of funding community supervision centers, provided that no funds shall be used to transport non-custody inmates, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between divisions
Personal Service and/or Expense and Equipment

From General Revenue Fund	$4,443,730
From Inmate Revolving Fund	740,000
Total (Not to exceed 144.42 F.T.E.)	$5,183,730

SECTION 9.265.—To the Department of Corrections
For paying an amount in aid to the counties that is the net amount of costs in criminal cases, transportation of convicted criminals to the state penitentiaries, housing, and costs for reimbursement of the expenses associated with extradition, less the amount of unpaid city or county liability to furnish public defender office space and utility services pursuant to Section 600.040, RSMo

From General Revenue Fund	$38,060,616

Bill Totals

General Revenue Fund	$623,274,962
Federal Funds	5,895,653
Other Funds	48,230,921
Total	$677,401,536

Approved June 28, 2013

HB 10 [CCS SCS HCS HB 10]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

APPROPRIATIONS: DEPARTMENT OF MENTAL HEALTH; DEPARTMENT OF HEALTH AND SENIOR SERVICES; AND MISSOURI HEALTH FACILITIES REVIEW COMMITTEE

AN ACT To appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Department of Health and Senior Services, and the several divisions and programs thereof, and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2013 and ending June 30, 2014, as follows:

SECTION 10.005.— To the Department of Mental Health
For the Office of the Director
Personal Service. $475,919
Expense and Equipment. 9,734
From General Revenue Fund. 485,653

Personal Service. 88,571
Expense and Equipment. 52,013
From Federal Funds. 140,584
Total (Not to exceed 8.09 F.T.E.). $626,237

SECTION 10.010.— To the Department of Mental Health
For the Office of the Director
For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees
From General Revenue Fund. $1,122,326

SECTION 10.015.— There is transferred out of the State Treasury from Federal Funds to the OA Information Technology - Federal and Other Fund for the purpose of funding the consolidation of Information Technology Services
From Federal Funds. $500,000

SECTION 10.020.— To the Department of Mental Health
For the Office of the Director
For funding program operations and support

Personal Service. $4,693,397
Expense and Equipment. 375,403
From General Revenue Fund. 5,068,800

Personal Service. 881,408
Expense and Equipment. 800,078
From Federal Funds 1,681,486

For the Missouri Medicaid mental health partnership technology initiative
Personal Service. 60,213
Expense and Equipment. 614,811
From General Revenue Fund. 675,024

Personal Service. 10,238
Expense and Equipment 506,650
From Federal Funds. 516,888
Total (Not to exceed 123.05 F.T.E.). $7,942,198

SECTION 10.025.—To the Department of Mental Health
For the Office of the Director
For staff training
From General Revenue Fund. $357,495
From Federal Funds 468,000
From Mental Health Earnings Fund. 100,000
Total. $925,495

SECTION 10.030.—To the Department of Mental Health
For the Office of the Director
For the purpose of funding insurance, private pay, licensure fee, and/or Medicaid refunds by state facilities operated by the Department of Mental Health
From General Revenue Fund. $200,000

For the purpose of making refund payments
From Federal and Other Funds 475,600

For the payment of refunds set off against debts as required by Section 143.786, RSMo
From Debt Offset Escrow Fund. 100,000
Total. $775,600

SECTION 10.035.—There is transferred out of the State Treasury from the Abandoned Fund Account to Mental Health Trust Fund
From Abandoned Fund Account. $100,000

SECTION 10.040.—To the Department of Mental Health
For the Office of the Director
For the purpose of funding receipt and disbursement of donations and gifts which may become available to the Department of Mental Health during the year (excluding federal grants and funds)
Personal Service. $437,434
Expense and Equipment. 1,205,204
From Mental Health Trust Fund (Not to exceed 7.50 F.T.E.). $1,642,638

SECTION 10.045. — To the Department of Mental Health
For the Office of the Director
For the purpose of receiving and expending grants, donations, contracts, and payments from private, federal, and other governmental agencies which may become available between sessions of the General Assembly provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the use of said funds

Personal Service	$115,741
Expense and Equipment	2,461,728
From Federal Funds (Not to exceed 2.00 F.T.E.)	$2,577,469

SECTION 10.050. — To the Department of Mental Health
For the Office of the Director

For the purpose of funding Children's System of Care	$505,000
Personal Service	39,001
Expense and Equipment	824,991
From Federal Funds (Not to exceed 1.00 F.T.E.)	$1,368,992

SECTION 10.055. — To the Department of Mental Health
For the Office of the Director
For housing assistance for homeless veterans

From General Revenue Fund	$255,000
From Federal Funds	715,000

For the purpose of funding Shelter Plus Care grants

From Federal Funds	10,943,496
Total	$11,913,496

SECTION 10.060. — To the Department of Mental Health
For Medicaid payments related to intergovernmental payments

From Federal Funds	$15,000,000
From Mental Health Intergovernmental Transfer Fund	8,000,000
Total	$23,000,000

SECTION 10.065. — There is hereby transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Department of Social Services Intergovernmental Transfer Fund for the purpose of providing the state match for the Department of Mental Health payments

From General Revenue Fund	$194,035,680

SECTION 10.070. — There is transferred out of the State Treasury from Federal Funds to the General Revenue Fund for the purpose of supporting the Department of Mental Health

From Federal Funds	$1,550,000

SECTION 10.075. — There is transferred out of the State Treasury from Federal Funds to the General Revenue Fund for the purpose of providing the state match for the Department of Mental Health payments

From Federal Funds	$111,579,424

SECTION 10.080.—There is transferred out of the State Treasury from Federal Funds to the General Revenue Fund Disproportionate Share Hospital (DSH) funds leveraged by the Department of Mental Health - Institute of Mental Disease (IMD) facilities
From Federal Funds. $59,000,000

SECTION 10.100.—To the Department of Mental Health
For the Division of Alcohol and Drug Abuse
For the purpose of funding the administration of statewide comprehensive alcohol and drug abuse prevention and treatment programs
Personal Service. $868,979
Expense and Equipment. 21,473
From General Revenue Fund. 890,452

Personal Service. 886,531
Expense and Equipment. 180,565
From Federal Funds 1,067,096

Personal Service
From Health Initiatives Fund 46,222

Personal Service. 130,451
Expense and Equipment. 97,429
From Mental Health Earnings Fund. 227,880
Total (Not to exceed 40.17 F.T.E.). $2,231,650

SECTION 10.105.—To the Department of Mental Health
For the Division of Alcohol and Drug Abuse
For the purpose of funding prevention and education services
From Federal Funds. $3,614,734

Personal Service. 25,988
Expense and Equipment. 9,000
From General Revenue Fund. 34,988

Personal Service. 183,142
Expense and Equipment. 192,363
From Federal Funds 375,505

From Healthy Families Trust Fund 300,000

For tobacco retailer education
The Division of Alcohol and Drug Abuse shall be allowed to use persons under the age of eighteen for the purpose of tobacco retailer education in support of Synar requirements under the federal substance abuse prevention and treatment block grant
Personal Service. 19,584
Expense and Equipment. 103,622
From Federal Funds 123,206

For enabling enforcement of the provisions of the Family Smoking Prevention and Tobacco Control Act of 2009, in collaboration with the Department

of Public Safety, Division of Alcohol and Tobacco Control
Personal Service. 303,741
Expense and Equipment. 132,185
From Federal Funds 435,926

For Community 2000 Team programs
From General Revenue Fund. 516,402
From Federal Funds 2,121,484
From Health Initiatives Fund 82,148

For school-based alcohol and drug abuse prevention programs
From Federal Funds. 1,264,177
Total (Not to exceed 10.09 F.T.E.). $8,868,570

SECTION 10.110.— To the Department of Mental Health
For the Division of Alcohol and Drug Abuse
For the purpose of funding the treatment of alcohol and drug abuse provided that services and/or provider rates shall be no less than the FY 2013 level and further provided that the Department shall request supplemental appropriation authority if needed to continue serving individuals at the same FY 2013 level
Personal Service. $512,856
For treatment of alcohol and drug abuse 35,963,304
From General Revenue Fund. 36,476,160

For the purpose of reducing recidivism among offenders with serious substance use disorders who are returning to the St. Louis area from Maryville Treatment Center, Ozark Correctional Center, and Northeast Correctional Center. The department shall select a qualified not-for-profit service provider in accordance with state purchasing rules. The provider must have experience serving this population in a correctional setting as well as in the community. The provider shall design and implement an evidence-based program that includes a continuum of services from prison to community, including medication assisted treatment that is initiated prior to release, when appropriate. The program must include an evaluation component to determine its effectiveness relative to other options, with a report to the general assembly after one year of operation. The program shall serve at least 200 offenders in the first year
From General Revenue 1,000,000

For the purpose of funding youth services
From Mental Health Interagency Payments Fund 30,000

For treatment of alcohol and drug abuse. 58,690,788
Personal Service. 807,434
Expense and Equipment. 3,037,251
From Federal Funds 62,535,473

For treatment of drug and alcohol abuse with the Access to Recovery Grant
For treatment services 3,825,740
Personal Service. 159,243
Expense and Equipment. 693,550

From Federal Funds 4,678,533

For treatment of alcohol and drug abuse
From Inmate Revolving Fund 3,513,779
From Healthy Families Trust Fund 2,043,479
From Health Initiatives Fund 6,268,687
From DMH Local Tax Matching Fund. 625,275
Total (Not to exceed 33.33 F.T.E.). $117,171,386

SECTION 10.115.—To the Department of Mental Health
For the Division of Alcohol and Drug Abuse
For the purpose of funding treatment of compulsive gambling. $211,016
Personal Service. 40,984
Expense and Equipment. 3,133
From Compulsive Gamblers Fund (Not to exceed 1.00 F.T.E.). $255,133

SECTION 10.120.—To the Department of Mental Health
For the Division of Alcohol and Drug Abuse
For the purpose of funding the Substance Abuse Traffic Offender Program
From Federal Funds. $407,458
From Mental Health Earnings Fund 6,180,000

Personal Service
From Federal Funds 20,934

Personal Service. 195,318
Expense and Equipment. 38,802
From Health Initiatives Fund. 234,120
Total (Not to exceed 5.48 F.T.E.). $6,842,512

SECTION 10.200.—To the Department of Mental Health
For the Division of Comprehensive Psychiatric Services
For the purpose of funding division administration
Personal Service. $712,555
Expense and Equipment. 43,277
From General Revenue Fund. 755,832

Personal Service. 639,574
Expense and Equipment. 330,566
From Federal Funds 970,140

For suicide prevention initiatives
Personal Service. 25,490
Expense and Equipment. 620,401
From Federal Funds. 645,891
Total (Not to exceed 27.42 F.T.E.). $2,371,863

SECTION 10.205.—To the Department of Mental Health
For the Division of Comprehensive Psychiatric Services
For the purpose of funding facility support and PRN nursing and direct care staff pool, provided that staff paid from the PRN nursing and direct care staff pool will only incur fringe benefit costs applicable to part-time

employment
From General Revenue Fund. $3,399,201

For the purpose of funding costs for forensic clients resulting from loss of benefits under provisions of the Social Security Domestic Employment Reform Act of 1994
From General Revenue Fund. 848,128

To pay the state operated hospital provider tax
From General Revenue Fund. 16,000,000

For the purpose of funding expenses related to fluctuating census demands, Medicare bundling compliance, Medicare Part D implementation, and to restore facilities personal service and/or expense and equipment incurred for direct care worker training and other operational maintenance expenses
From Federal Funds 3,440,809
From Mental Health Earnings Fund 1,507,215

For those Voluntary by Guardian clients transitioning from CPS facilities to the community or to support those clients in facilities waiting to transition to the community
From General Revenue Fund. 2,324,266
Total (Not to exceed 82.40 F.T.E.). $27,519,619

SECTION 10.210.—To the Department of Mental Health
For the Division of Comprehensive Psychiatric Services
For the purpose of funding adult community programs provided that services and/or provider rates shall be no less than the FY 2013 level and further provided that the Department shall request supplemental appropriation authority if needed to continue serving individuals at the same FY 2013 level
Personal Service. $27,841
Expense and Equipment. 319,006
From General Revenue Fund. 346,847

Personal Service. 279,539
Expense and Equipment. 1,596,458
From Federal Funds 1,875,997

For the purpose of funding adult community programs
From General Revenue Fund. 97,187,356
From Federal Funds 192,721,321
From Mental Health Earnings Fund 583,740
From DMH Local Tax Matching Fund 610,593

For the provision of mental health services and support services to other agencies
From Mental Health Interagency Payments Fund 1,310,572

For the purpose of funding programs for the homeless mentally ill
From General Revenue Fund. 496,047

From Federal Funds 964,080

For inpatient redesign community alternatives
From General Revenue Fund. 4,500,000

For the purpose of funding the Missouri Eating Disorder Council and its responsibilities under Section 630.575, RSMo
From General Revenue Fund. 39,425
Total (Not to exceed 7.80 F.T.E.). $300,635,978

***SECTION 10.215.**—To the Department of Mental Health
For the Division of Comprehensive Psychiatric Services
For the purpose of reimbursing attorneys, physicians, and counties for fees in involuntary civil commitment procedures. $580,000
For distribution through the Office of Administration to counties pursuant to Section 56.700, RSMo. 162,550
From General Revenue Fund. $742,550

*I hereby veto $30,000 General Revenue Fund for Boone County Legal Fees. These funds are unable to be expended because they do not qualify under Section 56.700, RSMo.

For distribution through the Office of Administration to counties pursuant to Section 56.700, RSMo, from $162,550 to $132,550 General Revenue Fund.
From $742,550 to $712,550 in total from General Revenue Fund.
From $742,550 to $712,550 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 10.220.—To the Department of Mental Health
For the Division of Comprehensive Psychiatric Services
For the purpose of funding forensic support services
Personal Service. $739,151
Expense and Equipment. 22,765
From General Revenue Fund. 761,916

Personal Service. 4,225
Expense and Equipment. 37,235
From Federal Funds. 41,460
Total (Not to exceed 20.39 F.T.E.). $803,376

SECTION 10.225.—To the Department of Mental Health
For the Division of Comprehensive Psychiatric Services
For the purpose of funding youth community programs provided that services and/or provide rates shall be no less than the FY 2013 level and further provided that the Department shall request supplemental appropriation authority if needed to continue serving individuals at the same FY 2013 level
Personal Service. $111,812
Expense and Equipment. 60,101
From General Revenue Fund. 171,913

Personal Service. 203,749
Expense and Equipment. 1,089,690
From Federal Funds 1,293,439

For the purpose of funding youth community programs, provided that up to ten percent (10%) of this appropriation may be used for services for adults
From General Revenue Fund. 28,471,811
From Federal Funds 43,574,725
From DMH Local Tax Matching Fund 1,008,129

For the purpose of funding youth services
From Mental Health Interagency Payments Fund. 600,000
Total (Not to exceed 6.29 F.T.E.). $75,120,017

SECTION 10.230.—To the Department of Mental Health
For the Division of Comprehensive Psychiatric Services
For the purpose of funding services for children who are clients of the Department of Social Services
From Mental Health Interagency Payments Fund. $49,705

SECTION 10.235.—To the Department of Mental Health
For the Division of Comprehensive Psychiatric Services
For the purchase and administration of new medication therapies
From General Revenue Fund. $12,418,583
From Federal Funds. 916,243
Total. $13,334,826

SECTION 10.300.—To the Department of Mental Health
For the Division of Comprehensive Psychiatric Services
For the purpose of funding Fulton State Hospital
Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and that not more than ten percent (10%) flexibility is allowed between Fulton State Hospital and Fulton State Hospital - Sexual Offender Rehabilitation and Treatment Services Program and that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment for overtime, medical supplies, medical bills, pharmacy, or contracted clinical staff and further provided that any flexibility be reported to House Budget Committee and Senate Appropriations staff
From General Revenue Fund. $40,742,491

Personal Service. 938,601
Expense and Equipment. 808,211
From Federal Funds 1,746,812

For the provision of support services to other agencies
From Mental Health Interagency Payments Fund 250,000

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any

remaining funds being used to pay overtime to any other state employees
From General Revenue Fund.. 889,974

For the purpose of funding Fulton State Hospital - Sexual Offender Rehabilitation and Treatment Services Program
Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and not more than ten percent (10%) flexibility is allowed between Fulton State Hospital - Sexual Offender Rehabilitation and Treatment Services Program and Fulton State Hospital, and that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment for overtime, medical supplies, medical bills, pharmacy, or contracted clinical staff and further provided that any flexibility be reported to House Budget Committee and Senate Appropriations staff
From General Revenue Fund.. 6,486,096

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees
From General Revenue Fund.. 60,991
Total (Not to exceed 1,070.32 F.T.E.). $50,176,364

SECTION 10.305.—To the Department of Mental Health
For the Division of Comprehensive Psychiatric Services
For the purpose of funding Northwest Missouri Psychiatric Rehabilitation Center
Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment for overtime, medical supplies, medical bills, pharmacy, or contracted clinical staff and further provided that any flexibility be reported to House Budget Committee and Senate Appropriations staff
From General Revenue Fund.. . . . . $12,142,439

Personal Service. 613,205
Expense and Equipment.. 167,343
From Federal Funds 780,548

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees
From General Revenue Fund.. 164,301
From Federal Funds. 11,303
Total (Not to exceed 292.51 F.T.E.). $13,098,591

SECTION 10.310.—To the Department of Mental Health
For the Division of Comprehensive Psychiatric Services
For the purpose of funding St. Louis Psychiatric Rehabilitation Center

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment for overtime, medical supplies, medical bills, pharmacy, or contracted clinical staff and further provided that any flexibility be reported to House Budget Committee and Senate Appropriations staff

From General Revenue Fund. $18,771,574

Personal Service. 581,251
Expense and Equipment. 93,450
From Federal Funds 674,701

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

From General Revenue Fund. 284,547
From Federal Funds. 936
Total (Not to exceed 471.14 F.T.E.). $19,731,758

SECTION 10.315.—To the Department of Mental Health
For the Division of Comprehensive Psychiatric Services
For the purpose of funding Southwest Missouri Psychiatric Rehabilitation Center

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment for overtime, medical supplies, medical bills, pharmacy, or contracted clinical staff and further provided that any flexibility be reported to House Budget Committee and Senate Appropriations staff

From General Revenue Fund. $2,820,169
From Federal Funds 180,185

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

From General Revenue Fund. 15,209
Total (Not to exceed 72.07 F.T.E.). $3,015,563

SECTION 10.320.—To the Department of Mental Health
For the Division of Comprehensive Psychiatric Services
For the purpose of funding Metropolitan St. Louis Psychiatric Center

Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment for overtime, medical supplies, medical bills, pharmacy, or contracted

clinical staff and further provided that any flexibility be reported to House Budget Committee and Senate Appropriations staff
From General Revenue Fund.. . . . . $8,456,193
From Federal Funds 367,712

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees
From General Revenue Fund.. 16,875
From Federal Funds. 1,149
Total (Not to exceed 178.50 F.T.E.). $8,841,929

SECTION 10.325.—To the Department of Mental Health
For the Division of Comprehensive Psychiatric Services
For the purpose of funding Southeast Missouri Mental Health Center Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and not more than ten percent (10%) flexibility is allowed between Southeast Missouri Mental Health Center and Southeast Missouri Mental Health Center - Sexual Offender Rehabilitation and Treatment Services Program, and that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment for overtime, medical supplies, medical bills, pharmacy, or contracted clinical staff and further provided that any flexibility be reported to House Budget Committee and Senate Appropriations staff
From General Revenue Fund.. . . . . $19,187,728
From Federal Funds 578,084

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees
From General Revenue Fund.. 161,992

For the purpose of funding Southeast Missouri Mental Health Center - Sexual Offender Rehabilitation and Treatment Services Program Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and not more than ten percent (10%) flexibility is allowed between Southeast Missouri Mental Health Center - Sexual Offender Rehabilitation and Treatment Services Program and Southeast Missouri Mental Health Center and that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment for overtime, medical supplies, medical bills, pharmacy, or contracted clinical staff and further provided that any flexibility be reported to House Budget Committee and Senate Appropriations staff
From General Revenue Fund.. 17,924,457

Personal Service
From Federal Funds 27,824

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

From General Revenue Fund. 84,263
Total (Not to exceed 891.26 F.T.E.). $37,964,348

SECTION 10.330.—To the Department of Mental Health
For the Division of Comprehensive Psychiatric Services
For the purpose of funding Center for Behavioral Medicine Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment for overtime, medical supplies, medical bills, pharmacy, or contracted clinical staff and further provided that any flexibility be reported to House Budget Committee and Senate Appropriations staff

From General Revenue Fund. $14,849,001
From Federal Funds 935,981

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

From General Revenue Fund. 244,709
Total (Not to exceed 342.05 F.T.E.). $16,029,691

SECTION 10.335.—To the Department of Mental Health
For the Division of Comprehensive Psychiatric Services
For the purpose of funding Hawthorn Children's Psychiatric Hospital Personal Service and/or Expense and Equipment, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment for overtime, medical supplies, medical bills, pharmacy, or contracted clinical staff and further provided that any flexibility be reported to House Budget Committee and Senate Appropriations staff

From General Revenue Fund. $6,880,720
From Federal Funds 1,918,296

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

From General Revenue Fund. 63,924
From Federal Funds. 7,258
Total (Not to exceed 214.80 F.T.E.). $8,870,198

SECTION 10.340.—To the Department of Mental Health
For the Division of Comprehensive Psychiatric Services
For the purpose of funding Cottonwood Residential Treatment Center Personal Service and/or Expense and Equipment, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment for overtime, medical supplies, medical bills, pharmacy, or contracted clinical staff and further provided that any

flexibility be reported to House Budget Committee and Senate Appropriations staff
From General Revenue Fund.. . . . . $1,330,211
From Federal Funds 2,127,702

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees
From General Revenue Fund.. 19,269
From Federal Funds. 1,125
Total (Not to exceed 87.03 F.T.E.). $3,478,307

SECTION 10.400.—To the Department of Mental Health
For the Division of Developmental Disabilities
For the purpose of funding division administration
Personal Service. $1,369,062
Expense and Equipment.. 58,645
From General Revenue Fund.. 1,427,707

Personal Service. 309,468
Expense and Equipment.. 58,877
From Federal Funds. 368,345
Total (Not to exceed 31.37 F.T.E.). $1,796,052

SECTION 10.405.—To the Department of Mental Health
For the Division of Developmental Disabilities
For the purpose of funding cost associated with the Division of Developmental Disabilities to achieve personnel standards at habilitation centers
From General Revenue Fund.. . . . . $842,479
From Federal Funds 2,796,233

To pay the state operated ICF/MR provider tax
From General Revenue Fund.. 7,500,000
Total (Not to exceed 39.76 F.T.E.). $11,138,712

SECTION 10.410.—To the Department of Mental Health
For the Division of Developmental Disabilities
Provided that residential services for non-Medicaid eligibles shall not be reduced below the prior year expenditures as long as the person is evaluated to need the services provided that services and/or provider rates shall be no less than the FY 2013 level and further provided that the Department shall request supplemental appropriation authority if needed to continue serving individuals at the same FY 2013 level, provided that beginning July 2013, services for all Division of Developmental disabilities clients who are new to residential or day habilitation services will be paid based upon standardized rates. Residential Services will be based upon the client's needs and their Rate Allocation Score as defined by the Division of DD Rate Rebasing Committee. Day Habilitation shall be based upon the profile rates as established by the Division.
The rebasing appropriation under this section shall be applied to the lowest rates in each of the seven residential rate allocation scores and

the two day habilitation profile rates in order to create minimum funding level. The minimum funding level percentage shall be consistent across the seven residential rate allocation scores and the two day habilitation profile rates and shall be disclosed to all providers of residential and day habilitation services.
In each subsequent year, providers will be paid standardized rates that are adjusted for inflation, subject to appropriation, for all new clients entering residential services and day habilitation. Subject to appropriation, rates for existing clients will continue to be adjusted
For the purpose of funding community programs
From General Revenue Fund. $205,413,435
From Federal Funds 455,990,929

For the purpose of funding community programs
Personal Service. 573,707
Expense and Equipment. 31,425
From General Revenue Fund. 605,132

Personal Service. 188,352
Expense and Equipment. 39,611
From Federal Funds 227,963

For consumer and family directed supports/in-home services/choices for families
From General Revenue Fund. 18,927,679
From Developmental Disabilities Waiting List Equity Trust Fund 10,000

For the purpose of funding programs for persons with autism and their families provided that services and/or provider rates shall be no less than the FY 2013 level and further provided that the Department shall request supplemental appropriation authority if needed to continue serving individuals at the same FY 2013 level
From General Revenue Fund. 3,961,663

For the purpose of funding Regional Autism projects provided that services and/or provider rates shall be no less than the FY 2013 level and further provided that the Department shall request supplemental appropriation authority if needed to continue serving individuals at the same FY 2013 level
From General Revenue Fund. 7,524,901

For services for children who are clients of the Department of Social Services
From Mental Health Interagency Payments Fund 8,755,000

For purposes of funding youth services
From Mental Health Interagency Payments Fund 555,500

For Senate Bill 40 Board Tax Funds to be used as match for Medicaid initiatives for clients of the division
From DMH Local Tax Matching Fund. 25,175,034
Total (Not to exceed 14.55 F.T.E.). $727,147,236

SECTION 10.415.—To the Department of Mental Health
For the Division of Developmental Disabilities
For the purpose of funding community support staff
Personal Service
From General Revenue Fund. $7,704,200

Personal Service. 11,888,553
Expense and Equipment. 670,748
From Federal Funds. 12,559,301
Total (Not to exceed 456.92 F.T.E.). $20,263,501

SECTION 10.420.—To the Department of Mental Health
For the Division of Developmental Disabilities
For the purpose of funding developmental disabilities services
Personal Service. $381,024
Expense and Equipment. 1,171,512
From Federal Funds (Not to exceed 7.98 F.T.E.). $1,552,356

SECTION 10.425.—There is transferred out of the State Treasury from the ICF/MR Reimbursement Allowance Fund to the General Revenue Fund as a result of recovering the ICF/MR Reimbursement Allowance Fund
From ICF/MR Reimbursement Allowance Fund. $2,800,000

There is transferred out of the State Treasury from the ICF/MR Reimbursement Allowance Fund to Federal Funds
From ICF/MR Reimbursement Allowance Fund. 4,742,365
Total. $7,542,365

SECTION 10.500.—To the Department of Mental Health
For the Division of Developmental Disabilities
For the purpose of funding the Albany Regional Center
Personal Service. $685,702
Expense and Equipment. 108,057
From General Revenue Fund. 793,759

Personal Service. 16,262
Expense and Equipment. 2,336
From Federal Funds. 18,598
Total (Not to exceed 18.80 F.T.E.). $812,357

SECTION 10.505.—To the Department of Mental Health
For the Division of Developmental Disabilities
For the purpose of funding the Central Missouri Regional Center
Personal Service. $843,911
Expense and Equipment. 87,893
From General Revenue Fund. 931,804
Personal Service. 50,585
Expense and Equipment. 1,478
From Federal Funds. 52,063
Total (Not to exceed 27.45 F.T.E.). $983,867

SECTION 10.510.—To the Department of Mental Health
For the Division of Developmental Disabilities
For the purpose of funding the Hannibal Regional Center
Personal Service. $736,743
Expense and Equipment. 148,332
From General Revenue Fund. 885,075

Personal Service. 65,473
Expense and Equipment. 1,478
From Federal Funds. 66,951
Total (Not to exceed 20.73 F.T.E.). $952,026

SECTION 10.515.—To the Department of Mental Health
For the Division of Developmental Disabilities
For the purpose of funding the Joplin Regional Center
Personal Service. $656,864
Expense and Equipment. 158,172
From General Revenue Fund. 815,036

Expense and Equipment
From Federal Funds. 1,478
Total (Not to exceed 15.67 F.T.E.). $816,514

SECTION 10.520.—To the Department of Mental Health
For the Division of Developmental Disabilities
For the purpose of funding the Kansas City Regional Center
Personal Service. $1,258,944
Expense and Equipment. 228,111
From General Revenue Fund. 1,487,055

Personal Service. 87,014
Expense and Equipment. 1,478
From Federal Funds. 88,492
Total (Not to exceed 35.21 F.T.E.). $1,575,547

SECTION 10.525.—To the Department of Mental Health
For the Division of Developmental Disabilities
For the purpose of funding the Kirksville Regional Center
Personal Service. $416,323
Expense and Equipment. 93,831
From General Revenue Fund. 510,154

Expense and Equipment
From Federal Funds. 1,478
Total (Not to exceed 10.00 F.T.E.). $511,632

SECTION 10.530.—To the Department of Mental Health
For the Division of Developmental Disabilities
For the purpose of funding the Poplar Bluff Regional Center
Personal Service. $624,801
Expense and Equipment. 92,015
From General Revenue Fund. 716,816

Expense and Equipment
From Federal Funds. 1,478
Total (Not to exceed 16.47 F.T.E.). $718,294

SECTION 10.535.—To the Department of Mental Health
For the Division of Developmental Disabilities
For the purpose of funding the Rolla Regional Center
Personal Service. $428,106
Expense and Equipment. 97,419
From General Revenue Fund. 525,525

Personal Service. 133,815
Expense and Equipment. 1,478
From Federal Funds. 135,293
Total (Not to exceed 14.00 F.T.E.). $660,818

SECTION 10.540.—To the Department of Mental Health
For the Division of Developmental Disabilities
For the purpose of funding the Sikeston Regional Center
Personal Service. $701,888
Expense and Equipment. 97,501
From General Revenue Fund. 799,389

Expense and Equipment
From Federal Funds. 1,478
Total (Not to exceed 18.33 F.T.E.). $800,867

SECTION 10.545.—To the Department of Mental Health
For the Division of Developmental Disabilities
For the purpose of funding the Springfield Regional Center
Personal Service. $939,034
Expense and Equipment. 142,356
From General Revenue Fund. 1,081,390

Expense and Equipment
From Federal Funds. 1,478
Total (Not to exceed 24.25 F.T.E.). $1,082,868

SECTION 10.550.—To the Department of Mental Health
For the Division of Developmental Disabilities
For the purpose of funding the St. Louis Regional Center
Personal Service. $2,694,719
Expense and Equipment. 309,196
From General Revenue Fund. 3,003,915

Personal Service. 96,693
Expense and Equipment. 1,478
From Federal Funds. 98,171
Total (Not to exceed 81.26 F.T.E.). $3,102,086

SECTION 10.555.—To the Department of Mental Health
For the Division of Developmental Disabilities

For the purpose of funding the Bellefontaine Habilitation Center Personal Service and/or Expense and Equipment provided that not more than fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment for overtime, medical supplies, medical bills, pharmacy, or contracted clinical staff and further provided that any flexibility be reported to House Budget Committee and Senate Appropriations staff

From General Revenue Fund	$5,885,352
From Federal Funds	10,149,472

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

From General Revenue Fund	906,603
From Federal Funds	38,931
Total (Not to exceed 446.52 F.T.E.)	$16,980,358

Section 10.560.—To the Department of Mental Health
For the Division of Developmental Disabilities
For the purpose of funding the Higginsville Habilitation Center Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment for overtime, medical supplies, medical bills, pharmacy, or contracted clinical staff and further provided that any flexibility be reported to House Budget Committee and Senate Appropriations staff

From General Revenue Fund	$1,611,527
From Federal Funds	6,569,247

For Northwest Community Services
Personal Service

From General Revenue Fund	2,936,192
From Federal Funds	2,777,300

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

From General Revenue Fund	387,765
From Federal Funds	92,812
Total (Not to exceed 469.31 F.T.E.)	$14,374,843

Section 10.565.—To the Department of Mental Health
For the Division of Developmental Disabilities
For the purpose of funding the Marshall Habilitation Center Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and that not more than ten percent (10%) flexibility is

allowed between personal service and expense and equipment for overtime, medical supplies, medical bills, pharmacy, or contracted clinical staff and further provided that any flexibility be reported to House Budget Committee and Senate Appropriations staff

From General Revenue Fund.. . . . . $7,975,613
From Federal Funds 11,332,695

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

From General Revenue Fund.. 724,813
From Federal Funds. 55,014
Total (Not to exceed 599.74 F.T.E.). $20,088,135

SECTION 10.570.—To the Department of Mental Health
For the Division of Developmental Disabilities
For the purpose of funding the Nevada Habilitation Center
Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment for overtime, medical supplies, medical bills, pharmacy, or contracted clinical staff and further provided that any flexibility be reported to House Budget Committee and Senate Appropriations staff

From General Revenue Fund.. . . . . $2,215,642
From Federal Funds 6,526,409

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

From General Revenue Fund.. 9,145
Total (Not to exceed 286.26 F.T.E.). $8,751,196

SECTION 10.575.—To the Department of Mental Health
For the Division of Developmental Disabilities
For the purpose of funding the St. Louis Developmental Disabilities Treatment Center
Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment for overtime, medical supplies, medical bills, pharmacy, or contracted clinical staff and further provided that any flexibility be reported to House Budget Committee and Senate Appropriations staff

From General Revenue Fund.. . . . . $5,730,132
From Federal Funds. 12,822,794
Total (Not to exceed 592.00 F.T.E.). $18,552,926

SECTION 10.580.—To the Department of Mental Health
For the Division of Developmental Disabilities

For the purpose of funding Southeast Missouri Residential Services Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment for overtime, medical supplies, medical bills, pharmacy, or contracted clinical staff and further provided that any flexibility be reported to House Budget Committee and Senate Appropriations staff

From General Revenue Fund. $1,846,675
From Federal Funds 5,236,897

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

From General Revenue Fund. 185,949
From Federal Funds. 83,927
Total (Not to exceed 222.89 F.T.E.). $7,353,448

Section 10.600.—To the Department of Health and Senior Services
For the Office of the Director
For the purpose of funding program operations and support and $200,000 shall be expended to continue a program designed for aging in place through a non-profit community based agency

Personal Service. $571,888
Expense and Equipment. 222,132
From General Revenue Fund. 794,020

Personal Service. 1,491,885
Expense and Equipment. 151,233
From Federal Funds. 1,643,118
Total (Not to exceed 40.79 F.T.E.). $2,437,138

Section 10.605.—To the Department of Health and Senior Services
For the Office of the Director
For the purpose of funding contracts for the Sexual Violence Victims Services, Awareness, and Education Program

From Federal Funds. $882,134

Section 10.610.—To the Department of Health and Senior Services
For the Center for Health Equity

Personal Service. $753,221
Expense and Equipment. 274,227
From Federal Funds 1,027,448

Personal Service. 94,530
Expense and Equipment. 14,851
From Health Initiatives Fund 109,381

Personal Service. 73,027
Expense and Equipment. 16,900
From Professional and Practical Nursing Student Loan and Nurse Loan

Repayment Fund. 89,927

For the purpose of funding other Center for Health Equity programs and related expenses
From Federal Funds. 978,866
Total (Not to exceed 19.20 F.T.E.). $2,205,622

SECTION 10.615.—To the Department of Health and Senior Services
For the Division of Administration
For the purpose of funding program operations and support
Personal Service. $202,118
Expense and Equipment. 140,701
From General Revenue Fund. 342,819

Personal Service
From Federal Funds 2,359,877
From Missouri Public Health Services Fund. 128,803

Expense and Equipment
From Federal and Other Funds. 2,845,426
Total (Not to exceed 70.73 F.T.E.). $5,676,925

SECTION 10.620.—There is transferred out of the State Treasury from the Health Initiatives Fund to the Health Access Incentive Fund
From Health Initiatives Fund. $759,624

SECTION 10.625.—To the Department of Health and Senior Services
For the Division of Administration
For the purpose of funding the payment of refunds set off against debts in accordance with Section 143.786, RSMo
From Debt Offset Escrow Fund. $20,000

SECTION 10.630.—To the Department of Health and Senior Services
For the Division of Administration
For the purpose of making refund payments
From General Revenue Fund. $50,000
From Federal and Other Funds. 200,000
Total. $250,000

SECTION 10.635.—To the Department of Health and Senior Services
For the Division of Administration
For the purpose of receiving and expending grants, donations, contracts, and payments from private, federal, and other governmental agencies which may become available between sessions of the General Assembly provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the use of said funds
Personal Service. $100,000
Expense and Equipment. 3,000,001
From Federal Funds 3,100,001

Personal Service	100,999
Expense and Equipment	347,596
From Department of Health - Donated Fund	448,595
Total	$3,548,596

SECTION 10.640.—To the Department of Health and Senior Services
For the Division of Community and Public Health
For the purpose of funding program operations and support

Personal Service	
From General Revenue Fund	$6,200,108
Personal Service	15,533,526
Expense and Equipment	3,054,955
From Federal Funds	18,588,481
Personal Service	973,587
Expense and Equipment	555,850
From Health Initiatives Fund	1,529,437
Personal Service	69,480
Expense and Equipment	23,785
From Environmental Radiation Monitoring Fund	93,265
Expense and Equipment	
From Governor's Council on Physical Fitness Institution Gift Trust Fund	47,500
Personal Service	201,535
Expense and Equipment	66,883
From Hazardous Waste Fund	268,418
Personal Service	109,304
Expense and Equipment	81,887
From Organ Donor Program Fund	191,191
Personal Service	334,078
Expense and Equipment	18,053
From Missouri Public Health Services Fund	352,131
Personal Service	278,207
Expense and Equipment	59,048
From Department of Health and Senior Services Document Services Fund	337,255
Personal Service	178,679
Expense and Equipment	366,378
From Department of Health - Donated Fund	545,057
Personal Service	75,945
Expense and Equipment	27,748
From Putative Father Registry Fund	103,693
Total (Not to exceed 545.63 F.T.E.)	$28,256,536

SECTION 10.645.—To the Department of Health and Senior Services
For the Division of Community and Public Health
For the purpose of funding core public health functions and related expenses
From General Revenue Fund. $2,322,692
From Federal Funds. 7,200,000
Total. $9,522,692

SECTION 10.650.—To the Department of Health and Senior Services
For the Division of Community and Public Health
For the purpose of funding community health programs and related expenses
From General Revenue Fund. $9,235,965
From Federal Funds 64,578,491
From Organ Donor Program Fund. 100,000
From C & M Smith Memorial Endowment Trust Fund 35,000
From Children's Special Health Care Needs Service Fund 30,000
From Missouri Lead Abatement Loan Fund 56,000
From Missouri Public Health Services Fund. 1,549,750
From Brain Injury Fund 1,074,900
From Breast Cancer Awareness Trust Fund. 5,000

For the sole purpose of purchasing influenza vaccine to be used in conjunction with school-located influenza vaccination programs
From General Revenue Fund. $200,000
Total. $76,865,106

SECTION 10.655.—To the Department of Health and Senior Services
For the Division of Community and Public Health
For the purpose of funding supplemental nutrition programs
From Federal Funds. $200,180,851

SECTION 10.660.—To the Department of Health and Senior Services
For the Division of Community and Public Health
For the purpose of funding the Primary Care Resource Initiative Program (PRIMO), Financial Aid to Medical Students, and Loan Repayment Programs
From Federal Funds. $174,446
From Health Access Incentive Fund. 650,000
From Department of Health - Donated Fund 1,106,236
From Professional and Practical Nursing Student Loan and Nurse Loan Repayment Fund. 499,752

For the purpose of funding the Missouri Area Health Education Centers program and its responsibilities under Section 191.980.4, RSMo
From General Revenue. 500,000
Total. $2,930,434

SECTION 10.665.—To the Department of Health and Senior Services
For the Division of Community and Public Health
For the Office of Minority Health
For the purpose of funding program operations and support
Personal Service. $185,165
Expense and Equipment. 181,024

From General Revenue Fund. 366,189

Personal Service. 90,990
Expense and Equipment. 104,621
From Federal Funds. 195,611
Total (Not to exceed 6.73 F.T.E.). $561,800

SECTION 10.670.—To the Department of Health and Senior Services
For the Division of Community and Public Health
For the Center for Emergency Response and Terrorism, provided that $500,000 be used to assist in maintaining the Poison Control Hotline
Personal Service. $3,212,151
Expense and Equipment and Program Distribution. 16,990,116
From Federal Funds 20,202,267
From Insurance Dedicated Fund. 500,000
Total (Not to exceed 61.51 F.T.E.). $20,702,267

SECTION 10.675.—To the Department of Health and Senior Services
For the Division of Community and Public Health
For the purpose of funding the State Public Health Laboratory
Personal Service. $1,517,678
Expense and Equipment. 435,704
From General Revenue Fund. 1,953,382

Personal Service. 541,499
Expense and Equipment. 1,167,055
From Federal Funds 1,708,554

Personal Service. 1,346,041
Expense and Equipment. 4,089,110
From Other Funds. 5,435,151
Total (Not to exceed 92.52 F.T.E.). $9,097,087

SECTION 10.680.—To the Department of Health and Senior Services
For the Division of Senior and Disability Services
For the purpose of funding program operations and support
Personal Service. $7,281,898
Expense and Equipment. 696,927
From General Revenue Fund. 7,978,825

Personal Service. 8,599,910
Expense and Equipment. 1,047,798
From Federal Funds. 9,647,708
Total (Not to exceed 395.59 F.T.E.). $17,626,533

SECTION 10.685.—To the Department of Health and Senior Services
For the Division of Senior and Disability Services
For the purpose of providing naturalization assistance to refugees and/or legal immigrants who: have resided in Missouri more than five years, are unable to benefit or attend classroom instruction, and who require special assistance to successfully attain the requirements to become a citizen. Services may include direct tutoring, assistance with identifying and completing

appropriate waiver requests to the Immigration and Customs Enforcement agency, and facilitating proper documentation. The department shall award a contract under this section to a qualified not-for-profit organization which can demonstrate its ability to work with this population. A report shall be compiled for the General Assembly evaluating the program's effectiveness in helping senior refugees and immigrants in establishing citizenship and their ability to qualify individuals for Medicare

From General Revenue Fund.. . . . . $200,000

SECTION 10.690.—To the Department of Health and Senior Services
For the Division of Senior and Disability Services
For the purpose of funding non-Medicaid reimbursable senior and disability programs

From General Revenue Fund.. . . . . $1,083,401
From Federal Funds. 667,028
Total. $1,750,429

SECTION 10.695.—To the Department of Health and Senior Services
For the Division of Senior and Disability Services
For the purpose of funding respite care, homemaker chore, personal care, adult day care, AIDS, children's waiver services, home-delivered meals, other related services, and program management under the Medicaid fee-for-service and managed care programs provided that services and/or provider rates shall be no less than the FY 2013 level and further provided that the Department shall request supplemental appropriation authority if needed to continue serving individuals at the same FY 2013 level. Provided that individuals eligible for or receiving nursing home care must be given the opportunity to have those Medicaid dollars follow them to the community to the extent necessary to meet their unmet needs as determined by 19 CSR 30 81.030 and further be allowed to choose the personal care program option in the community that best meets the individuals' unmet needs. This includes the Consumer Directed Medicaid State Plan. And further provided that individuals eligible for the Medicaid Personal Care Option must be allowed to choose, from among all the program options, that option which best meets their unmet needs as determined by 19 CSR 30 81.030; and also be allowed to have their Medicaid funds follow them to the extent necessary to meet their unmet needs whichever option they choose. This language does not create any entitlements not established by statute

From General Revenue Fund.. . . . . $222,342,345
From Federal Funds 428,158,303

For the purpose of funding the Medicaid Home and Community-Based Services Program reassessments

From General Revenue Fund.. 1,500,000
From Federal Funds 1,500,000

For the purpose of funding the Medicaid Home and Community-Based Services Program Assessment Unit

Personal Service. 1,215,885
Expense and Equipment.. 262,660

From General Revenue Fund. 1,478,545

Personal Service. 1,215,885
Expense and Equipment. 262,660
From Federal Funds 1,478,545

For the purpose of funding the Medicaid Home and Community-Based Services Program Call Center
Personal Service. 243,177
Expense and Equipment. 13,752
From General Revenue Fund. 256,929

Personal Service. 243,177
Expense and Equipment. 13,752
From Federal Funds. 256,929
Total (Not to exceed 90.00 F.T.E.). $656,971,596

Section 10.700.—To the Department of Health and Senior Services
For the Division of Senior and Disability Services
For the purpose of funding Alzheimer's grants
From General Revenue Fund. $500,000
From Federal Funds. 367,000
Total. $867,000

Section 10.705.—To the Department of Health and Senior Services
For the Division of Senior and Disability Services
For the purpose of funding Home and Community Services grants, including funding for meals to be distributed to each Area Agency on Aging in proportion to the actual number of meals served during the preceding fiscal year, provided that at least $500,000 of general revenue be used for non-Medicaid meals to be distributed to each Area Agency on Aging in proportion to the actual number of meals served during the preceding fiscal year
From General Revenue Fund. $11,005,720
From Federal Funds 35,000,000
From Elderly Home-Delivered Meals Trust Fund. 112,958
Total. $46,118,678

Section 10.715.—To the Department of Health and Senior Services
For the Division of Regulation and Licensure
For the purpose of funding program operations and support
Personal Service. $8,458,217
Expense and Equipment. 868,337
From General Revenue Fund. 9,326,554

Personal Service. 11,371,000
Expense and Equipment. 1,083,024
From Federal Funds 12,454,024

Personal Service. 1,031,736
Expense and Equipment. 1,147,832
From Nursing Facility Quality of Care Fund 2,179,568

Personal Service. 74,114
Expense and Equipment. 10,970
From Health Access Incentive Fund. 85,084

Personal Service. 63,052
Expense and Equipment. 13,110
From Mammography Fund. 76,162

Personal Service. 212,172
Expense and Equipment. 57,197
From Early Childhood Development, Education and Care Fund. 269,369

For nursing home quality initiatives
From Nursing Facility Federal Reimbursement Allowance Fund. 725,000
Total (Not to exceed 460.96 F.T.E.). $25,115,761

SECTION 10.720.—To the Department of Health and Senior Services
For the Division of Regulation and Licensure
For the purpose of funding activities to improve the quality of childcare, increase the availability of early childhood development programs, before- and after-school care, in-home services for families with newborn children, and for general administration of the program
From Federal Funds. $461,675

SECTION 10.725.—To the Department of Health and Senior Services
For the Division of Regulation and Licensure
For the purpose of funding program operations and support for the Missouri Health Facilities Review Committee
Personal Service. $106,385
Expense and Equipment. 8,607
From General Revenue Fund (Not to exceed 2.00 F.T.E.). $114,992

Department of Mental Health Totals
General Revenue Fund. $655,315,830
Federal Funds. 895,507,925
Other Funds. 58,414,072
Total. $1,609,237,827

Department of Health and Senior Services Totals
General Revenue Fund. $277,702,486
Federal Funds. 814,947,687
Other Funds. 19,443,679
Total. $1,112,093,852

Approved June 28, 2013

HB 11 [CCS SCS HCS HB 11]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

APPROPRIATIONS: DEPARTMENT OF SOCIAL SERVICES

AN ACT to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2013 and ending June 30, 2014 as follows:

SECTION 11.005. — To the Department of Social Services
For the Office of the Director

Personal Service	$106,041
Annual salary adjustment in accordance with Section 105.005, RSMo	220
Expense and Equipment	35,716
From General Revenue Fund	141,977
Personal Service	70,104
Annual salary adjustment in accordance with Section 105.005, RSMo	8
Expense and Equipment	1,197
From Federal Funds	71,309
Personal Service	30,633
Expense and Equipment	13,441
From Child Support Enforcement Collections Fund	44,074
Total (Not to exceed 3.25 F.T.E.)	$257,360

SECTION 11.010. — To the Department of Social Services
For the Office of the Director
For the purpose of receiving and expending grants, donations, contracts, and payments from private, federal, and other governmental agencies which may become available between sessions of the General Assembly provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the use of said funds

From Federal and Other Funds	$9,477,551

SECTION 11.015. — To the Department of Social Services
For the Office of the Director

For the Human Resources Center
Personal Service. $273,474
Expense and Equipment. 11,762
From General Revenue Fund. 285,236

Personal Service. 194,616
Expense and Equipment. 35,889
From Federal Funds. 230,505
Total (Not to exceed 11.52 F.T.E.). $515,741

SECTION 11.020.—To the Department of Social Services
For the Office of the Director
For the Missouri Medicaid Audit and Compliance Unit
Personal Service. $1,199,605
Expense and Equipment. 503,160
From General Revenue Fund. 1,702,765

Personal Service. 1,900,633
Expense and Equipment. 1,776,094
From Federal and Other Funds. 3,676,727
Total (Not to exceed 82.00 F.T.E.). $5,379,492

SECTION 11.025.—To the Department of Social Services
For the Office of the Director
For the Missouri Medicaid Audit and Compliance Unit
For the purpose of funding a case management system and a provider enrollment system
From General Revenue Fund. $316,250
From Federal Funds. 1,489,000
Total. $1,805,250

SECTION 11.030.—To the Department of Social Services
For the Office of the Director
For the purpose of funding recovery audit services
From Recovery Audit and Compliance Fund. $1,200,000

SECTION 11.035.—To the Department of Social Services
For the Office of the Director
For the purpose of funding Medicaid payment error prevention measures, including but not limited to provider education about MO HealthNet payment standards and practices, provided that such funding shall be contingent on the availability of funds in the Recovery Audit and Compliance Fund after the expenditure of monies from such fund pursuant to Sections 11.020 and 11.030
From Recovery Audit and Compliance Fund. $5,000,000

SECTION 11.040.—To the Department of Social Services
For the Division of Finance and Administrative Services
Personal Service. $1,802,352
Expense and Equipment. 408,190
From General Revenue Fund. 2,210,542

Personal Service	1,045,865
Expense and Equipment	249,144
From Federal Funds	1,295,009
Personal Service	4,006
Expense and Equipment	317
From Department of Social Services Administrative Trust Fund	4,323
Personal Service	48,622
Expense and Equipment	12,513
From Child Support Enforcement Collections Fund	61,135

For the purpose of funding the centralized inventory system, for reimbursable goods and services provided by the department, and for related equipment replacement and maintenance expenses

From Department of Social Services Administrative Trust Fund	1,500,000
Total (Not to exceed 72.00 F.T.E.)	$5,071,009

SECTION 11.045.—To the Department of Social Services
For the Division of Finance and Administrative Services
For the payment of fees to contractors who engage in revenue maximization projects on behalf of the Department of Social Services

From Federal Funds	$5,250,000

SECTION 11.050.—To the Department of Social Services
For the Division of Finance and Administrative Services
For the purpose of funding the receipt and disbursement of refunds and incorrectly deposited receipts to allow the over-collection of accounts receivables to be paid back to the recipient

From Federal and Other Funds	$9,989,000

SECTION 11.055.—To the Department of Social Services
For the Division of Finance and Administrative Services
For the purpose of funding payments to counties and the City of St. Louis toward the care and maintenance of each delinquent or dependent child as provided in Section 211.156, RSMo

From General Revenue Fund	$1,900,000

SECTION 11.060.—To the Department of Social Services
For the Division of Legal Services

Personal Service	$1,650,707
Expense and Equipment	36,090
From General Revenue Fund	1,686,797
Personal Service	3,044,890
Expense and Equipment	665,910
From Federal Funds	3,710,800
Personal Service	567,002
Expense and Equipment	114,724
From Third Party Liability Collections Fund	681,726

Personal Service
From Child Support Enforcement Collections Fund. 167,718
Total (Not to exceed 125.97 F.T.E.). $6,247,041

SECTION 11.065.—To the Department of Social Services
For the Family Support Division
Personal Service. $649,326
Expense and Equipment. 8,944
From General Revenue Fund. 658,270

Personal Service. 5,216,373
Expense and Equipment. 13,937,762
From Federal Funds 19,154,135

Personal Service. 1,378,783
Expense and Equipment. 133,977
From Child Support Enforcement Collections Fund. 1,512,760
Total (Not to exceed 170.45 F.T.E.). $21,325,165

SECTION 11.070.—To the Department of Social Services
For the Family Support Division
For the income maintenance field staff and operations
Personal Service. $16,013,364
Expense and Equipment. 2,849,915
From General Revenue Fund. 18,863,279

Personal Service. 54,548,838
Expense and Equipment. 7,676,343
From Federal Funds 62,225,181

Personal Service. 421,239
Expense and Equipment. 175,396
From Child Support Enforcement Collections Fund. 596,635

Personal Service. 785,050
Expense and Equipment. 27,917
From Health Initiatives Fund. 812,967
Total (Not to exceed 2,277.01 F.T.E.). $82,498,062

SECTION 11.075.—To the Department of Social Services
For the Family Support Division
For income maintenance and child support staff training
From General Revenue Fund. $120,950
From Federal Funds. 133,974
Total. $254,924

SECTION 11.080.—To the Department of Social Services
For the Family Support Division
For the purpose of funding the electronic benefit transfers (EBT) system
From General Revenue Fund. $2,049,598
From Federal Funds. 1,546,747
Total. $3,596,345

SECTION 11.085.—To the Department of Social Services
For the Family Support Division
For the purpose of funding the receipt of funds from the Polk County and Bolivar Charitable Trust for the exclusive benefit and use of the Polk County Office
From Family Support and Children's Divisions Donations Fund. $10,000

SECTION 11.090.—To the Department of Social Services
For the Family Support Division
For the purpose of funding contractor, hardware, and other costs associated with planning, development, and implementation of a Family Assistance Management Information System (FAMIS)
From General Revenue Fund. $1,112,184
From Federal Funds. 3,222,371
Total. $4,334,555

SECTION 11.095.—To the Department of Social Services
For the Family Support Division
For the purpose of planning, designing, and purchasing an eligibility and enrollment system
From General Revenue Fund. $7,199,437
From Federal and Other Funds. 61,726,003
Total. $68,925,440

SECTION 11.100.—To the Department of Social Services
For the Family Support Division
For the purpose of funding Community Partnerships
Personal Service
From General Revenue Fund. $95,486

For grants and contracts to Community Partnerships and other community initiatives and related expenses
From General Revenue Fund. 523,800
From Federal Funds 7,483,799

For the Missouri Mentoring Partnership
From General Revenue Fund. 508,700
From Federal Funds 785,000

For the purpose of funding a program for adolescent boys with the goal of preventing teen pregnancies
From Federal Funds. 300,000
Total (Not to exceed 2.00 F.T.E.). $9,696,785

SECTION 11.105.—To the Department of Social Services
For the Family Support Division
For the purpose of funding the Family Nutrition Education Program
From Federal Funds. $11,181,261

SECTION 11.110.—To the Department of Social Services
For the Family Support Division
For the purpose of funding Temporary Assistance for Needy Families (TANF)

benefits; transitional benefits; payments to qualified agencies for TANF or TANF Maintenance of Effort activities; and for work support programs to help increase TANF work participation provided that total funding herein is sufficient to fund TANF benefits

From General Revenue Fund. $10,332,291
From Federal Funds. 136,421,681
Total. $146,753,972

SECTION 11.115.—To the Department of Social Services
For the Family Support Division
For the purpose of funding supplemental payments to aged or disabled persons
From General Revenue Fund. $38,665

SECTION 11.120.—To the Department of Social Services
For the Family Support Division
For the purpose of funding nursing care payments to aged, blind, or disabled persons, and for personal funds to recipients of Supplemental Nursing Care payments as required by Section 208.030, RSMo
From General Revenue Fund. $24,909,384

SECTION 11.125.—To the Department of Social Services
For the Family Support Division
For the purpose of funding Blind Pension and supplemental payments to blind persons
From Blind Pension Fund. $33,964,470

SECTION 11.130.—To the Department of Social Services
For the Family Support Division
For the purpose of funding benefits and services as provided by the Indochina Migration and Refugee Assistance Act of 1975 as amended
From Federal Funds. $3,806,226

SECTION 11.135.—To the Department of Social Services
For the Family Support Division
For the purpose of funding community services programs provided by Community Action Agencies, including programs to assist the homeless, under the provisions of the Community Services Block Grant
From Federal Funds. $19,637,000

SECTION 11.140.—To the Department of Social Services
For the Family Support Division
For the purpose of funding the Emergency Solutions Grant Program
From Federal Funds. $2,630,000

SECTION 11.145.—To the Department of Social Services
For the Family Support Division
For the purpose of funding the Surplus Food Distribution Program and the receipt and disbursement of Donated Commodities Program payments
From Federal Funds. $1,500,000

SECTION 11.150.—To the Department of Social Services
For the Family Support Division

For the purpose of funding the Low-Income Home Energy Assistance Program
From Federal Funds. $114,547,867

SECTION 11.155.—To the Department of Social Services
For the Family Support Division
For the purpose of funding services and programs to assist victims of domestic violence
From General Revenue Fund. $4,750,000
From Federal Funds. 3,716,524
Total. $8,466,524

SECTION 11.160.—To the Department of Social Services
For the Family Support Division
For the purpose of funding administration of blind services
Personal Service. $813,351
Expense and Equipment. 141,209
From General Revenue Fund. 954,560

Personal Service. 2,959,284
Expense and Equipment. 743,274
From Federal Funds 3,702,558

Personal Service
From Blind Pension Fund. 758
Total (Not to exceed 103.69 F.T.E.). $4,657,876

SECTION 11.165.—To the Department of Social Services
For the Family Support Division
For the purpose of funding services for the visually impaired
From General Revenue Fund. $1,578,544
From Federal Funds 6,372,075
From Family Support and Children's Divisions Donations Fund. 99,995
From Blindness Education, Screening and Treatment Program Fund. 349,000
Total. $8,399,614

SECTION 11.170.—To the Department of Social Services
For the Family Support Division
For the purpose of supporting business enterprise programs for the blind
From Federal Funds. $30,000,000

SECTION 11.175.—To the Department of Social Services
For the Family Support Division
For the purpose of funding Child Support Enforcement field staff and operations
Expense and Equipment
From General Revenue Fund. $2,695,643

Personal Service. 18,658,452
Expense and Equipment. 5,709,213
From Federal Funds 24,367,665

Personal Service	6,250,619
Expense and Equipment	2,347,209
From Child Support Enforcement Collections Fund	8,597,828
Total (Not to exceed 763.24 F.T.E.)	$35,661,136

SECTION 11.180.—To the Department of Social Services
For the Family Support Division
For the purpose of funding reimbursements to counties and the City of St. Louis and contractual agreements with local governments providing child support enforcement services and for incentive payments to local governments

From General Revenue Fund	$1,957,744
From Federal Funds	14,886,582
From Child Support Enforcement Collections Fund	1,263,424
Total	$18,107,750

SECTION 11.185.—To the Department of Social Services
For the Family Support Division
For the purpose of funding reimbursements to the federal government for federal Temporary Assistance for Needy Families payments, incentive payments to other states, refunds of bonds, refunds of support payments or overpayments, and distributions to families

From Federal Funds	$86,500,000
From Debt Offset Escrow Fund	9,000,000
Total	$95,500,000

SECTION 11.190.—There is transferred out of the State Treasury from the Debt Offset Escrow Fund to the Department of Social Services Federal and Other Fund and/or the Child Support Enforcement Collections Fund

From Debt Offset Escrow Fund	$1,200,000

SECTION 11.195.—To the Department of Social Services
For the Children's Division

Personal Service	$761,881
Expense and Equipment	44,741
From General Revenue Fund	806,622
Personal Service	3,200,791
Expense and Equipment	2,674,579
From Federal Funds	5,875,370
Personal Service	45,135
Expense and Equipment	11,548
From Early Childhood Development, Education and Care Fund	56,683
Expense and Equipment	
From Third Party Liability Collections Fund	50,000
Total (Not to exceed 89.50 F.T.E.)	$6,788,675

SECTION 11.200.—To the Department of Social Services
For the Children's Division
For the Children's Division field staff and operations

Personal Service	$28,071,855
Expense and Equipment	1,925,550
From General Revenue Fund	29,997,405
Personal Service	42,836,814
Expense and Equipment	4,091,639
From Federal Funds	46,928,453
Personal Service	69,944
Expense and Equipment	27,846
From Health Initiatives Fund	97,790

For the purpose of funding a two-year pilot program for full privatization of recruitment and retention services in two areas of the state in which one site should be a location that already has a strong contractor presence and the second site should have little or no existing contractor presence

From General Revenue Fund	572,787
From Federal Funds	793,132
Total (Not to exceed 1,931.38 F.T.E.)	$78,389,567

SECTION 11.205.—To the Department of Social Services
For the Children's Division
For Children's Division staff training

From General Revenue Fund	$750,989
From Federal Funds	373,769
Total	$1,124,758

SECTION 11.210.—To the Department of Social Services
For the Children's Division
For the purpose of funding children's treatment services including, but not limited to, home-based services, day treatment services, preventive services, child care, family reunification services, or intensive in-home services provided that services and/or provider rates shall be no less than the FY 2013 level and further provided that the Department shall request supplemental appropriation authority if needed to continue serving individuals at the same FY 2013 level

From General Revenue Fund	$9,733,829
From Federal Funds	8,409,696

For the purpose of funding crisis care

From General Revenue Fund	2,050,000
Total	$20,193,525

SECTION 11.215.—To the Department of Social Services
For the Children's Division
For the purpose of funding grants to community-based programs to strengthen the child welfare system locally to prevent child abuse and neglect and divert children from entering into the custody of the Children's Division

From General Revenue Fund	$1,190,000

SECTION 11.220.—To the Department of Social Services
For the Children's Division

For the purpose of funding placement costs including foster care payments; related services; expenses related to training of foster parents; residential treatment placements and therapeutic treatment services; and for the diversion of children from inpatient psychiatric treatment and services provided through comprehensive, expedited permanency systems of care for children and families provided that services and/or provider rates shall be no less than the FY 2013 level and further provided that the Department shall request supplemental appropriation authority if needed to continue serving individuals at the same FY 2013 level

From General Revenue Fund. $71,356,318
From Federal Funds 44,237,343

For the purpose of funding placement costs in an outdoor learning residential licensed or accredited program located in south central Missouri related to the treatment of foster children

From General Revenue Fund. 76,220
From Federal Funds 123,780

For the purpose of funding awards to licensed community-based foster care and adoption recruitment programs

From Foster Care and Adoptive Parents Recruitment and Retention Fund. . . 5,000
Total. $115,798,661

SECTION 11.221.—To the Department of Social Services
For the Children's Division
For the purpose of funding three Social Innovation Project Grants; these grants shall be awarded to the top three applications for an eighteen month period over which time the grantee shall demonstrate a replicable program which successfully reduces the number of families in the child welfare system who fit the following criteria: the family is part of a cycle of poverty which is generational; the family has been referred to the child welfare system for foster care or other intensive services; the family has few stable environmental resources, including housing and employment; and, the family has a history with substance abuse. Bids shall be assessed by an expert panel comprised, in equal numbers, of leading academics, professionals with substantial experience in delivering services to children and families in this environment, and leading professional staff of the department. Bidders shall provide evaluation and reporting of their project to the panel on a regular basis. At the end of the grants, the panel shall choose either a winning program or develop a hybrid of the best programs, which shall be presented to the General Assembly and the Governor for deployment

From General Revenue Fund. $1,000,000

SECTION 11.225.—To the Department of Social Services
For the Children's Division
For the purpose of funding contractual payments for expenses related to training of foster parents

From General Revenue Fund. $403,479
From Federal Funds. 172,920

Total. $576,399

SECTION 11.230.—To the Department of Social Services
For the Children's Division
For the purpose of funding costs associated with attending post-secondary education including, but not limited to tuition, books, fees, room, and board for current or former foster youth
From General Revenue Fund. $188,848
From Federal Funds. 1,050,000
Total. $1,238,848

SECTION 11.235.—To the Department of Social Services
For the Children's Division
For the purpose of providing comprehensive case management contracts through community-based organizations as described in Section 210.112, RSMo. The purpose of these contracts shall be to provide a system of care for children living in foster care, independent living, or residential care settings. Services eligible under this provision may include, but are not limited to, case management, foster care, residential treatment, intensive in-home services, family reunification services, and specialized recruitment and training of foster care families provided that services and/or provider rates shall be no less than the FY 2013 level and further provided that the Department shall request supplemental appropriation authority if needed to continue serving individuals at the same FY 2013 level
From General Revenue Fund. $17,023,331

From Federal Funds. 12,510,463
Total. $29,533,794

SECTION 11.240.—To the Department of Social Services
For the Children's Division
For the purpose of funding Adoption and Guardianship subsidy payments and related services provided that services and/or provider rates shall be no less than the FY 2013 level and further provided that the Department shall request supplemental appropriation authority if needed to continue serving individuals at the same FY 2013 level
From General Revenue Fund. $55,314,768
From Federal Funds. 22,727,474
Total. $78,042,242

SECTION 11.245.—To the Department of Social Services
For the Children's Division
For the purpose of funding Adoption Resource Centers
From General Revenue Fund. $100,000
From Federal Funds. 200,000

For the purpose of funding an adoption resource center in central Missouri and one center in Southwest Missouri
From Federal Funds 150,000

For the purpose of funding extreme recruitment for older youth with significant mental health and behavioral issues through the two current adoption resource centers
From Federal Funds. 350,000
Total. $800,000

SECTION 11.250.—To the Department of Social Services
For the Children's Division
For the purpose of funding independent living placements and transitional living services provided that services and/or provider rates shall be no less than the FY 2013 level and further provided that the Department shall request supplemental appropriation authority if needed to continue serving individuals at the same FY 2013 level
From General Revenue Fund. $2,097,584
From Federal Funds. 3,821,203
Total. $5,918,787

SECTION 11.255.—To the Department of Social Services
For the Children's Division
For the purpose of funding Regional Child Assessment Centers
From General Revenue Fund. $1,498,952
From Health Initiatives Fund 501,048
From Federal Funds. 800,000
Total. $2,800,000

SECTION 11.260.—To the Department of Social Services
For the Children's Division
For the purpose of funding residential placement payments to counties for children in the custody of juvenile courts
From Federal Funds. $400,000

SECTION 11.265.—To the Department of Social Services
For the Children's Division
For the purpose of funding CASA IV-E allowable training costs
From Federal Funds. $200,000

SECTION 11.270.—To the Department of Social Services
For the Children's Division
For the purpose of funding the Child Abuse and Neglect Prevention Grant and Children's Justice Act Grant
From Federal Funds. $188,316

SECTION 11.275.—To the Department of Social Services
For the Children's Division
For the purpose of funding transactions involving personal funds of children in the custody of the Children's Division
From Alternative Care Trust Fund. $15,000,000

SECTION 11.280.—To the Department of Social Services
For the Children's Division
For the Head Start Collaboration Program
From Federal Funds. $300,000

SECTION 11.285.—To the Department of Social Services
For the Children's Division
For the purpose of funding child care services, the general administration of the programs, including development and implementation of automated systems to enhance time, attendance reporting, contract compliance and payment accuracy, and to support the Educare Program
From General Revenue Fund. $66,242,684
From Federal Funds 116,406,107
From Early Childhood Development, Education and Care Fund. 2,676,737

Personal Service
From General Revenue Fund. 15,218

Personal Service
From Federal Funds 507,100

For the purpose of funding early childhood development, education, and care programs for low-income families pursuant to Chapter 313, RSMo
From Early Childhood Development, Education and Care Fund. 3,500,000

For the purpose of funding certificates to low-income, at-home families pursuant to Chapter 313, RSMo
From Early Childhood Development, Education and Care Fund. 3,074,500

For the purpose of funding the Hand Up pilot program
From General Revenue Fund. 40,000
From Federal Funds. 60,000
Total (Not to exceed 13.00 F.T.E.). $192,522,346

SECTION 11.290.—To the Department of Social Services
For the Division of Youth Services
For the purpose of funding Central Office and Regional Offices
Personal Service. $1,246,773
Expense and Equipment. 91,894
From General Revenue Fund. 1,338,667

Personal Service. 539,567
Expense and Equipment. 107,981
From Federal Funds 647,548

Expense and Equipment
From Youth Services Treatment Fund. 999
Total (Not to exceed 41.33 F.T.E.). $1,987,214

SECTION 11.295.—To the Department of Social Services
For the Division of Youth Services
For the purpose of funding treatment services, including foster care and contractual payments
Personal Service. $16,069,059
Expense and Equipment. 911,093
From General Revenue Fund. 16,980,152

Personal Service. 22,712,364
Expense and Equipment. 6,522,500
From Federal Funds 29,234,864

Personal Service. 3,122,893
Expense and Equipment. 3,852,302
From DOSS Educational Improvement Fund 6,975,195

Personal Service. 130,486
Expense and Equipment. 9,106
From Health Initiatives Fund 139,592

Expense and Equipment
From Youth Services Products Fund. 5,000

For the purpose of paying overtime to nonexempt state employees as required by Section 105.935, RSMo
From General Revenue Fund. 856,698
Total (Not to exceed 1,237.88 F.T.E.). $54,191,501

SECTION 11.300.—To the Department of Social Services
For the Division of Youth Services
For the purpose of funding incentive payments to counties for community-based treatment programs for youth
From General Revenue Fund. $3,579,486
From Gaming Commission Fund. 500,000
Total. $4,079,486

SECTION 11.400.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding administrative services
Personal Service. $2,742,689
Expense and Equipment. 785,868
From General Revenue Fund. 3,528,557

Personal Service. 5,331,318
Expense and Equipment. 3,392,526
From Federal Funds 8,723,844

Personal Service. 94,248
Expense and Equipment. 7,708
From Federal Reimbursement Allowance Fund. 101,956

Personal Service. 25,681
Expense and Equipment. 356
From Pharmacy Reimbursement Allowance Fund 26,037

Personal Service. 415,104
Expense and Equipment. 41,385
From Health Initiatives Fund 456,489

Personal Service	82,844
Expense and Equipment	10,281
From Nursing Facility Quality of Care Fund	93,125
Personal Service	383,479
Expense and Equipment	488,041
From Third Party Liability Collections Fund	871,520
Personal Service	747,953
Expense and Equipment	55,553
From Missouri Rx Plan Fund	803,506
Personal Service	17,680
Expense and Equipment	3,466
From Ambulance Service Reimbursement Allowance Fund	21,146
Total (Not to exceed 234.11 F.T.E.)	$14,626,180

SECTION 11.405.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding clinical services management related to the administration of the MO HealthNet Pharmacy fee-for-service and managed care programs and administration of the Missouri Rx Plan

From General Revenue Fund	$476,154
From Federal Funds	12,214,032
From Third Party Liability Collections Fund	924,911
From Missouri Rx Plan Fund	4,160,595
Total	$17,775,692

SECTION 11.410.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding women and minority health care outreach programs

From General Revenue Fund	$546,125
From Federal Funds	568,625
Total	$1,114,750

SECTION 11.415.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding fees associated with third-party collections and other revenue maximization cost avoidance fees

From Federal Funds	$3,000,000
From Third Party Liability Collections Fund	3,000,000
Total	$6,000,000

SECTION 11.420.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding the operation of the information systems

From General Revenue Fund	$4,838,940
From Federal Funds	27,541,963
From Health Initiatives Fund	1,591,687
From Uncompensated Care Fund	430,000

For the purpose of funding the modernization of the Medicaid Management Information System (MMIS) and the operation of the information systems
From Federal Funds. 12,033,387
Total. $46,435,977

SECTION 11.425.—To the Department of Social Services
For the MO HealthNet Division
For Healthcare Technology Incentives and administration
From Federal Stimulus - Department of Social Services Fund. $100,000,000

SECTION 11.430.—To the Department of Social Services
For the MO HealthNet Division
For the Money Follows the Person Program
From Federal Funds. $532,549

SECTION 11.435.—To the Department of Social Services
For the MO HealthNet Division
For the Adult Medicaid Quality Grant
From Federal Funds. $1,000,000

SECTION 11.440.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding pharmaceutical payments and program expenses under the MO HealthNet and Missouri Rx Plan authorized by Sections 208.780 through 208.798, RSMo and for Medicare Part D Clawback payments and for administration of these programs. The line item appropriations within this section may be used for any other purpose for which line item funding is appropriated within this section

For the purpose of funding pharmaceutical payments under the MO HealthNet fee-for-service and managed care programs and for the purpose of funding professional fees for pharmacists and for a comprehensive chronic care risk management program provided that services and/or provider rates shall be no less than the FY 2013 level and further provided that the Department shall request supplemental appropriation authority if needed to continue serving individuals at the same FY 2013 level
From General Revenue Fund. $50,247,186
From Federal Funds 599,635,515
From Life Sciences Research Trust Fund 25,556,250
From Pharmacy Rebates Fund 199,423,911
From Third Party Liability Collections Fund. 4,229,788
From Pharmacy Reimbursement Allowance Fund 69,796,579
From Health Initiatives Fund 969,293
From Healthy Families Trust Fund 1,041,034
From Premium Fund. 3,800,000

For the purpose of funding Medicare Part D Clawback payments and for funding MO HealthNet pharmacy payments as authorized by the provisions of Section 11.440
From General Revenue Fund. 200,480,745

For the purpose of funding pharmaceutical payments under the Missouri Rx Plan authorized by Sections 208.780 through 208.798, RSMo
From General Revenue Fund. 6,370,046
From Missouri Rx Plan Fund 12,544,388
From Healthy Families Trust Fund. 4,838,657
Total. $1,178,933,392

SECTION 11.445.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding Pharmacy Reimbursement Allowance payments as provided by law
From Pharmacy Reimbursement Allowance Fund. $108,308,926

SECTION 11.450.—There is transferred out of the State Treasury from the General Revenue Fund to the Pharmacy Reimbursement Allowance Fund
From General Revenue Fund. $35,764,609

SECTION 11.455.—There is transferred out of the State Treasury from the Pharmacy Reimbursement Allowance Fund to the General Revenue Fund as a result of recovering the Pharmacy Reimbursement Allowance Fund
From Pharmacy Reimbursement Allowance Fund. $35,764,609

SECTION 11.460.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding physician services and related services including, but not limited to, clinic and podiatry services, telemedicine services, physician-sponsored services and fees, including physician assistant's services, and laboratory and x-ray services, and family planning services under the MO HealthNet fee-for-service and managed care programs, and for administration of these programs, and for a comprehensive chronic care risk management program and Major Medical Prior Authorization provided that services and/or provider rates shall be no less than the FY 2013 level and further provided that the Department shall request supplemental appropriation authority if needed to continue serving individuals at the same FY 2013 level
From General Revenue Fund. $212,103,482
From Federal Funds 451,475,392
From Pharmacy Reimbursement Allowance Fund 10,000
From Health Initiatives Fund 1,427,081
From Healthy Families Trust Fund. 6,041,034
Total. $671,056,989

SECTION 11.465.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding dental services, including extractions for adults for emergency room diversions, under the MO HealthNet fee-for-service and managed care programs provided that services and/or provider rates shall be no less than the FY 2013 level and further provided that the Department shall request supplemental appropriation authority if needed to continue serving individuals at the same FY 2013 level. The MO HealthNet Division of the Department of Social Services may implement a state wide dental delivery system to ensure participation of, and, access

to providers in all areas of the state. The MO HealthNet Division may administer the system or may seek a third party experienced in the administration of dental benefits to administer the program under the supervision of the Division

From General Revenue Fund. $5,406,020
From Federal Funds 10,402,731
From Health Initiatives Fund 71,162
From Healthy Families Trust Fund 848,773

For the purpose of funding a two-year pilot project to expand access to dental care for eligible children in rural communities. The project shall permit Rural Health Clinics to provide dental services through cooperative agreements with community dentists. The department shall make all necessary state plan amendment(s) in order to execute this system

From General Revenue Fund. 500,000
From Federal Funds. 750,000
Total. $17,978,686

SECTION 11.470.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding payments to third-party insurers, employers, or policyholders for health insurance provided that services and/or provider rates shall be no less than the FY 2013 level and further provided that the Department shall request supplemental appropriation authority if needed to continue serving individuals at the same FY 2013 level

From General Revenue Fund. $67,609,776
From Federal Funds. 114,102,954
Total. $181,712,730

SECTION 11.475.—To the Department of Social Services
For the MO HealthNet Division
For funding long-term care services
For the purpose of funding care in nursing facilities or other long-term care services under the MO HealthNet fee-for-service and managed care programs and for contracted services to develop model policies and practices that improve the quality of life for long-term care residents provided that services and/or provider rates shall be no less than the FY 2013 level and further provided that the Department shall request supplemental appropriation authority if needed to continue serving individuals at the same FY 2013 level

From General Revenue Fund. $149,986,646
From Federal Funds 357,245,131
From Uncompensated Care Fund 58,516,478
From Nursing Facility Federal Reimbursement Allowance Fund 9,134,756
From Healthy Families Trust Fund 17,973
From Third Party Liability Collections Fund. 2,592,981

For the purpose of funding home health for the elderly, or other long-term care services under the MO HealthNet fee-for-service and managed care programs provided that services and/or provider rates shall be no less than the FY 2013 level and further provided that the Department shall request supplemental appropriation authority if needed to continue serving

individuals at the same FY 2013 level
From General Revenue Fund. 2,305,703
From Federal Funds 3,998,892
From Health Initiatives Fund 159,305

For the purpose of funding Program for All-Inclusive Care for the Elderly, or other long-term care services under the MO HealthNet fee-for-service and managed care programs provided that services and/or provider rates shall be no less than the FY 2013 level and further provided that the Department shall request supplemental appropriation authority if needed to continue serving individuals at the same FY 2013 level
From General Revenue Fund. 2,545,837
From Federal Funds. 4,129,886
Total. $590,633,588

SECTION 11.480.—There is transferred out of the State Treasury from the Long Term Support UPL Fund to the General Revenue Fund for the state share of enhanced federal earnings under the nursing facility upper payment limit
From Long Term Support UPL Fund. $10,990,982

SECTION 11.485.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of paying publicly funded long-term care services and support contracts and funding supplemental payments for care in nursing facilities or other long term care services under the nursing facility upper payment limit
From Federal Funds. $28,393,011
From Long Term Support UPL Fund. 17,502,101
Total. $45,895,112

SECTION 11.490.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding all other non-institutional services including, but not limited to, rehabilitation, optometry, audiology, ambulance, non-emergency medical transportation, durable medical equipment, and eyeglasses under the MO HealthNet fee-for-service and managed care programs, and for administration of these services, and for rehabilitation services provided by residential treatment facilities as authorized by the Children's Division for children in the care and custody of the Children's Division provided that services and/or provider rates shall be no less than the FY 2013 level and further provided that the Department shall request supplemental appropriation authority if needed to continue serving individuals at the same FY 2013 level, and provided that additional funding shall be used to increase ground ambulance base rates for basic life support and advanced life support, payment of ground ambulance mileage during patient transportation from mile zero to the 5th mile, and annual patient safety and quality services for ambulance service through the Missouri Center for Patient Safety
From General Revenue Fund. $86,691,317
From Federal Funds 163,065,014
From Nursing Facility Federal Reimbursement Allowance Fund 1,414,043
From Health Initiatives Fund 194,881

From Healthy Families Trust Fund 831,745
From Ambulance Service Reimbursement Allowance Fund. 18,018,381

For the purpose of funding non-emergency medical transportation
From General Revenue Fund. 13,340,917
From Federal Funds 21,654,914

For the purpose of funding the federal share of MO HealthNet reimbursable non-emergency medical transportation for public entities
From Federal Funds. 6,460,100
Total. $311,671,312

SECTION 11.495. — There is transferred out of the State Treasury from the General Revenue Fund to the Ambulance Service Reimbursement Allowance Fund
From General Revenue Fund. $18,236,543

SECTION 11.500. — There is transferred out of the State Treasury from the Ambulance Service Reimbursement Allowance Fund to the General Revenue Fund as a result of recovering the Ambulance Service Reimbursement Allowance Fund
From Ambulance Service Reimbursement Allowance Fund. $18,236,543

SECTION 11.505. — To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding the payment to comprehensive prepaid health care plans or for payments to providers of health care services for persons eligible for medical assistance under the MO HealthNet fee-for-service programs or State Medical Program and for administration of these programs as provided by federal or state law or for payments to programs authorized by the Frail Elderly Demonstration Project Waiver as provided by the Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508, Section 4744) and by Section 208.152 (16), RSMo provided that services and/or provider rates shall be no less than the FY 2013 level and further provided that the Department shall request supplemental appropriation authority if needed to continue serving individuals at the same FY 2013 level, and provided that additional funding from the Ambulance Service Reimbursement Allowance Fund shall be used to increase ground ambulance base rates for basic life support and advanced life support, payment of ground ambulance mileage during patient transportation from mile zero to the 5th mile, and annual patient safety and quality services for ambulance service through the Missouri Center for Patient Safety
From General Revenue Fund. $321,095,339
From Federal Funds 745,188,433
From Health Initiatives Fund 8,055,080
From Federal Reimbursement Allowance Fund. 97,626,207
From Healthy Families Trust Fund 4,000,000
From Life Sciences Research Trust Fund. 6,272,544
From Ambulance Service Reimbursement Allowance Fund. 522,459
Total. $1,182,760,062

SECTION 11.510. — To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding hospital care under the MO HealthNet fee-for-service and managed care programs, and for a comprehensive chronic care risk management program, and for administration of these programs provided that services and/or provider rates shall be no less than the FY 2013 level and further provided that the Department shall request supplemental appropriation authority if needed to continue serving individuals at the same FY 2013 level. The MO HealthNet Division shall track payments to out-of-state hospitals by location

From General Revenue Fund	$30,130,998
From Federal Funds	510,123,697
From Uncompensated Care Fund	33,848,436
From Federal Reimbursement Allowance Fund	176,584,954
From Health Initiatives Fund	9,171,007
From Pharmacy Reimbursement Allowance Fund	15,709
From Premium Fund	12,000,000

For Safety Net Payments

From Healthy Families Trust Fund	30,365,444

For Graduate Medical Education

From Healthy Families Trust Fund	10,000,000

For the purpose of funding a community-based care coordinating program that includes in-home visits and/or phone contact by a nurse care manager or electronic monitor. The purpose of such program shall be to ensure that patients are discharged from hospitals to an appropriate level of care and services and that targeted MO HealthNet beneficiaries with chronic illnesses and high-risk pregnancies receive care in the most cost-effective setting. The project shall be contingent upon adoption of an offsetting increase in the applicable provider tax and administered by the MO HealthNet Division's Disease Management Program

From General Revenue Fund	100,000
From Federal Funds	300,000
From Federal Reimbursement Allowance Fund	200,000

For the purpose of continuing funding of the pager project facilitating medication compliance for chronically ill MO HealthNet participants identified by the division as having high utilization of acute care because of poor management of their condition. The project shall be contingent upon adoption of an offsetting increase in the applicable provider tax and administered by the MO HealthNet Division's Disease Management Program

From General Revenue Fund	150,000
From Federal Funds	365,000
From Federal Reimbursement Allowance Fund	215,000

For the purpose of funding a targeted program to manage the diabetic population in Southwest Missouri as part of a project to reduce hospitalizations, re-hospitalizations, and emergency room visits

From General Revenue Fund	100,000
From Federal Funds	100,000

Total. $813,770,245

SECTION 11.515.—To the Department of Social Services
For the MO HealthNet Division
For payment to Tier 1 Safety Net Hospitals, by maximizing eligible costs for federal Medicaid funds, utilizing current state and local funding sources as match for services that are not currently matched with federal Medicaid payments
From Federal Funds. $8,000,000

SECTION 11.520.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding grants to Federally Qualified Health Centers
From General Revenue Fund. $1,500,000
From Missouri Senior Services Protection Fund. 3,270,000
From Federal Funds. 10,800,000
Total. $15,570,000

SECTION 11.525.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding medical homes affiliated with public entities and hospital owned medical homes
From Department of Social Services Intergovernmental Transfer Fund. $600,000
From Federal Reimbursement Allowance Fund. 100,000
From Federal Funds. 6,900,000
Total. $7,600,000

SECTION 11.530.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding payments to hospitals under the Federal Reimbursement Allowance Program including state costs to pay for an independent audit of DSH payments as required by CMS and for the expenses of the Poison Control Center in order to provide services to all hospitals within the state
From Federal Reimbursement Allowance Fund. $1,022,818,734E

SECTION 11.535.—To the Department of Social Services
There is hereby transferred out of the State Treasury, chargeable to the Department of Social Services Intergovernmental Transfer Fund to the General Revenue Fund for the purpose of providing the state match for Medicaid payments
From Department of Social Services Intergovernmental Transfer Fund. $86,456,256

SECTION 11.540.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding payments to the Tier 1 Safety Net Hospitals and other public hospitals using intergovernmental transfers
From Department of Social Services Intergovernmental Transfer Fund. $70,348,801
From Federal Funds. 129,505,748
Total. $199,854,549

SECTION 11.545.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding payments to the Department of Mental Health from Department of Social Services Intergovernmental Transfer Fund. $111,579,424
From Federal Funds. 181,011,173
Total. $292,590,597

SECTION 11.550.—To the Department of Social Services
For the MO HealthNet Division
For funding extending women's health services using fee-for-service, prepaid health plans, or other alternative service delivery and reimbursement methodology approved by the director of the Department of Social Services provided that services and/or provider rates shall be no less than the FY 2013 level and further provided that the Department shall request supplemental appropriation authority if needed to continue serving individuals at the same FY 2013 level
From General Revenue Fund. $1,259,044
From Federal Funds 9,065,081
From Federal Reimbursement Allowance Fund. 167,756
From Pharmacy Reimbursement Allowance Fund. 49,034
Total. $10,540,915

SECTION 11.555.—To the Department of Social Services
For the MO HealthNet Division
For funding programs to enhance access to care for uninsured children using fee-for-services, prepaid health plans, or other alternative service delivery and reimbursement methodology approved by the director of the Department of Social Services provided that services and/or provider rates shall be no less than the FY 2013 level and further provided that the Department shall request supplemental appropriation authority if needed to continue serving individuals at the same FY 2013 level. Provided that families of children receiving services under this section shall pay the following premiums to be eligible to receive such services: zero percent on the amount of a family's income which is less that 150 percent of the federal poverty level; four percent on the amount of a family's income which is less than 185 percent of the federal poverty level but greater than 150 percent of the federal poverty level; eight percent of the amount on a family's income which is less than 225 percent of the federal poverty level but greater than 185 percent of the federal poverty level; fourteen percent on the amount of a family's income which is less than 300 percent of the federal poverty level but greater than 225 percent of the federal poverty level not to exceed five percent of total income. Families with an annual income of more than 300 percent of the federal poverty level are ineligible for this program
From General Revenue Fund. $30,607,523
From Federal Funds 132,920,538
From Federal Reimbursement Allowance Fund. 7,719,204
From Health Initiatives Fund 5,375,576
From Pharmacy Rebates Fund 581,199

From Pharmacy Reimbursement Allowance Fund 907,611
From Premium Fund. 2,592,452
From Life Sciences Research Trust Fund. 171,206
Total. $180,875,309

SECTION 11.565.—There is transferred out of the State Treasury from the General Revenue Fund to the Federal Reimbursement Allowance Fund
From General Revenue Fund. $569,173,828

SECTION 11.570.—There is transferred out of the State Treasury from the Federal Reimbursement Allowance Fund to the General Revenue Fund as a result of recovering the Federal Reimbursement Allowance Fund
From Federal Reimbursement Allowance Fund. $569,173,828

SECTION 11.575.—There is transferred out of the State Treasury from the General Revenue Fund to the Nursing Facility Federal Reimbursement Allowance Fund
From General Revenue Fund. $161,893,866

SECTION 11.580.—There is transferred out of the State Treasury from the Nursing Facility Federal Reimbursement Allowance Fund to the General Revenue Fund as a result of recovering the Nursing Facility Federal Reimbursement Allowance Fund
From Nursing Facility Federal Reimbursement Allowance Fund. $161,893,866

SECTION 11.585.—There is transferred out of the State Treasury from the Nursing Facility Federal Reimbursement Allowance Fund to the Nursing Facility Quality of Care Fund
From Nursing Facility Federal Reimbursement Allowance Fund. $1,500,000

SECTION 11.590.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding Nursing Facility Federal Reimbursement Allowance payments as provided by law
From Nursing Facility Federal Reimbursement Allowance Fund. $301,027,717

SECTION 11.595.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding MO HealthNet services for the Department of Elementary and Secondary Education under the MO HealthNet fee-for-service and managed care programs
From General Revenue Fund. $69,954
From Federal Funds. 54,653,770
Total. $54,723,724

SECTION 11.600.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding healthcare benefits for non-Medicaid eligible blind individuals who receive the Missouri Blind Pension cash grant, provided that individuals under this section shall pay the following premiums to be eligible to receive such services: zero percent on the amount of a family's income which is less that 150 percent of the

federal poverty level; four percent on the amount of a family's income which is less than 185 percent on the amount of the federal poverty level but greater than 150 percent of the federal poverty level; eight percent of the amount on a family's income which is less than 225 percent of the federal poverty level but greater than 185 percent of the federal poverty level: fourteen percent on the amount of a family's income which is less than 300 percent of the federal poverty level but greater than 225 percent of the federal poverty level not to exceed five percent of total income. Families with an annual income of more than 300 percent of the federal poverty level are ineligible for this program

From Missouri Senior Services Protection Fund. $21,489,941
From Blind Pension Premium Fund. 3,632,576
Total. $25,122,517

SECTION 11.605. — To the Department of Social Services
For the MO HealthNet Division
For the purpose of supplementing appropriations for any medical service and expense under the MO HealthNet fee-for-service, managed care, or state medical programs, including related services

From Third Party Liability Collections Fund. $7,571,156
From Federal Funds 24,107,486
From Nursing Facility Federal Reimbursement Allowance Fund 181,500
From Premium Fund. 3,837,940
Total. $35,698,082

Bill Totals

General Revenue Fund. $1,561,796,448
Federal Funds. 4,494,955,903
Other Funds. 2,491,055,970
Total. $8,547,808,321

Approved June 28, 2013

HB 12 [CCS SCS HCS HB 12]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

APPROPRIATIONS: CHIEF EXECUTIVE'S OFFICE AND MANSION; LIEUTENANT GOVERNOR; SECRETARY OF STATE; STATE AUDITOR; STATE TREASURER; ATTORNEY GENERAL; MISSOURI PROSECUTING ATTORNEYS AND CIRCUIT ATTORNEYS RETIREMENT SYSTEMS; JUDICIARY AND OFFICE OF STATE PUBLIC DEFENDER; GENERAL ASSEMBLY, COMMITTEE ON LEGISLATIVE RESEARCH; VARIOUS JOINT COMMITTEES; AND INTERIM COMMITTEES

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of

members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2013 and ending June 30, 2014.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated, for the period beginning July 1, 2013 and ending June 30, 2014 as follows:

SECTION 12.005.—To the Governor
Personal Service and/or Expense and Equipment. $2,096,766
Personal Service and/or Expense and Equipment for the Mansion. 98,225
From General Revenue Fund (Not to exceed 30.00 F.T.E.). $2,194,991

SECTION 12.010.—To the Governor
For expenses incident to emergency duties performed by the National Guard when ordered out by the Governor
From General Revenue Fund. $4,000,001

SECTION 12.015.—To the Governor
For conducting special audits
From General Revenue Fund. $30,000

SECTION 12.025.—To the Lieutenant Governor
Personal Service and/or Expense and Equipment
From General Revenue Fund (Not to exceed 6.00 F.T.E.). $452,611

SECTION 12.035.—To the Secretary of State
Personal Service and/or Expense and Equipment
From General Revenue Fund. $8,930,701
From Federal and Other Funds 469,995
From Secretary of State's Technology Trust Fund Account. 3,499,540
From Local Records Preservation Fund 1,589,729
From Secretary of State - Wolfner State Library Fund 30,000
From Investor Education and Protection Fund. 1,509,778
From Election Administration Improvements Fund 269,042
From National Endowment for the Humanities Save America's Treasures Grant. 158,449
Total (Not to exceed 270.30 F.T.E.). $16,457,234

SECTION 12.040.—To the Secretary of State
For the purpose of receiving and expending grants, donations, contracts, and payments from private, federal, or other governmental agencies provided that the General Assembly shall be notified of the source of any new

funds and the purpose for which they will be expended, in writing, prior to the expenditure of said funds
From Federal and Other Funds. $200,000

SECTION 12.045.—To the Secretary of State
For refunds of securities, corporations, uniform commercial code, and miscellaneous collections of the Secretary of State's Office
From General Revenue Fund. $50,000

SECTION 12.050.—To the Secretary of State
For reimbursement to victims of securities fraud and other violations pursuant to Section 409.407, RSMo
From Investors Restitution Fund. $750,000

SECTION 12.055.—To the Secretary of State
For expenses of initiative referendum and constitutional amendments
From General Revenue Fund. $100,000

SECTION 12.060.—To the Secretary of State
For election costs associated with absentee ballots
From General Revenue Fund. $50,000

SECTION 12.065.—To the Secretary of State
For election reform grants, transactions costs, election administration improvements within Missouri, and support of Help America Vote Act activities
From Federal and Other Funds. $9,362,680

SECTION 12.070.—There is transferred out of the State Treasury, chargeable to the General Revenue Fund such amounts as may become necessary, to the State Elections Subsidy Fund
From General Revenue Fund. $4,284,000

SECTION 12.075.—To the Secretary of State
For the state's share of special election costs as required by Chapter 115, RSMo
From State Elections Subsidy Fund. $400,000

SECTION 12.080.—There is transferred out of the State Treasury, chargeable to the State Elections Subsidy Fund, to the Election Administration Improvements Fund
From State Elections Subsidy Fund. $4,034,443

SECTION 12.085.—To the Secretary of State
For historical repository grants
From Federal Funds. $15,000

SECTION 12.090.—To the Secretary of State
For local records preservation grants
From Local Records Preservation Fund. $400,000

SECTION 12.095.—To the Secretary of State
For preserving legal, historical, and genealogical materials and making them

available to the public
From State Document Preservation Fund. $25,000

For costs related to establishing and operating a St. Louis Record Center
From Missouri State Archives - St. Louis Trust Fund 1
Total. $25,001

SECTION 12.100.—To the Secretary of State
For aid to public libraries
From General Revenue Fund.. . . . . $3,504,001

SECTION 12.105.—To the Secretary of State
For the Remote Electronic Access for Libraries Program
From General Revenue Fund.. . . . . $3,109,250

SECTION 12.110.—To the Secretary of State
For the Literacy Investment for Tomorrow Program
From General Revenue Fund.. . . . . $69,450

SECTION 12.115.—To the Secretary of State
For all allotments, grants, and contributions from the federal government or from any sources that may be deposited in the State Treasury for the use of the Missouri State Library
From Federal Funds. $4,125,000

SECTION 12.120.—To the Secretary of State
For library networking grants and other grants and donations
From Library Networking Fund.. . . . . $2,300,000

SECTION 12.125.—To the Secretary of State
There is transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Library Networking Fund
From General Revenue Fund.. . . . . $800,000

SECTION 12.145.—To the State Auditor
Personal Service and/or Expense and Equipment
From General Revenue Fund.. . . . . $6,478,253
From Federal Funds 890,186
From Conservation Commission Fund. 46,762
From Parks Sales Tax Fund.. 22,051
From Soil and Water Sales Tax Fund 21,267
From Petition Audit Revolving Trust Fund. 863,574
Total (Not to exceed 168.77 F.T.E.). $8,322,093

SECTION 12.150.—To the State Treasurer
Personal Service and/or Expense and Equipment
From State Treasurer's General Operations Fund. $1,867,263
From Central Check Mailing Service Revolving Fund. 236,894

For the purpose of funding two program models that create sustainable communities and help families achieve economic stability in a county with a charter form of government and with more than six hundred

thousand but fewer than seven hundred thousand inhabitants
From General Revenue Fund. 225,000

For Unclaimed Property Division administrative costs including personal service, expense and equipment for auctions, advertising, and promotions
From Abandoned Fund Account. 2,103,619

For preparation and dissemination of information or publications, or for refunding overpayments
From Treasurer's Information Fund. 8,000
Total (Not to exceed 49.40 F.T.E.). $4,440,776

SECTION 12.155.—To the State Treasurer
For issuing duplicate checks or drafts and outlawed checks as provided by law
From General Revenue Fund. $1,000,000E

SECTION 12.160.—To the State Treasurer
For payment of claims for abandoned property transferred by holders to the state
From Abandoned Fund Account. $22,500,000E

SECTION 12.165.—To the State Treasurer
For transfer of such sums as may be necessary to make payment of claims from the Abandoned Fund Account pursuant to Chapter 447, RSMo
From General Revenue Fund. $1E

SECTION 12.170.—To the State Treasurer
There is transferred out of the State Treasury, chargeable to the Abandoned Fund Account, to the General Revenue Fund
From Abandoned Fund Account. $50,000,000

SECTION 12.175.—To the State Treasurer
For refunds of excess interest from the Linked Deposit Program
From General Revenue Fund. $100

SECTION 12.180.—To the State Treasurer
There is transferred out of the State Treasury, chargeable to the Debt Offset Escrow Fund, to the General Revenue Fund
From Debt Offset Escrow Fund. $100,000

SECTION 12.185.—To the State Treasurer
There is transferred out of the State Treasury, chargeable to various funds, to the General Revenue Fund
From Various Funds. $3,000,000

SECTION 12.190.—To the State Treasurer
There is transferred out of the State Treasury, chargeable to the Abandoned Fund Account, to the State Public School Fund
From Abandoned Fund Account. $1,500,000E

SECTION 12.195.—To the Attorney General
Personal Service and/or Expense and Equipment

From General Revenue Fund. $13,090,427
From Federal Funds 2,603,031
From Gaming Commission Fund. 141,401
From Natural Resources Protection Fund-Water Pollution Permit Fee Subaccount. . . 42,250
From Solid Waste Management Fund 42,750
From Petroleum Storage Tank Insurance Fund 25,735
From Motor Vehicle Commission Fund 50,121
From Health Spa Regulatory Fund. 5,000
From Natural Resources Protection Fund-Air Pollution Permit Fee Subaccount. 42,221
From Attorney General's Court Costs Fund 187,000
From Soil and Water Sales Tax Fund 14,771
From Merchandising Practices Revolving Fund. 3,831,829
From Workers' Compensation Fund. 473,913
From Workers' Compensation - Second Injury Fund. 3,068,411
From Lottery Enterprise Fund 56,132
From Attorney General's Anti-Trust Fund. 633,379
From Hazardous Waste Fund. 303,966
From Safe Drinking Water Fund. 14,798
From Inmate Incarceration Reimbursement Act Revolving Fund 140,173
From Mined Land Reclamation Fund. 14,766
Total (Not to exceed 401.05 F.T.E.). $24,782,074

SECTION 12.200.—To the Attorney General
For law enforcement, domestic violence, and victims' services
Expense and Equipment
From Federal Funds. $100,000

SECTION 12.205.—To the Attorney General
For a Medicaid fraud unit
Personal Service and/or Expense and Equipment
From General Revenue Fund. $714,739
From Federal Funds. 2,047,444
Total (Not to exceed 28.00 F.T.E.). $2,762,183

SECTION 12.210.—To the Attorney General
For the Missouri Office of Prosecution Services
Personal Service and/or Expense and Equipment
From General Revenue Fund. $108,150
From Federal Funds 1,068,776
From Missouri Office of Prosecution Services Fund. 2,028,504
From Missouri Office of Prosecution Services Revolving Fund. 150,000
Total (Not to exceed 10.00 F.T.E.). $3,355,430

SECTION 12.215.—To the Attorney General
For the Missouri Office of Prosecution Services
There is transferred out of the State Treasury, chargeable to the Attorney General Federal Fund, to the Missouri Office of Prosecution Services Fund
From Federal Funds. $100,000

SECTION 12.220.—To the Attorney General
For the fulfillment or failure of conditions, or other such developments, necessary to determine the appropriate disposition of such funds,

to those individuals, entities, or accounts within the State Treasury, certified by the Attorney General as being entitled to receive them
Expense and Equipment
From Attorney General Trust Fund. $4,000,000

SECTION 12.225.—To the Attorney General
There is transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Attorney General's Court Costs Fund
From General Revenue Fund. $165,600

SECTION 12.230.—To the Attorney General
There is transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Attorney General's Anti-Trust Fund
From General Revenue Fund. $69,000

SECTION 12.300.—To the Supreme Court
For the purpose of funding Judicial Proceedings and Review and expenses of the members of the Appellate Judicial Commission and the several circuit judicial commissions in circuits having the non-partisan court plan, and for services rendered by clerks of the Supreme Court, courts of appeals, basic legal services, and clerks in circuits having the non-partisan court plan for giving notice of and conducting elections as ordered by the Supreme Court
Personal Service and/or Expense and Equipment, provided that one hundred percent (100%) flexibility is allowed between personal service and expense and equipment and one hundred percent (100%) flexibility is allowed between sections 12.300 thru 12.330 excluding section 12.306

From General Revenue Fund.	$4,790,299
From Federal Funds	493,231
From Supreme Court Publications Revolving Fund	150,000
From Basic Civil Legal Services Fund..	5,063,198E
Total (Not to exceed 83.00 F.T.E.).	$10,496,728

SECTION 12.305.—To the Supreme Court
For the purpose of funding the State Courts Administrator, implementing and supporting an integrated case management system, grants and contributions of funds from the federal government or from any other source which may be deposited in the State Treasury for the use of the Supreme Court and other state courts, developing and implementing a program of statewide court automation, judicial education and training, and the Missouri Sentencing and Advisory Commission
Personal Service and/or Expense and Equipment, provided that one hundred percent (100%) flexibility is allowed between personal service and expense and equipment and one hundred percent (100%) flexibility is allowed between sections 12.300 thru 12.330 excluding section 12.306

From General Revenue Fund.	$11,465,478
From Federal Funds	8,171,585
From Basic Civil Legal Services Fund	32,111
From State Court Administration Revolving Fund	60,000
From Statewide Court Automation Fund	5,193,468
From Judiciary Education and Training Fund	1,416,994
From Crime Victims' Compensation Fund.	887,200

Total (Not to exceed 229.25 F.T.E.). $27,226,836

SECTION 12.306.—To the Supreme Court
For the purpose of funding a pilot program for contracting with private attorneys to provide legal representation for individuals charged with misdemeanor offenses and misdemeanor probation violations whose cases are assigned to the State Public Defender
From General Revenue Fund.. . . . . $700,000

SECTION 12.310.—There is transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Judiciary Education and Training Fund
From General Revenue Fund.. . . . . $1,361,500

SECTION 12.315.—To the Supreme Court
For the purpose of funding the Court of Appeals
Personal Service and/or Expense and Equipment, provided that one hundred percent (100%) flexibility is allowed between personal service and expense and equipment and one hundred percent (100%) flexibility is allowed between sections 12.300 thru 12.330 excluding section 12.306
From General Revenue Fund (Not to exceed 159.35 F.T.E.).. . . . . $11,160,459

SECTION 12.320.—To the Supreme Court
For the purpose of funding the Circuit Courts, the court-appointed special advocacy program statewide office and programs provided in Section 476.777, RSMo, costs associated with creating the handbook and other programs as provided in Section 452.554, RSMo, making payments due from litigants in court proceedings under set-off against debts authority as provided in Section 488.020(3), RSMo, payments to counties for salaries of juvenile court personnel as provided by Sections 211.393 and 211.394, RSMo, and the Commission on Retirement, Removal, and Discipline of Judges
Personal Service and/or Expense and Equipment, provided that one hundred percent (100%) flexibility is allowed between personal service and expense and equipment and one hundred percent (100%) flexibility is allowed between sections 12.300 thru 12.330 excluding section 12.306. . . . . $136,688,362
Annual salary adjustment in accordance with Section 476.405, RSMo. . . 193,550
From General Revenue Fund.. 136,881,912
From Federal Funds 1,914,008
From Third Party Liability Collections Fund. 387,488
From State Court Administration Revolving Fund 170,000
From Missouri CASA Fund. 100,000
From Domestic Relations Resolution Fund. 300,000
From Circuit Courts Escrow Fund. 2,005,500
Total (Not to exceed 2,931.45 F.T.E.). $141,758,908

SECTION 12.325.—There is transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Drug Court Resources Fund
From General Revenue Fund.. . . . . $6,732,042

SECTION 12.330.—To the Supreme Court
For the purpose of funding drug courts

Personal Service and/or Expense and Equipment, provided that one hundred percent (100%) flexibility is allowed between personal service and expense and equipment and one hundred percent (100%) flexibility is allowed between sections 12.300 thru 12.330 excluding section 12.306
From Drug Court Resources Fund (Not to exceed 4.00 F.T.E.) $6,927,459

SECTION 12.400. — To the Office of the State Public Defender
For the purpose of funding the State Public Defender System
Personal Service and/or Expense and Equipment $32,236,287
For payment of expenses as provided by Chapter 600, RSMo, associated with the defense of violent crimes and/or the contracting of criminal representation with entities outside of the Missouri Public Defender System 3,021,071
From General Revenue Fund 35,257,358

For expenses authorized by the Public Defender Commission as provided by Section 600.090, RSMo
Personal Service 130,726
Expense and Equipment 2,850,756
From Legal Defense and Defender Fund 2,981,482

For refunds set-off against debts as required by Section 143.786, RSMo
From Debt Offset Escrow Fund 1,200,000

For all grants and contributions of funds from the federal government or from any other source which may be deposited in the State Treasury for the use of the Office of the State Public Defender
From Federal Funds 125,000
Total (Not to exceed 587.13 F.T.E.) $39,563,840

SECTION 12.500. — To the Senate
Salaries of Members $1,226,610
Mileage of Members 87,406
Members' Per Diem 226,100
Senate Contingent Expenses 8,964,991
Joint Contingent Expenses 125,000
From General Revenue Fund 10,630,107

Senate Contingent Expenses
From Senate Revolving Fund 40,000
Total (Not to exceed 211.00 F.T.E.) $10,670,107

SECTION 12.505. — To the House of Representatives
Salaries of Members $5,861,145
Mileage of Members 395,491
Members' Per Diem 1,290,960
Representatives' Expense Vouchers 1,369,834
House Contingent Expenses 10,882,046
From General Revenue Fund 19,799,476

House Contingent Expenses
From House of Representatives Revolving Fund 45,000

Total (Not to exceed 425.84 F.T.E.). $19,844,476

SECTION 12.510.—To the Committee on Legislative Research
For payment of expenses of members, salaries and expenses of employees, and other necessary operating expenses, provided that not more than twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment
For the Legislative Research Administration. $1,442,002
For the Oversight Division. 792,248
From General Revenue Fund (Not to exceed 43.08 F.T.E.). $2,234,250

SECTION 12.515.—To the Committee on Legislative Research
For paper, printing, binding, editing, proofreading, and other necessary expenses of publishing the Supplement to the Revised Statutes of the State of Missouri
From Statutory Revision Fund (Not to exceed 1.25 F.T.E.). $207,833

SECTION 12.520.—To the Interim Committees of the General Assembly
For the Joint Committee on Administrative Rules. $124,268
For the Joint Committee on Public Employee Retirement. 164,439
For the Joint Committee on Education. 74,075
From General Revenue Fund (Not to exceed 6.00 F.T.E.). $362,782

Elected Officials Totals
General Revenue Funds. $49,376,175
Federal Funds. 21,309,603
Other Funds. 50,107,219
Total. $120,792,997

Judiciary Totals
General Revenue Funds. $173,091,690
Federal Funds. 10,578,824
Other Funds. 14,348,965
Total. $198,019,479

Public Defender Commission Totals
General Revenue Funds. $35,257,358
Federal Funds. 125,000
Other Funds. 2,981,482
Total. $38,363,840

General Assembly Totals
General Revenue Funds. $33,026,615
Other Funds. 292,833
Total. $33,319,448

Approved June 28, 2013

HB 13 [SCS HCS HB 13]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

APPROPRIATIONS: LEASES AND CAPITAL IMPROVEMENTS

AN ACT to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2013 and ending June 30, 2014 as follows:

SECTION 13.005. — To the Office of Administration
For the Division of Facilities Management, Design and Construction
For the payment of real property leases, utilities, systems furniture, structural modifications, and provided that not more than five percent (5%) flexibility is allowed between Sections 13.005, 13.010, and 13.015, with no more than five percent (5%) flexibility allowed between departments within this section
For the Department of Elementary and Secondary Education
Expense and Equipment
From General Revenue Fund. $377,955
From Federal Funds and Other Funds 2,033,031

For the Department of Revenue
Expense and Equipment
From General Revenue Fund. 656,800

For the Department of Revenue
For the State Lottery Commission
Expense and Equipment
From Other Funds 341,712

For the Office of Administration
Expense and Equipment
From General Revenue Fund. 466,052
From Other Funds 421,265

For the Ethics Commission
Expense and Equipment
From General Revenue Fund. 100,218

For the Department of Agriculture
Expense and Equipment
From General Revenue Fund. 157,336
From Other Funds 85,838

For the Department of Natural Resources
Expense and Equipment
From General Revenue Fund. 295,796
From Federal Funds and Other Funds 1,417,990

For the Department of Economic Development
Expense and Equipment
From General Revenue Fund. 31,734
From Federal Funds and Other Funds 2,589,186

For the Department of Insurance, Financial Institutions and Professional Registration
Expense and Equipment
From Other Funds 70,648

For the Department of Labor and Industrial Relations
Expense and Equipment
From General Revenue Fund. 7,146
From Federal Funds and Other Funds 343,708

For the Department of Public Safety
Expense and Equipment
From General Revenue Fund. 88,987
From Federal Funds and Other Funds 154,352

For the Department of Public Safety
For the State Highway Patrol
Expense and Equipment
From General Revenue Fund. 49,836
From Federal Funds and Other Funds 1,052,292

For the Department of Public Safety
For the Gaming Commission
Expense and Equipment
From Gaming Commission Fund. 391,461

For the Department of Corrections
Expense and Equipment
From General Revenue Fund. 5,878,572
From Other Funds 179,453

For the Department of Mental Health
Expense and Equipment
From General Revenue Fund. 1,811,450

For the Department of Health and Senior Services
Expense and Equipment
From General Revenue Fund. 1,635,085
From Federal Funds 1,911,790

For the Department of Social Services
Expense and Equipment
From General Revenue Fund. 9,418,722
From Federal Funds and Other Funds 5,074,227

For the State Legislature
Expense and Equipment
From General Revenue Fund. 9,929

For the Secretary of State
Expense and Equipment
From General Revenue Fund. 627,937
From Other Funds 3,300

For the State Auditor
Expense and Equipment
From General Revenue Fund. 11,701

For the Attorney General
Expense and Equipment
From General Revenue Fund. 331,444
From Federal Funds and Other Funds 326,798

For the Judiciary
Expense and Equipment
From General Revenue Fund. 2,190,577
From Federal Funds and Other Funds. 145,157
Total. $40,689,485

SECTION 13.010.—To the Office of Administration
For the Division of Facilities Management, Design and Construction
For operation of state-owned facilities, utilities, systems furniture, structural modifications, and provided that not more than five percent (5%) flexibility is allowed between Sections 13.005, 13.010, and 13.015, with no more than five percent (5%) flexibility allowed between departments within this section
For the Department of Elementary and Secondary Education
Expense and Equipment
From General Revenue Fund. $352,570
From Federal Funds 980,022

For the Department of Higher Education
Expense and Equipment
From General Revenue Fund. 121,228

For the Department of Revenue
Expense and Equipment

From General Revenue Fund. 1,314,816
From Other Funds 581,755

For the Office of Administration
Expense and Equipment
From General Revenue Fund. 2,324,567
From Other Funds 499,780

For the Department of Agriculture
Expense and Equipment
From General Revenue Fund. 83,458
From Federal Funds and Other Funds 409,774

For the Department of Natural Resources
Expense and Equipment
From General Revenue Fund. 318,689
From Federal Funds and Other Funds 882,183

For the Department of Economic Development
Expense and Equipment
From General Revenue Fund. 239,662
From Federal Funds and Other Funds 1,064,342

For the Department of Insurance, Financial Institutions and Professional Registration
Expense and Equipment
From Other Funds 883,870

For the Department of Labor and Industrial Relations
Expense and Equipment
From General Revenue Fund. 58,920
From Federal Funds and Other Funds 1,491,621

For the Department of Public Safety
Expense and Equipment
From General Revenue Fund. 243,646
From Federal Funds and Other Funds 132,991

For the Department of Public Safety
For the State Highway Patrol
Expense and Equipment
From Other Funds 133,465

For the Department of Public Safety
For the Gaming Commission
Expense and Equipment
From Gaming Commission Fund. 74,643

For the Department of Corrections
Expense and Equipment
From General Revenue Fund. 868,774

For the Department of Mental Health

Expense and Equipment
From General Revenue Fund. 737,062
From Federal Funds and Other Funds 199,600

For the Department of Health and Senior Services
Expense and Equipment
From General Revenue Fund. 636,098
From Federal Funds 968,079

For the Department of Social Services
Expense and Equipment
From General Revenue Fund. 5,074,003
From Federal Funds and Other Funds 715,222

For the Governor's Office
Expense and Equipment
From General Revenue Fund. 343,481

For the Lieutenant Governor's Office
Expense and Equipment
From General Revenue Fund. 32,250

For the State Legislature
Expense and Equipment
From General Revenue Fund. 1,721,938

For the Secretary of State
Expense and Equipment
From General Revenue Fund. 1,035,467
From Other Funds 40,639

For the State Auditor
Expense and Equipment
From General Revenue Fund. 183,384

For the Attorney General
Expense and Equipment
From General Revenue Fund. 447,921
From Federal Funds and Other Funds 221,864

For the State Treasurer
Expense and Equipment
From Other Funds 193,647

For the Judiciary
Expense and Equipment
From General Revenue Fund. 232,426
Total. $25,843,857

SECTION 13.015.—To the Office of Administration
For the Division of Facilities Management, Design and Construction
For the operation of institutional facilities, utilities, systems furniture, structural

modifications, and provided that not more than five percent (5%) flexibility is allowed between Sections 13.005, 13.010, and 13.015, with no more than five percent (5%) flexibility allowed between departments within this section

For the Department of Elementary and Secondary Education
Expense and Equipment
From General Revenue Fund. $3,876,563

For the Department of Revenue
For the Lottery Commission
Expense and Equipment
From Other Funds 120,775

For the Department of Agriculture
Expense and Equipment
From Other Funds 497,177

For the Department of Public Safety
Expense and Equipment
From Other Funds 2,786,011

For the Department of Public Safety
For the State Highway Patrol
Expense and Equipment
From General Revenue Fund. 274,204
From Federal Funds and Other Funds 1,863,163

For the Department of Corrections
Expense and Equipment
From General Revenue Fund. 43,502,601
From Other Funds 1,425,607

For the Department of Mental Health
Expense and Equipment
From General Revenue Fund. 21,058,430

For the Department of Health and Senior Services
Expense and Equipment
From Federal Funds 10,652

For the Department of Social Services
Expense and Equipment
From General Revenue Fund. 2,828,559
From Federal Funds. 769,092
Total. $79,012,834

SECTION 13.020.—To the Office of Administration
For the Division of Facilities Management, Design and Construction
For the collection and payment of costs associated with state-owned, institutional, and state leased space occupied by non-state agencies
Expense and Equipment
From Office of Administration Revolving Administrative Trust Fund. $1,500,000

SECTION 13.025. — To the Office of Administration
For the Division of Facilities Management, Design and Construction
For the Department of Public Safety
For the Adjutant General
For the payment of real property leases, related services, utilities, systems furniture, structural modifications, and related expenses
Expense and Equipment
From Federal Funds. $1,654,656

For the Department of Public Safety
For the Adjutant General
For the operation of institutional facilities, related services, utilities, systems furniture, structural modifications, and related expenses
Expense and Equipment
From General Revenue Fund. 1,231,518
From Federal Funds 4,449,403
From Other Funds. 446,828
Total. $7,782,405

Bill Totals
General Revenue Fund. $113,289,512
Federal Funds. 22,870,507
Other Funds. 15,438,454
Total. $151,598,473

Approved June 28, 2013

HB 14 [SCS HCS HB 14]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

APPROPRIATIONS: SUPPLEMENTAL PURPOSES

AN ACT to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2013.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, chargeable to the fund and for the agency and purpose designated, for the period ending June 30, 2013, as follows:

SECTION 14.005. — To the Department of Elementary and Secondary Education
For the School Food Services Program to reimburse schools for school food programs
From Federal Funds. $16,000,000

SECTION 14.010.—To the Department of Elementary and Secondary Education
For distributions to the public elementary and secondary schools in this state, pursuant to Chapters 144, 163, and 164 RSMo, pertaining to the School District Trust Fund
From School District Trust Fund. $8,200,000

SECTION 14.015.—To the Department of Elementary and Secondary Education
For costs associated with school district bonds
From School District Bonds Fund. $160,000

SECTION 14.020.—To the Department of Elementary and Secondary Education
For the School Age Child Care Program
From Federal Funds. $1,500,000

SECTION 14.025.—To the Department of Elementary and Secondary Education
For special education excess costs
From Lottery Proceeds Fund. $14,610,033

SECTION 14.035.—To the Department of Higher Education
For the Access Missouri Financial Assistance Program pursuant to Chapter 173, RSMo
From Access Missouri Financial Assistance Fund. $2,500,000

SECTION 14.040.—To the Department of Revenue
For the purpose of collecting highway related fees and taxes
From State Highways and Transportation Department Fund. $831,666

SECTION 14.045.—To the Department of Revenue
For the Division of Administration
For postage
From General Revenue Fund.. . . . . $119,000

SECTION 14.050.—To the Department of Revenue
For the payment of local sales tax delinquencies set off by tax credits
From General Revenue Fund.. . . . . $225,000

SECTION 14.055.—To the Department of Revenue
Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, such amounts as may be necessary to make payments of refunds set off against debts as required by Section 143.786, RSMo, to the Debt Offset Escrow Fund
From General Revenue Fund.. . . . . $3,250,000

SECTION 14.060.—To the Department of Revenue
Funds are to be transferred out of the State Treasury, chargeable to the Department of Revenue Information Fund, to the State Highways and Transportation Department Fund
From Department of Revenue Information Fund. $999,231

SECTION 14.065.—To the Department of Revenue
Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the State Highways and Transportation

Department Fund, for reimbursement of collection expenditures in excess of the three percent (3%) limit established by Article IV, Sections 29, 30(a), 30(b), and 30(c) of the Missouri Constitution
From General Revenue Fund. $1,914,080

SECTION 14.070.—To the Department of Revenue
For the State Lottery Commission
For any and all expenditures, including operating, maintenance and repair, and minor renovations necessary for the purpose of operating a state lottery
Expense and Equipment
From Lottery Enterprise Fund. $3,000,000

SECTION 14.075.—To the Department of Transportation
For the Maintenance Program
For all allotments, grants, and contributions from federal sources that may be deposited in the State Treasury for grants of National Highway Safety Act moneys
From Federal Funds. $10,000,000

SECTION 14.080.—To the Department of Transportation
For the Transit Program
For locally matched capital improvement grants under Section 5310, Title 49, United States Code to assist private, non-profit organizations in improving public transportation for the state's elderly and people with disabilities
From Federal Funds. $5,600,000

SECTION 14.085.—To the Department of Transportation
For the Rail Program
Funds are to be transferred out of the State Treasury, chargeable to the Federal Stimulus - Missouri Department of Transportation Fund, to the Multimodal Operations Federal Fund
From Federal Stimulus - Missouri Department of Transportation Fund. $13,500,000

SECTION 14.090.—To the Office of Administration
For the Administrative Hearing Commission
To fund Individuals with Disabilities Education Act Due Process hearings
From Administrative Hearing Commission Educational Due Process Hearing Fund. $59,216

SECTION 14.095.—To the Department of Natural Resources
For the Soil and Water Conservation Program
For soil and water conservation cost-share grants
From Soil and Water Sales Tax Fund. $5,200,000

SECTION 14.100.—To the Department of Economic Development
For the Division of Business and Community Services
For the Marketing Team
Personal Service and/or Expense and Equipment, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment
From International Promotions Revolving Fund. $418,591

SECTION 14.105.—To the Department of Economic Development
For Missouri supplemental tax increment financing as provided in Section 99.845, RSMo. This appropriation may be used for the following projects: Kansas City Midtown, Independence Santa Fe Trail Neighborhood, St. Louis City Convention Hotel, Cupples Station, Springfield Jordan Valley Park, Kansas City Bannister Mall Retail/Three Trails Office, St. Louis Lambert Airport Eastern Perimeter, Old Post Office in Kansas City, 1200 Main Garage Project in Kansas City, Riverside Levee, Branson Landing, Eastern Jackson County Bass Pro, Kansas City East Village Project, and Joplin Disaster Area. The presence of a project in this list is not an indication said project is nor shall be approved for tax increment financing. A listed project must have completed the application process and a certificate of approval must have been issued pursuant to Section 99.845 (10), RSMo, before a project may be disbursed funds subject to the appropriation
From Missouri Supplemental Tax Increment Financing Fund. $2,483,569

SECTION 14.110.—Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Missouri Supplemental Tax Increment Financing Fund
From General Revenue Fund. $2,483,569

SECTION 14.115.—To the Department of Public Safety
For the Office of the Director
Expense and Equipment
From Federal Funds. $350,000

SECTION 14.120.—To the Department of Public Safety
For the State Highway Patrol
For the Enforcement Program
Expense and Equipment
From State Highways and Transportation Department Fund. $474,542

SECTION 14.125.—To the Department of Public Safety
For the State Highway Patrol
For gasoline expenses for State Highway Patrol vehicles, including aircraft and Gaming Commission vehicles
Expense and Equipment
From General Revenue Fund. $157,929
From Gaming Commission Fund. 152,455
From State Highways and Transportation Department Fund. 1,241,424
Total. $1,551,808

SECTION 14.130.—To the Department of Public Safety
For the State Highway Patrol
For Vehicle and Driver Safety
Personal Service. $125,000
Expense and Equipment 629,703
From Highway Patrol Inspection Fund. $754,703

SECTION 14.135.—To the Department of Public Safety
For the State Highway Patrol

For Technical Services
Expense and Equipment
From Criminal Justice Network and Technology Revolving Fund. $300,000

SECTION 14.140.—To the Adjutant General
For training site operating costs
Expense and Equipment
From Missouri National Guard Training Site Fund. $30,000

SECTION 14.145.—To the Department of Corrections
For the Division of Human Services
For the purchase, transportation, and storage of food and food service items, and operational expenses of food preparation facilities at all correctional institutions
Expense and Equipment
From General Revenue Fund. $1,384,023

SECTION 14.150.—To the Department of Corrections
For the Division of Adult Institutions
For the purpose of funding the expenses and small equipment purchased at any of the adult institutions department-wide
Expense and Equipment
From General Revenue Fund. $1,191,108

SECTION 14.155.—To the Department of Corrections
For the Division of Offender Rehabilitative Services
For the purpose of funding contractual services for offender physical and mental health care
From General Revenue Fund. $1,015,190

SECTION 14.160.—To the Department of Corrections
For the Board of Probation and Parole
For transfers and refunds set-off against debts as required by Section 143.786, RSMo
From Debit Offset Escrow Fund. $750,000

SECTION 14.165.—To the Department of Mental Health
For the Office of the Director
For payment of attorney fees
From General Revenue Fund. $57,926

SECTION 14.170.—To the Department of Mental Health
For the Office of the Director
For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees
From General Revenue Fund. $2,965,346
From Federal Funds. 1,070,793
Total. $4,036,139

SECTION 14.175.—There is hereby transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Department of Social

Services Intergovernmental Transfer Fund for the purpose of providing the state match for the Department of Mental Health payments
From General Revenue Fund. $17,141,041

SECTION 14.180.—There is transferred out of the State Treasury from Federal Funds to the General Revenue Fund for the purpose of providing the state match for the Department of Mental Health payments
From Federal Funds. $14,141,079

SECTION 14.185.—To the Department of Mental Health
For the Division of Alcohol and Drug Abuse
For treatment of alcohol and drug abuse
From Federal Funds. $5,247,383

SECTION 14.190.—To the Department of Mental Health
For the Division of Alcohol and Drug Abuse
For the purpose of funding the Substance Abuse Traffic Offender Program
From Mental Health Earnings Fund. $700,000

SECTION 14.195.—To the Department of Mental Health
For the Division of Comprehensive Psychiatric Services
Expense and Equipment
For suicide prevention initiatives
From Federal Funds. $140,000

SECTION 14.200.—To the Department of Mental Health
For the Division of Comprehensive Psychiatric Services
To pay the state operated hospital provider tax
From General Revenue Fund. $4,000,000

For the purpose of funding expenses related to fluctuating census demands, Medicare bundling compliance, Medicare Part D implementation, and to restore facilities personal service and/or expense and equipment incurred for direct care worker training and other operational maintenance expenses
From Mental Health Earnings Fund. 239,726
Total (Not to exceed 1.50 F.T.E.). $4,239,726

SECTION 14.205.—To the Department of Mental Health
For the Division of Comprehensive Psychiatric Services
For the purpose of funding adult community programs
From Federal Funds. $18,339,546
From DMH Local Tax Matching Fund. 180,000
Total. $18,519,546

SECTION 14.210.—To the Department of Mental Health
For the Division of Comprehensive Psychiatric Services
For the purpose of funding youth community programs
From Federal Funds. $1,458,932

SECTION 14.215.—To the Department of Mental Health
For the Division of Comprehensive Psychiatric Services

For the purpose of funding Fulton State Hospital-Sexual Offender Rehabilitation and Treatment Services Program
Personal Service and/or Expense and Equipment, provided that not more than fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and not more than ten percent (10%) flexibility is allowed between Fulton State Hospital - Sexual Offender Rehabilitation and Treatment Services Program and Fulton State Hospital, and that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment for overtime, medical supplies, medical bills, pharmacy, or contract clinical staff and further provided that any flexibility be reported to House Budget Committee and Senate Appropriations staff
From General Revenue Fund (Not to exceed 9.93 F.T.E.). $427,224

SECTION 14.220.—To the Department of Mental Health
For the Division of Developmental Disabilities
For the purpose of funding community programs
From Federal Funds. $53,000,000

SECTION 14.225.—To the Department of Health and Senior Services
For the Office of the Director
For payment of attorney fees
From General Revenue Fund. $12,291

SECTION 14.230.—To the Department Health and Senior Services
For the Division of Community and Public Health
For the purpose of funding program operations and support, provided that the obligations are fulfilled for Newborn Screening Tests as required under Section 191.331, RSMo, and provided that the Electronic Death Certificate System has the ability to file with, or obtain certified copies of death certificates from the local registrar as provided under subsection 2 of Section 193.265, RSMo, until the Electronic Death Registration System can provide the same level of service, including the ability to obtain certified copies of death certificates immediately upon the submission of the properly completed death certificate, as can currently be obtained from the local registrar and fulfill all other obligations for the Electronic Vital Records Program as required under Section 193.265, RSMo
From Federal Funds. $700,000

SECTION 14.235.—To the Department of Health and Senior Services
For the Division of Community and Public Health
For the purpose of funding core public health functions and related expenses
From Federal Funds. $7,891,981

SECTION 14.240.—To the Department Health and Senior Services
For the Division of Community and Public Health
For the purpose of funding community health programs and related expenses provided that the obligations are fulfilled for Newborn Screening Tests as required under Section 191.331, RSMo, and provided that the Electronic Death Certificate System has the ability to file with, or obtain certified copies of death certificates from the local registrar as provided under

subsection 2 of Section 193.265, RSMo, until the Electronic Death Registration System can provide the same level of service, including the ability to obtain certified copies of death certificates immediately upon the submission of the properly completed death certificate, as can currently be obtained from the local registrar and fulfill all other obligations for the Electronic Vital Records program as required under Section 193.265, RSMo

From Federal Funds. $8,605,000

SECTION 14.245.—To the Department of Health and Senior Services
For the Division of Senior and Disability Services
For the purpose of funding respite care, homemaker chore, personal care, adult day care, AIDS, children's waiver services, home-delivered meals, other related services and program management under the Medicaid fee-for-service and managed care programs. Provided that individuals eligible for or receiving nursing home care must be given the opportunity to have those Medicaid dollars follow them to the community to the extent necessary to meet their unmet needs as determined by 19 CSR 30 81.030 and further be allowed to choose the personal care program option in the community that best meets the individuals' unmet needs. This includes the Consumer Directed Medicaid State Plan. And further provided that individuals eligible for the Medicaid Personal Care Option must be allowed to choose, from among all the program options, that option which best meets their unmet needs as determined by 19 CSR 30 81.030; and also be allowed to have their Medicaid funds follow them to the extent necessary to meet their unmet needs whichever option they choose. This language does not create any entitlements not established by statute, provided that services and/or provider rates shall be no less than the Fiscal Year 2012 level

From Federal Funds. $20,439,481

SECTION 14.250.—To the Department of Social Services
For the Family Support Division
For payment of attorney fees
From General Revenue Fund. $60,575

SECTION 14.260.—To the Department of Social Services
For the Children's Division
For the purpose of funding children's treatment services, alternative care placement services; adoption subsidy services, independent living services, and services provided through comprehensive, expedited permanency systems of care for children and families

From General Revenue Fund. $3,720,795
From Federal Funds. 2,348,338
Total. $6,069,133

SECTION 14.265.—There is transferred out of the State Treasury from the General Revenue Fund to the Pharmacy Reimbursement Allowance Fund

From General Revenue Fund. $764,609

SECTION 14.270.—There is transferred out of the State Treasury from the Pharmacy Reimbursement Allowance Fund to the General Revenue Fund as a result of recovering the Pharmacy Reimbursement Allowance Fund
From Pharmacy Reimbursement Allowance Fund. $764,609

SECTION 14.275.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding ambulance services
From Ambulance Service Reimbursement Allowance Fund. $6,820,250

SECTION 14.280.—To the Department of Social Services
There is hereby transferred out of the State Treasury, chargeable to the Department of Social Services Intergovernmental Transfer Fund to the General Revenue Fund for the purpose of providing the state match for Medicaid payments
From Department of Social Services Intergovernmental Transfer Fund. $3,941,041

SECTION 14.285.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding payments to the Department of Mental Health
From Department of Social Services Intergovernmental Transfer Fund. $14,141,079
From Federal Funds. 22,964,878
Total. $37,105,957

SECTION 14.290.—There is transferred out of the State Treasury from the General Revenue Fund to the Federal Reimbursement Allowance Fund
From General Revenue Fund. $68,406,226

SECTION 14.295.—There is transferred out of the State Treasury from the Federal Reimbursement Allowance Fund to the General Revenue Fund as a result of recovering the Federal Reimbursement Allowance Fund
From Federal Reimbursement Allowance Fund. $68,406,226

SECTION 14.300.—There is transferred out of the State Treasury from the General Revenue Fund to the Nursing Facility Federal Reimbursement Allowance Fund
From General Revenue Fund. $29,893,866

SECTION 14.305.—There is transferred out of the State Treasury from the Nursing Facility Federal Reimbursement Allowance Fund to the General Revenue Fund as a result of recovering the Nursing Facility Federal Reimbursement Allowance Fund
From Nursing Facility Federal Reimbursement Allowance Fund. $29,893,866

Bill Totals
General Revenue Fund. $22,984,056
Federal Funds 152,691,454
Other Funds. 43,372,606
Total $219,048,116

Approved April 11, 2013

HB 17 [SCS HCS HB 17]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

APPROPRIATIONS: CAPITAL IMPROVEMENTS

AN ACT to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2013 and ending June 30, 2015.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, for the agency, program, and purpose stated, chargeable to the fund designated, for the period beginning July 1, 2013 and ending June 30, 2015 the unexpended balances available as of June 30, 2013 but not to exceed the amounts stated herein, as follows:

SECTION 17.005.—To the Office of Administration
For the Division of Facilities Management, Design and Construction
For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, operational maintenance and repair, and improvements at facilities statewide
Representing expenditures originally authorized under the provisions of House Bill Section 21.015, an Act of the 96th General Assembly, First Regular Session

From Facilities Maintenance Reserve Fund	$61,605,629
From Bingo Proceeds for Education Fund	206,036
From Veterans' Commission Capital Improvement Trust Fund	107,662
From State Highways and Transportation Department Fund	76,951
From Department of Social Services Federal and Other Fund	165,904
Total	$62,162,182

SECTION 17.010.—To the Department of Natural Resources
For the Division of State Parks
For capital improvement expenditures from recoupments, donations, and grants
Representing expenditures originally authorized under the provisions of House Bill Section 18.065, an Act of the 94th General Assembly, First Regular Session, authorized under the provisions of House Bill Section 20.030, an Act of the 94th General Assembly, Second Regular Session, authorized under the provisions of House Bill Section 16.040, an Act of the 94th General Assembly, Second Regular Session, authorized under the provisions of House Bill Section 17.335, an Act of the 95th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill Section 17.080, an Act of the 96th General Assembly, First Regular Session

From Natural Resources Protection Fund	$170,000

SECTION 17.015.—To the Department of Natural Resources
For the Division of State Parks
For planned and unforeseen maintenance, renovation, and replacement projects

for the state parks and historic properties system
Representing expenditures originally authorized under the provisions of House Bill Section 22.185, an Act of the 95th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill Section 17.085, an Act of the 96th General Assembly, First Regular Session
From Parks Sales Tax Fund. $648,179

SECTION 17.020.—To the Department of Natural Resources
For the Division of State Parks
For water and wastewater improvements for the state parks and historic properties system
Representing expenditures originally authorized under the provisions of House Bill Section 22.190, an Act of the 95th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill Section 17.090, an Act of the 96th General Assembly, First Regular Session
From State Park Earnings Fund. $530,921

SECTION 17.025.—To the Department of Natural Resources
For the Division of State Parks
For maintenance and repair to existing roadways, parking areas, and trails at state parks and historic properties statewide
Representing expenditures originally authorized under the provisions of House Bill Section 22.195, an Act of the 95th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill Section 17.095, an Act of the 96th General Assembly, First Regular Session
From State Parks Earnings Fund. $625,824

SECTION 17.030.—To the Department of Natural Resources
For the Division of State Parks
For capital improvement expenditures from recoupments, donations, and grants
Representing expenditures originally authorized under the provisions of House Bill Section 22.210, an Act of the 95th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill Section 17.105, an Act of the 96th General Assembly, First Regular Session
From Federal Funds and Other Funds. $40,360,629

SECTION 17.035.—To the Department of Natural Resources
For the Division of State Parks
For design, renovation, construction, and improvements of state parks
Representing expenditures originally authorized under the provisions of House Bill Section 22.215, an Act of the 95th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill Section 17.110, an Act of the 96th General Assembly, First Regular Session
From State Park Earnings Fund. $1,400,000

SECTION 17.040.—To the Department of Natural Resources
For the Division of State Parks

For planned and unforeseen maintenance, renovation and replacement projects for the state parks and historic properties system
Representing expenditures originally authorized under the provisions of House Bill Section 21.070, an Act of the 96th General Assembly, First Regular Session
From Parks Sales Tax Fund. $1,156,200

SECTION 17.045.—To the Department of Natural Resources
For the Division of State Parks
For water and wastewater improvements for the state parks and historic properties system
Representing expenditures originally authorized under the provisions of House Bill Section 21.075, an Act of the 96th General Assembly, First Regular Session
From Parks Sales Tax Fund. $365,000
From State Park Earnings Fund. 814,460
Total. $1,179,460

SECTION 17.050.—To the Department of Natural Resources
For the Division of State Parks
For unforeseen maintenance, repairs, and improvements to state parks and historic sites statewide due to catastrophic events
Representing expenditures originally authorized under the provisions of House Bill Section 21.080, an Act of the 96th General Assembly, First Regular Session
From Parks Sales Tax Fund. $1,443,472

SECTION 17.055.—To the Department of Natural Resources
For the Division of State Parks
For maintenance and repair to existing roadways, parking areas, and trails at state parks and historic properties statewide
Representing expenditures originally authorized under the provisions of House Bill Section 21.085, an Act of the 96th General Assembly, First Regular Session
From State Parks Earnings Fund. $774,677

SECTION 17.060.—To the Department of Natural Resources
For the Division of State Parks
For design, renovation, construction, and improvements of state parks
Representing expenditures originally authorized under the provisions of House Bill Section 22.010, an Act of the 96th General Assembly, First Regular Session
From State Parks Earnings Fund. $1,400,000

SECTION 17.065.—To the Department of Natural Resources
For the Division of State Parks
For adjacent land purchases
Representing expenditures originally authorized under the provisions of House Bill Section 22.015, an Act of the 96th General Assembly, First Regular Session
From State Parks Earnings Fund. $500,000

SECTION 17.070. — To the Department of Natural Resources
For the Division of State Parks
For replacement of existing, or installation of new interpretive exhibits within state parks and historic sites statewide
Representing expenditures originally authorized under the provisions of House Bill Section 22.030, an Act of the 96th General Assembly, First Regular Session
From State Parks Earnings Fund. $292,467

SECTION 17.075. — To the Department of Conservation
For stream access acquisition and development; lake site acquisition and development; financial assistance to other public agencies or in partnership with other public agencies; land acquisition for upland wildlife, state forests, wetlands, and natural areas and additions to existing areas; for major improvements and repairs (including materials, supplies, and labor) to buildings, roads, hatcheries, and other departmental structures; and for soil conservation activities and erosion control on department land
Representing expenditures originally authorized under the provisions of House Bill Section 22.035, an Act of the 96th General Assembly, First Regular Session
From Conservation Commission Fund. $18,000,000

SECTION 17.080. — To the Office of Administration
For the Department of Public Safety
For repairs, replacements, and improvements at Missouri State Highway Patrol facilities statewide
Representing expenditures originally authorized under the provisions of House Bill Section 21.115, an Act of the 96th General Assembly, First Regular Session
From State Highways and Transportation Department Fund. $1,105,526

SECTION 17.085. — To the Office of Administration
For the Department of Public Safety
For the purpose of planning, designing, and constructing an addition to the existing Troop D in Springfield for evidence storage and office space
Representing expenditures originally authorized under the provisions of House Bill Section 22.045, an Act of the 96th General Assembly, First Regular Session
From State Highways and Transportation Department Fund. $607,661

SECTION 17.090. — To the Office of Administration
For Department of Public Safety
For the planning, design and construction of a new marine maintenance facility
Representing expenditures originally authorized under the provisions of House Bill Section 22.046, an Act of the 96th General Assembly, First Regular Session
From State Parks Earnings Fund. $750,000

SECTION 17.095. — To the Office of Administration
For the Department of Public Safety
For planning, design, and construction of a commercial drivers license site

in Hannibal
Representing expenditures originally authorized under the provisions of House Bill Section 22.050, an Act of the 96th General Assembly, First Regular Session
From State Highways and Transportation Department Fund. $1,293,100

SECTION 17.100.—To Office of Administration
For the Department of Public Safety
For the construction, renovations, and improvements at state veterans' homes
Representing expenditures originally authorized under the provisions of House Bill Section 22.055, an Act of the 96th General Assembly, First Regular Session
From Federal Funds. $3,020,902
From Veterans' Commission Capital Improvement Trust Fund. 2,969,789
Total. $5,990,691

SECTION 17.105.—To the Office of Administration
For the Adjutant General - Missouri National Guard
For federal environmental compliance at non-armory facilities
Representing expenditures originally authorized under the provisions of House Bill Section 19.060, an Act of the 93rd General Assembly, First Regular Session, authorized under the provisions of House Bill Section 17.180, an Act of the 94th General Assembly, First Regular Session, authorized under the provisions of House Bill Section 23.085, an Act of the 94th General Assembly, Second Regular Session, authorized under the provisions of House Bill Section 17.455, an Act of the 95th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill Section 17.145, an Act of the 96th General Assembly, First Regular Session
From Federal Funds. $300,000

SECTION 17.110.—To the Office of Administration
For the Adjutant General - Missouri National Guard
For statewide maintenance and repair at National Guard facilities
Representing expenditures originally authorized under the provisions of House Bill Section 22.125, an Act of the 95th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill Section 17.200, an Act of the 96th General Assembly, First Regular Session
From Federal Funds. $8,000,000

SECTION 17.115.—To the Office of Administration
For the Adjutant General - Missouri National Guard
For design and construction of National Guard facilities statewide
Representing expenditures originally authorized under the provisions of House Bill Section 22.130, an Act of the 95th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill Section 17.205, an Act of the 96th General Assembly, First Regular Session
From Federal Funds. $21,400,000

Approved June 28, 2013

HB 18 [SCS HB 18]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

APPROPRIATIONS: CAPITAL IMPROVEMENTS

AN ACT to appropriate money for purposes for the several departments and offices of state government; for the purchase of equipment; for planning, expenses, and for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems; for grants, refunds, distributions, planning, expenses, and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions; and to transfer money among certain funds, from the funds designated for the fiscal period beginning July 1, 2013 and ending June 30, 2015.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, for the agency, program, and purpose stated, chargeable to the fund designated for the period beginning July 1, 2013 and ending June 30, 2015, as follows:

SECTION 18.005. — Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Facilities Maintenance Reserve Fund

For Fiscal Year 2014	$70,000,000
For Fiscal Year 2015	71,000,000
Total	$141,000,000

SECTION 18.006. — To the Office of Administration
For the Division of Facilities Management, Design and Construction
For emergency and unprogrammed requirements for facilities statewide
From Facilities Maintenance Reserve Fund $10,000,000

SECTION 18.007. — To the Office of Administration
For the Division of Facilities Management, Design and Construction
For statewide assessment, abatement, removal, remediation and management of hazardous materials and pollutants at state facilities
From Facilities Maintenance Reserve Fund $7,800,000

SECTION 18.008. — To the Office of Administration
For the Division of Facilities Management, Design and Construction
For the statewide roofing management system at state facilities
From Facilities Maintenance Reserve Fund $18,700,000

SECTION 18.009. — To the Office of Administration
For the Division of Facilities Management, Design and Construction
For statewide electrical improvements at state facilities
From Facilities Maintenance Reserve Fund $10,500,000

SECTION 18.010.—To the Office of Administration
For the Division of Facilities Management, Design and Construction
For maintenance, repairs, replacements, and improvements at facilities statewide
From Facilities Maintenance Reserve Fund. $28,400,000
From Bingo Proceeds for Education Fund 1,000,000
From Veterans Commission Capital Improvement Trust Fund. 1,000,000
From State Highways and Transportation Department Fund 500,000
From Workers' Compensation Fund. 400,000
From Special Employment Security Fund. 200,000
From Department of Social Services Federal and Other Fund. 276,486
Total. $31,776,486

SECTION 18.011.—To the Office of Administration
For the Division of Facilities Management, Design and Construction
For statewide elevator improvements at state facilities
From Facilities Maintenance Reserve Fund. $3,500,000

SECTION 18.012.—To the Office of Administration
For the Division of Facilities Management, Design and Construction
For statewide fire safety improvements at state facilities
From Facilities Maintenance Reserve Fund. $14,450,000

SECTION 18.013.—To the Office of Administration
For the Division of Facilities Management, Design and Construction
For statewide heating, ventilation, and air conditioning improvements at state facilities
From Facilities Maintenance Reserve Fund. $21,700,000

SECTION 18.014.—To the Office of Administration
For the Division of Facilities Management, Design and Construction
For statewide plumbing improvements at state facilities
From Facilities Maintenance Reserve Fund. $5,200,000

SECTION 18.015.—To the Office of Administration
For the Division of Facilities Management, Design and Construction
For receipt and disbursement of federal or state emergency management funds
From Federal Funds. $200,000

SECTION 18.016.—To the Office of Administration
For the Division of Facilities Management, Design and Construction
For security improvements at facilities statewide
From Facilities Maintenance Reserve Fund. $3,313,982

SECTION 18.020.—To the Office of Administration
For the Division of Facilities Management, Design and Construction
For projects that are identified as having an energy savings payback and renewable energy opportunities at all state-owned facilities from grants and contributions, but not loans
From Grants and Contributions Fund. $200,000

SECTION 18.025.—To the Office of Administration
For the Division of Facilities Management, Design and Construction

For the receipt and disbursement of recovered costs related to capital improvements
From Office of Administration Revolving Administrative Trust Fund. $200,000

SECTION 18.030.—To the Department of Natural Resources
For the Division of State Parks
For state park and historic site capital improvement expenditures, including design, construction, renovation, maintenance, repairs, replacements, improvements, adjacent land purchases, installation and replacement of interpretive exhibits, water and wastewater improvements, maintenance and repair to existing roadways, parking areas, and trails, acquisition, restoration, and marketing of endangered historic properties, and expenditure of recoupment's, donations, and grants
From Federal and Other Funds. $13,731,000E

SECTION 18.035.—To the Office of Administration
For the Department of Public Safety
For repairs, replacements, and improvements at Missouri State Highway Patrol facilities statewide
From State Highways and Transportation Department Fund. $7,646,284

SECTION 18.040.—To the Office of Administration
For the Department of Public Safety
For repairs, replacements, and improvements at state veterans' homes
From Federal Funds. $8,740,738
From Veterans Commission Capital Improvement Trust Fund. 12,944,909
Total. $21,685,647

SECTION 18.045.—To the Office of Administration
For the Adjutant General - Missouri National Guard
For statewide maintenance and repair at National Guard facilities
From Facilities Maintenance Reserve Fund. $5,200,000
From Federal Funds. 20,000,000
Total. $25,200,000

SECTION 18.050.—To the Office of Administration
For the Office of the Attorney General
For maintenance and repair at the Broadway Building in Jefferson City
From Federal and Other Funds. $3,404,000

Bill Totals
General Revenue Fund. $141,000,000
Federal Funds 31,442,724
Other Funds 39,800,693
Total $212,243,41

Approved June 28, 2013

HB 19 [SS SCS HCS HB 19]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

APPROPRIATIONS: PLANNING AND CAPITAL IMPROVEMENTS

AN ACT to appropriate money for purposes for the several departments and offices of state government; for planning and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions; and to transfer money among certain funds to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the fiscal period beginning July 1, 2013 and ending June 30, 2015.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, for the agency, program, and purpose stated, chargeable to the fund designated for the period beginning July 1, 2013 and ending June 30, 2015, as follows:

SECTION 19.005. — To the Office of Administration
For capital improvements including planning, design, major additions and renovations, new structures, land improvements, land acquisitions, economic development projects, energy-related projects, and the repair, replacement and maintenance of state buildings and facilities statewide
From Bond Proceeds Fund. $1E

***SECTION 19.006.** — To the Office of Administration
For the Department of Elementary and Secondary Education
For reconstruction of the Pike-Lincoln Technical Center
From Fair Share Fund. $1,000,000

*I hereby veto $1,000,000 Fair Share Fund for the reconstruction of the Pike-Lincoln Technical Center. Section 149.015.7, RSMo, states that, "Such moneys in the fair share fund shall be transferred monthly to the state school moneys fund and distributed to the school districts in this state as provided in Section 163.031." Section 163.031 is the state Foundation Formula.

Said section is vetoed in its entirety from $1,000,000 to $0 Fair Share Fund.

JEREMIAH W. (JAY) NIXON, GOVERNOR

*This veto was overridden September 11, 2013.

19.007. — To the Office of Administration
For planning, design, and construction of a state office building including space for and renovation of the Missouri Department of Transportation Central Office
From General Revenue Fund. $38,000,000

19.008. — To the Office of Administration
For stonework, window repair, other structural repair, and renovations for the State Capitol Complex
From General Revenue Fund. $50,000,000

19.009.—To the Office of Administration
For planning and design for the replacement of the Fulton State Hospital
From General Revenue Fund. $13,000,000

SECTION 19.010.—To the Office of Administration
For the Department of Agriculture
For construction of storm shelters at the Missouri State Fairgrounds
From Federal Funds. $1,875,000
From Agriculture Protection Fund.. 625,000
Total. $2,500,000

SECTION 19.015.—To the Department of Natural Resources
For the Division of State Parks
For state park and historic site capital improvement expenditures, including design, construction, renovation, maintenance, repairs, replacements, improvements, adjacent land purchases, installation and replacement of interpretive exhibits, water and wastewater improvements, maintenance and repair to existing roadways, parking areas, and trails, acquisition, restoration, and marketing of endangered historic properties, and expenditure of recoupments, donations, and grants
From Federal and Other Funds. $5,400,000E

SECTION 19.017.—To the Department of Natural Resources
For funding expenditures related to surface water improvements
From General Revenue Fund. $4,000,000

SECTION 19.018.—To the Department of Natural Resources
For the Division of State Parks
For state park and historic site maintenance, repair, renovation, and construction
From General Revenue Fund $20,000,000

SECTION 19.020.—To the Department of Conservation
For stream access acquisition and development; lake site acquisition and development; financial assistance to other public agencies or in partnership with other public agencies; land acquisition for upland wildlife, state forests, wetlands, and natural areas and additions to existing areas; for major improvements and repairs (including materials, supplies, and labor) to buildings, roads, hatcheries, and other departmental structures; and for soil conservation activities and erosion control on department land
From Conservation Commission Fund. $48,000,000

SECTION 19.025.—To the Office of Administration
For the Department of Public Safety
For design and construction of a commercial drivers license site in Hannibal
From State Highways and Transportation Department Fund. $1,449,000

SECTION 19.030.—To the Office of Administration
For the Department of Public Safety
For renovations and construction at the Missouri State Highway Patrol

Headquarters
From State Highways and Transportation Department Fund. $1,738,000

SECTION 19.035.—To the Office of Administration
For the Department of Public Safety
For design and construction of a storage building at the St. Louis Veterans Home
From Federal Funds. $729,872
From Veterans Commission Capital Improvement Trust Fund. 1,076,625
Total. $1,806,497

SECTION 19.040.—To the Office of Administration
For the Department of Public Safety
For installation of electronic medical records at veterans homes statewide
From Federal Funds. $1,601,600
From Veterans Commission Capital Improvement Trust Fund. 2,362,500
Total. $3,964,100

SECTION 19.045.—To the Office of Administration
For the Department of Public Safety
For installation of anti-wander systems at veterans homes statewide
From Federal Funds. $1,601,600
From Veterans Commission Capital Improvement Trust Fund. 2,362,500
Total. $3,964,100

SECTION 19.050.—To the Office of Administration
For the Adjutant General - Missouri National Guard
For design and construction of National Guard facilities statewide
From Federal Funds. $10,000,000

SECTION 19.055.—To the Office of Administration
There is hereby transferred out of the State Treasury, chargeable to the Insurance Dedicated Fund to the Rebuild Damaged Infrastructure Fund
From Insurance Dedicated Fund. $10,000,000

SECTION 19.060.—To the Office of Administration
To provide funding for the reconstruction, replacement, or renovation of, or repair to, any infrastructure damaged by a presidentially declared natural disaster in any home rule city with more than forty-seven thousand but fewer than fifty-two thousand inhabitants and partially located in any county of the first classification with more than one hundred fifteen thousand inhabitants
From Rebuild Damaged Infrastructure Fund. $14,000,000

Bill Totals
General Revenue Fund. $125,000,000
Federal Funds 16,808,072
Other Funds. 77,013,626
Total $218,821,698

Approved June 28, 2013

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HB 28 [SS SCS HCS HB 28]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding the Department of Natural Resources

AN ACT to repeal sections 43.543, 49.266, 60.185, 60.195, 60.301, 60.321, 60.451, 60.510, 60.530, 60.540, 60.550, 60.560, 60.570, 60.580, 60.590, 60.595, 60.600, 60.610, 60.620, 60.653, 60.670, 236.410, 253.090, 253.180, 253.185, 256.117, 258.010, 258.020, 258.030, 258.060, 258.070, 258.080, 260.200, 260.205, 260.235, 260.249, 260.262, 260.365, 260.379, 260.380, 260.390, 260.395, 260.434, 260.475, 261.023, 444.772, 621.250, 640.010, 640.012, 640.017, 640.075, 640.715, 640.725, 643.079, 644.051, 644.052, and 644.054, RSMo, and to enact in lieu thereof sixty-three new sections relating to the environment, with penalty provisions and an emergency clause for certain sections.

SECTION

A. Enacting clause.
43.543. Certain agencies to submit fingerprints, use of fingerprints for background search — procedure for submission.
49.266. County commission by orders or ordinance may regulate use of county property, traffic, and parking — burn bans.
60.185. County surveyors, duties.
60.195. United States field notes on survey of counties, how obtained and filed in office of county surveyor.
60.301. Definitions.
60.321. Lost corners, monumentation, procedure — violation deemed misconduct.
60.451. Missouri coordinate system zones precisely defined.
60.510. Powers and duties of department.
60.530. Surveyor, duties.
60.540. Department may acquire property, how.
60.550. Ownership of markers in department, unauthorized tampering prohibited, duty to prosecute.
60.560. Attorney general to advise commission or department.
60.570. Headquarters, where located — land survey building, name of.
60.580. Right of entry, immune to trespass arrest.
60.590. Records to be furnished department — department to furnish records at cost.
60.595. Department revolving services fund, purpose — unexpended balances.
60.600. Registered surveyors to be used — private employment prohibited.
60.610. Department may contract.
60.620. Land survey commission established — appointment — terms — qualifications — chairman, selection — meetings, quorum — expenses — duties — annual report, content to be public.
60.653. Recorder of deeds, duties — copies of plats to be evidence when certified.
60.670. Digital cadastral parcel mapping, minimum standards, rulemaking authority.
236.410. Council established — members, terms, qualifications, officers — meetings — quorum — compensation — report.
253.090. State park earnings fund created, how used.
253.180. Domestic animals prohibited from running at large.
253.185. Domestic animals, how controlled — prohibited in buildings, exception — dog park, designated area.
256.117. Funding for operation of map repository from document services fund — money from sales of maps or products deposited in fund.
256.438. Fund created, use of moneys.
258.010. Committees, councils and boards authorized — staffing by department.
258.060. Duties and functions of department.
258.070. Compensation, expenses of member agencies' representatives.
258.080. Fund created — moneys appropriated, for what purposes — funds not to revert.
260.200. Definitions.
260.205. Permit required to operate facility, and construction permit to construct facility, requirements, exceptions, fees — plans to be submitted — permits revoked or suspended, when — disclosure statement, requirements.
260.214. Preliminary site investigation approval, not required for certain counties — severability clause.
260.235. Appeal, judicial review, procedure — injunction based on seriousness of threat to environment — performance bond required, forfeited, when.

260.249. Administrative penalties — not to be assessed for minor violation, definition — amount set by rule, payment when — appeal effect — surcharge due when — unpaid penalty, collection — time limitation to assess violation — judicial appeal — civil action effect, exception.
260.262. Retailers of lead-acid batteries, duties — notice to purchaser, contents.
260.365. Hazardous waste management commission created — composition, qualifications — compensation — terms — meetings, notice required, quorum.
260.380. Duties of hazardous waste generators — fees to be collected, disposition — exemptions — expiration of fees.
260.390. Duties of hazardous waste facility owners and operators — tax to be collected, disposition — duties upon termination of use of facility — inspection fees, commercial facilities, requirements.
260.395. Transportation of hazardous waste, how permitted — fees, how determined — notice prior to issuance of permit — permit not required of whom — application for certification, when — permit maintained for postclosure care period — leachate collection system required — railroad hazardous waste transportation, fee.
260.475. Fees to be paid by hazardous waste generators — exceptions — deposit of moneys — violations, penalty — deposit — fee requirement, expiration — fee structure review.
261.023. Powers, duties, functions transferred to department of agriculture and certain other designated agencies.
444.772. Permit — application, contents, fees — amendment, how made — successor operator, duties of.
621.250. Appeals from decisions of certain environmental commissions to be heard by administrative hearing commission — procedure.
640.010. Department created — director, appointment, powers, duties — transfer of certain agencies.
640.012. Burden of proof in contested cases heard by administrative hearing commission, exceptions.
640.017. Unified permit schedule authorized for activities requiring multiple permits — director's duties — procedure — rulemaking authority.
640.026. Enforcement and penalties, list of documents produced for external dissemination — JCAR review, contents.
640.065. Revolving services fund created, use of moneys.
640.075. Brochures on Thomas Hart Benton murals and capitol art work, publication.
640.080. E. coli measuring standard — posting of signs when beaches exceed, language — authority to close beaches.
640.715. Notification by owners or operators, information required — department to issue permit, when.
640.725. Inspection of facility, when, records retention period — automatic shutoff system required.
643.079. Fees, amount — deposit of moneys, where, subaccount to be maintained — civil action for failure to remit fees, effect upon permit — agencies, determination of fees — fee structure review.
644.029. New water quality requirements, grandfathering provision.
644.051. Prohibited acts — permits required, when, fee — bond required of permit holders, when — permit application procedures — rulemaking — limitation on use of permit fee moneys — permit shield provisions.
644.052. Permit types, fees, amounts — requests for permit modifications — requests for federal clean water certifications.
644.054. Fees, billing and collection — administration, generally — fees to become effective, when — fees to expire, when — variances granted, when — fee structure review.
644.057. Clean water fee structure review, requirements.
644.062. Provisional variances granted, when — procedure.
1. Annual stakeholder meeting in each park district — stakeholders may petition director, when--stakeholder defined.
2. Joint committee established, members, duties, report.
258.020. Agency heads to be on council.
258.030. Council officers — appointment — duties.
260.379. Permit not to be issued, when — notice to department of certain crimes, penalty for failure to notify — reinstatement, when.
260.434. Proposed sites, hazardous waste facilities — department to examine transportation routes — department to examine local government's capability to respond to emergency — interagency agreement.
B. Emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 43.543, 49.266, 60.185, 60.195, 60.301, 60.321, 60.451, 60.510, 60.530, 60.540, 60.550, 60.560, 60.570, 60.580, 60.590, 60.595, 60.600, 60.610, 60.620, 60.653, 60.670, 236.410, 253.090, 253.180, 253.185, 256.117, 258.010, 258.020, 258.030, 258.060, 258.070, 258.080, 260.200, 260.205, 260.235, 260.249, 260.262, 260.365, 260.379, 260.380, 260.390, 260.395, 260.434, 260.475, 261.023, 444.772, 621.250, 640.010, 640.012, 640.017, 640.075, 640.715, 640.725, 643.079, 644.051, 644.052, and 644.054, RSMo, are repealed and sixty-three new sections enacted in lieu thereof, to be

known as sections 43.543, 49.266, 60.185, 60.195, 60.301, 60.321, 60.451, 60.510, 60.530, 60.540, 60.550, 60.560, 60.570, 60.580, 60.590, 60.595, 60.600, 60.610, 60.620, 60.653, 60.670, 236.410, 253.090, 253.180, 253.185, 256.117, 256.438, 258.010, 258.060, 258.070, 258.080, 260.200, 260.205, 260.214, 260.235, 260.249, 260.262, 260.365, 260.380, 260.390, 260.395, 260.475, 261.023, 444.772, 621.250, 640.010, 640.012, 640.017, 640.026, 640.065, 640.075, 640.080, 640.715, 640.725, 643.079, 644.029, 644.051, 644.052, 644.054, 644.057, 644.062, 1, and 2, to read as follows:

43.543. CERTAIN AGENCIES TO SUBMIT FINGERPRINTS, USE OF FINGERPRINTS FOR BACKGROUND SEARCH — PROCEDURE FOR SUBMISSION. — Any state agency listed in section 621.045, the division of professional registration of the department of insurance, financial institutions and professional registration, the department of social services, the supreme court of Missouri, the state courts administrator, the department of elementary and secondary education, **the department of natural resources,** the Missouri lottery, the Missouri gaming commission, or any state, municipal, or county agency which screens persons seeking employment with such agencies or issuance or renewal of a license, permit, certificate, or registration of authority from such agencies; or any state, municipal, or county agency or committee, or state school of higher education which is authorized by state statute or executive order, or local or county ordinance to screen applicants or candidates seeking or considered for employment, assignment, contracting, or appointment to a position within state, municipal, or county government; or the Missouri peace officers standards and training, POST, commission which screens persons, not employed by a criminal justice agency, who seek enrollment or access into a certified POST training academy police school, or persons seeking a permit to purchase or possess a firearm for employment as a watchman, security personnel, or private investigator; or law enforcement agencies which screen persons seeking issuance or renewal of a license, permit, certificate, or registration to purchase or possess a firearm shall submit two sets of fingerprints to the Missouri state highway patrol, Missouri criminal records repository, for the purpose of checking the person's criminal history. The first set of fingerprints shall be used to search the Missouri criminal records repository and the second set shall be submitted to the Federal Bureau of Investigation to be used for searching the federal criminal history files if necessary. The fingerprints shall be submitted on forms and in the manner prescribed by the Missouri state highway patrol. Fees assessed for the searches shall be paid by the applicant or in the manner prescribed by the Missouri state highway patrol. Notwithstanding the provisions of section 610.120, all records related to any criminal history information discovered shall be accessible and available to the state, municipal, or county agency making the record request.

49.266. COUNTY COMMISSION BY ORDERS OR ORDINANCE MAY REGULATE USE OF COUNTY PROPERTY, TRAFFIC, AND PARKING — BURN BANS. — 1. The county commission in all counties of the first, second or fourth classification may by order or ordinance promulgate reasonable regulations concerning the use of county property, the hours, conditions, methods and manner of such use and the regulation of pedestrian and vehicular traffic and parking thereon.

2. Violation of any regulation so adopted **under subsection 1 of this section** is an infraction.

3. **Upon a determination by the state fire marshal that a burn ban order is appropriate for a county because:**

(1) An actual or impending occurrence of a natural disaster of major proportions within the county jeopardizes the safety and welfare of the inhabitants of such county; and

(2) The U.S. Drought Monitor has designated the county as an area of severe, extreme, or exceptional drought,

the county commission may adopt an order or ordinance issuing a burn ban, which may carry a penalty of up to a class A misdemeanor. State agencies responsible for fire

management or suppression activities and persons conducting agricultural burning using best management practices shall not be subject to the provisions of this subsection. The ability of an individual, organization, or corporation to sell fireworks shall not be affected by the issuance of a burn ban. The county burn ban may prohibit the explosion or ignition of any missile or skyrocket as the terms "missile" and "skyrocket" are defined by the 2012 edition of the American Fireworks Standards Laboratory, but shall not ban the explosion or ignition of any other consumer fireworks as the term "consumer fireworks" is defined under section 320.106.

4. The regulations so adopted shall be codified, printed and made available for public use and adequate signs concerning smoking, traffic and parking regulations shall be posted.

60.185. COUNTY SURVEYORS, DUTIES. — The county surveyor of every county or city shall:

(1) Keep a fair and correct record of all surveys made by himself and his deputies, in a well-bound book, with a convenient index, to be procured at the expense of the county or city for that purpose, which books and indexes shall be the property of such county or city, and shall be known as the county surveyor's plat book, and every such surveyor shall record in such book a plat of all surveys executed by him or his deputies, within two weeks after the plat of survey has been certified to, and such books shall be kept at the county seat or city hall and subject to inspection by any person interested therein, under the supervision of the county surveyor for such county or city;

(2) Number his surveys progressively;

(3) Deliver a copy of any plat of survey to any person requiring such a copy, on payment of an amount equal to the fees allowed to the recorder of deeds for such a document, so long as such records shall remain in his possession, and after such record shall have been deposited in the office of the recorder of deeds, the recorder shall, on the request of anyone and on payment of his fees for such service, deliver to such person a duly certified copy of such records under the seal of his office, which shall be accepted as evidence, to all intents and purposes, as the originals themselves;

(4) Maintain a copy of corner restoration documents as required in section 60.321 when provided by the Missouri department of **[**natural resources**]** **agriculture**, and subject to inspection and copying by any person interested therein during the normal office hours of the county on payment of the fees allowed to the recorder for similar documents.

60.195. UNITED STATES FIELD NOTES ON SURVEY OF COUNTIES, HOW OBTAINED AND FILED IN OFFICE OF COUNTY SURVEYOR. — The several county commissions in this state are hereby authorized, in all cases wherein they shall consider it to be the interest of their counties, to obtain from the Missouri department of **[**natural resources**]** **agriculture** a certified copy of so much of the field notes of all surveys lying within their counties, respectively, which have been and may be made by the United States, as relates to the description of the township, section, fractional section, quarter section and legal subdivisional corners, the variation of the needle at which the east and west boundaries of township or range lines were run, the length of the north and south, as well as east and west sectional lines; also, the fallings of all east and west township and sectional lines the same to be filed in the office of the county surveyor of their counties, respectively.

60.301. DEFINITIONS. — Whenever the following words and terms are used in this chapter they shall have the following meaning unless the context clearly indicates that a different meaning is intended:

(1) "Corners of the United States public land survey", those points that determine the boundaries of the various subdivisions represented on the official plat such as the township corner, the section corner, the quarter-section corner, grant corner and meander corner;

(2) "Existent corner", a corner whose position can be identified by verifying the evidence of the original monument or its accessories, or by some physical evidence described in the field notes, or located by an acceptable supplemental survey record or some physical evidence thereof, or by testimony. The physical evidence of a corner may have been entirely obliterated but the corner will be considered existent if its position can be recovered through the testimony of one or more witnesses who have a dependable knowledge of the original location. A legally reestablished corner shall have the same status as an existent corner;

(3) "Lost corner", a corner whose position cannot be determined, beyond reasonable doubt, either from traces of the original marks or from acceptable evidence or testimony that bears upon the original position;

(4) "Monument", the physical object which marks the corner point determined by the surveying process. The accessories, such as bearing trees, bearing objects, reference monuments, mounds of stone and other similar objects that aid in identifying the corner position, are also considered a part of a corner monument;

(5) "Obliterated, decayed or destroyed corner", an existent corner at whose point there are no remaining traces of the original monument or its accessories, but whose location has been perpetuated by subsequent surveys, or the point may be recovered beyond reasonable doubt by the acts and testimony of local residents, competent surveyors, other qualified local authorities or witnesses, or by some acceptable record evidence. A position that depends upon the use of collateral evidence can be accepted only if duly supported, generally through proper relation to known corners, and agreement with the field notes regarding distances to natural objects, stream crossings, line trees, etc., or unquestionable testimony;

(6) "Original government survey", that survey executed under the authority of the United States government as recorded on the official plats and field notes of the United States public land survey maintained by the Missouri department of **[**natural resources**]** **agriculture**;

(7) "Proportionate measurement", a measurement of a line that gives equal relative weight to all parts of the line. The excess or deficiency between two existent corners is so distributed that the amount of excess or deficiency given to each interval bears the same proportion to the whole difference as the record length of the interval bears to the whole record distance:

(a) "Single proportionate measurement", a measurement of a line applied to a new measurement made between known points on a line to determine one or more positions on that line;

(b) "Double proportionate measurement", a measurement applied to a new measurement made between four known corners, two each on intersecting meridional and latitudinal lines, for the purpose of relating the intersection to both. The procedure is described as follows: First, measurements will be made between the nearest existent corners north and south of the lost corner. A temporary point will be determined to locate the latitude of the lost corner on the straight line connecting the existent corners and at the proper proportionate distance. Second, measurements will be made between the nearest existent corners east and west of the lost corner. A temporary point will be determined to locate the longitude of the lost corner on the straight line connecting the existent corners and at the proportionate distance. Third, determine the location of the lost corner at the intersection of an east-west line through the point determining the latitude of the lost corner with a north-south line through the point determining the longitude of the lost corner. When the total length of the line between the nearest existing corners was not measured in the original government survey, the record distance from one existing corner to the lost corner will be used instead of the proportionate distance. This exception will apply to either or both of the east-west or north-south lines;

(8) "Record distance", the distance or length as shown on the original government survey. In determining record distances, consideration shall be given as to whether the distance was measured on a random or true line.

60.321. LOST CORNERS, MONUMENTATION, PROCEDURE — VIOLATION DEEMED MISCONDUCT. — For the purpose of perpetuating the corners of the United States public land survey, every surveyor who reestablishes a lost corner or restores an existent corner shall monument the corner and shall file an instrument showing such reestablishment or restoration with the Missouri department of **[**natural resources**]** **agriculture**, in accordance with the specifications and procedures adopted by the Missouri department of **[**natural resources**]** **agriculture**. Any surveyor who willfully and knowingly fails to perpetuate corners in accordance with this section is guilty of misconduct in the practice of land surveying.

60.451. MISSOURI COORDINATE SYSTEM ZONES PRECISELY DEFINED. — 1. For the purpose of more precisely defining the Missouri coordinate system of 1927, the following definition by the United States Coast and Geodetic Survey is adopted:

(1) The Missouri coordinate system of 1927, east zone, is a transverse Mercator projection of the Clarke spheroid of 1866, having a central meridian 90 degrees — 30 minutes west of Greenwich, on which meridian the scale is set at one part in fifteen thousand too small. The origin of coordinates is at the intersection of the meridian 90 degrees — 30 minutes west of Greenwich and the parallel 35 degrees — 50 minutes north latitude. This origin is given the coordinates: x = 500,000 feet and y = 0 feet;

(2) The Missouri coordinate system of 1927, central zone, is a transverse Mercator projection of the Clarke spheroid of 1866, having a central meridian 92 degrees — 30 minutes west of Greenwich, on which meridian the scale is set at one part in fifteen thousand too small. The origin of coordinates is at the intersection of the meridian 92 degrees — 30 minutes west of Greenwich and the parallel of 35 degrees — 50 minutes north latitude. This origin is given the coordinates: x = 500,000 feet and y = 0 feet;

(3) The Missouri coordinate system of 1927, west zone, is a transverse Mercator projection of the Clarke spheroid of 1866, having a central meridian 94 degrees — 30 minutes west of Greenwich, on which meridian the scale is set at one part in seventeen thousand too small. The origin of coordinates is at the intersection of the meridian 94 degrees — 30 minutes west of Greenwich and the parallel 36 degrees — 10 minutes north latitude. This origin is given the coordinates: x = 500,000 feet and y = 0 feet.

2. For purposes of more precisely defining the Missouri coordinate system of 1983, the following definition by the National Ocean Survey/National Geodetic Survey is adopted:

(1) The Missouri coordinate system 1983, east zone, is a transverse Mercator projection of the North American Datum of 1983 having a central meridian 90 degrees — 30 minutes west of Greenwich, on which meridian the scale is set at one part in fifteen thousand too small. The origin of coordinates is at the intersection of the meridian 90 degrees — 30 minutes west of Greenwich and the parallel 35 degrees — 50 minutes north latitude. This origin is given the coordinates: x = 250,000 meters and y = 0 meters;

(2) The Missouri coordinate system 1983, central zone, is a transverse Mercator projection of the North American Datum of 1983 having a central meridian 92 degrees — 30 minutes west of Greenwich, on which meridian the scale is set at one part in fifteen thousand too small. The origin of coordinates is at the intersection of the meridian 92 degrees — 30 minutes west of Greenwich and the parallel of 35 degrees — 50 minutes north latitude. This origin is given the coordinates: x = 500,000 meters and y = 0 meters;

(3) The Missouri coordinate system 1983, west zone, is a transverse Mercator projection of the North American Datum of 1983 having a central meridian 94 degrees — 30 minutes west of Greenwich, on which meridian the scale is set at one part in seventeen thousand too small. The origin of coordinates is at the intersection of the meridian 94 degrees — 30 minutes west of Greenwich and the parallel 36 degrees — 10 minutes north latitude. This origin is given the coordinates: x = 850,000 meters and y = 0 meters.

3. The position of either Missouri coordinate system shall be as marked on the ground by horizontal control stations established in conformity with the standards adopted by the

department of **[**natural resources**]** **agriculture** for first-order and second-order work, whose geodetic positions have been rigidly adjusted on the appropriate datum and whose coordinates have been computed on the system defined in this section. Any such station may be used for establishing a survey connection with the Missouri coordinate system.

60.510. POWERS AND DUTIES OF DEPARTMENT. — The functions, duties and responsibilities of the department of **[**natural resources**]** **agriculture** shall be as follows:

(1) To restore, maintain, and preserve the land survey monuments, section corners, and quarter section corners established by the United States public land survey within Missouri, together with all pertinent field notes, plats and documents; and also to restore, establish, maintain, and preserve Missouri state and county boundary markers and other boundary markers considered by the department of **[**natural resources**]** **agriculture** to be of importance, or otherwise established by law;

(2) To design and cause to be placed at established public land survey corner sites, where practical, substantial monuments permanently indicating, with words and figures, the exact location involved, but if such monuments cannot be placed at the exact corner point, then witness corners of similar design shall be placed as near by as possible, with words and figures indicating the bearing and distance to the true corner;

(3) To establish, maintain, and provide safe storage facilities for a comprehensive system of recordation of information respecting all monuments established by the United States public land survey within this state, and such records as may be pertinent to the department of **[**natural resources'**]** **agriculture's** establishment or maintenance of other land corners, Missouri state coordinate system stations and accessories, and survey monuments in general;

(4) To provide the framework for all geodetic positioning activities in the state. The foundational elements include latitude, longitude, and elevation which contribute to informed decision making and impact on a wide range of important activities including mapping and geographic information systems, flood risk determination, transportation, land use and ecosystem management and use of the Missouri state coordinate system, as established by sections 60.401 to 60.491;

(5) To collect and preserve information obtained from surveys made by those authorized to establish land monuments or land boundaries, and to assist in the proper recording of the same by the duly constituted county officials, or otherwise;

(6) To furnish, upon reasonable request and tender of the required fees therefor, certified copies of records created or maintained by the department of **[**natural resources**]** **agriculture** which, when certified by the state land surveyor or a designated assistant, shall be admissible in evidence in any court in this state, as the original record; and

(7) To prescribe, and disseminate to those engaged in the business of land surveying, regulations designed to assist in uniform and professional surveying methods and standards in this state.

60.530. SURVEYOR, DUTIES. — The state land surveyor shall, under guidance of the department of **[**natural resources**]** **agriculture** and with the recommendation of the land survey commission, carry out the routine functions and duties of the department of **[**natural resources**]** **agriculture**, as prescribed in sections 60.510 to 60.620 and section 60.670. He or she shall, whenever practical, cause all land surveys, except geodetic surveys, to be executed, under his or her direction by the registered county surveyor or a local registered land surveyor when no registered county surveyor exists. He or she shall perform such other work and acts as shall, in the judgment of the department of **[**natural resources**]** **agriculture** and with the recommendation of the land survey commission, be necessary and proper to carry out the objectives of sections 60.510 to 60.620 and section 60.670 and, within the limits of appropriations made therefor and subject to the approval of the department of **[**natural resources and the state merit system**]** **agriculture**, employ and fix the compensation of such additional

employees as may be necessary to carry out the provisions of sections 60.510 to 60.620 and section 60.670.

60.540. DEPARTMENT MAY ACQUIRE PROPERTY, HOW. — The department of **[**natural resources**]** **agriculture** may acquire, in the name of the state of Missouri, lands or interests therein, where necessary, to establish permanent control stations; and may lease or purchase or acquire by negotiation or condemnation, where necessary, land for the establishment of an office of the land survey program of the department of **[**natural resources**]** **agriculture**. If condemnation is necessary, the attorney general shall bring the suit in the name of the state in the same manner as authorized by law for the acquisition of lands by the state transportation department.

60.550. OWNERSHIP OF MARKERS IN DEPARTMENT, UNAUTHORIZED TAMPERING PROHIBITED, DUTY TO PROSECUTE. — The custody and ownership of the original United States public land survey corners and accessories, including all restoration and replacements thereof and all accessories, belonging to the state of Missouri is hereby transferred to the department of **[**natural resources**]** **agriculture**. The department of **[**natural resources**]** **agriculture** shall see that the markers are maintained, and the alteration, removal, disfiguration or destruction of any of the corners or accessories, without specific permission of the department of **[**natural resources**]** **agriculture**, is an act of destruction of state property and is a misdemeanor. Any person convicted thereof shall be punished as provided by law. Each of the several prosecuting attorneys is specifically directed to prosecute for the violation of this section for any act of destruction which occurs in his county.

60.560. ATTORNEY GENERAL TO ADVISE COMMISSION OR DEPARTMENT. — Upon their request, the state attorney general shall advise the land survey commission or the department of **[**natural resources**]** **agriculture** or the state land surveyor with respect to any legal matter, and shall represent the land survey commission or department of **[**natural resources**]** **agriculture** in any proceeding in any court of the state in which the land survey commission or land survey program shall be a party.

60.570. HEADQUARTERS, WHERE LOCATED — LAND SURVEY BUILDING, NAME OF. — **1.** The permanent headquarters of the land survey program shall be at or near to the principal office of the Missouri state geological survey. Until such time as other headquarters can be obtained by the land survey program, the state geologist shall **[**assign**]** **provide** such space in the state geological survey building as may be available. **No department shall charge any fee over or above the amount paid to the office of administration for utilization of the building.** The land survey program may also establish and maintain regional offices in the metropolitan areas of the state for the storage and distribution of local survey record information.

2. The building that occupies the permanent headquarters of the land survey program may be renamed and referred to as the "Robert E. Myers Building".

60.580. RIGHT OF ENTRY, IMMUNE TO TRESPASS ARREST. — The state land surveyor or any and all employees of the department of **[**natural resources**]** **agriculture** have the right to enter upon private property for the purpose of making surveys, or for searching for, locating, relocating, or remonumenting land monuments, leveling stations, or section corners. Should any of these persons necessarily damage property of the owner in making the surveys or searches or remonumentations, the department of **[**natural resources**]** **agriculture** may make reasonable payment for the damage from funds available for that purpose. However, department of **[**natural resources**]** **agriculture** employees are personally liable for any damage caused by their wantonness, willfulness or negligence. All department of **[**natural resources**]** **agriculture**

employees are immune from arrest for trespass in performing their legal duties as stated in sections 60.510 to 60.620 and section 60.670.

60.590. RECORDS TO BE FURNISHED DEPARTMENT — DEPARTMENT TO FURNISH RECORDS AT COST. — 1. On request of the department of **[**natural resources**]** **agriculture** or the state land surveyor, all city and county recorders of deeds, together with all departments, boards or agencies of state government, county, or city government, shall furnish to the department of **[**natural resources**]** **agriculture** or the state land surveyor certified copies of desired records which are in their custody. This service shall be free of cost when possible; otherwise, it shall be at actual cost of reproduction of the records. On the same basis of cost, the department of **[**natural resources**]** **agriculture** shall furnish records within its custody to other agencies or departments of state, county or city, certifying them.

2. The department of **[**natural resources**]** **agriculture** may produce, reproduce and sell maps, plats, reports, studies, and records, and the commission shall recommend to the department of **[**natural resources**]** **agriculture** the charges therefor. All income received shall be promptly deposited in the state treasury to the credit of the department of **[**natural resources document**]** **agriculture land survey revolving** services fund.

60.595. DEPARTMENT REVOLVING SERVICES FUND, PURPOSE — UNEXPENDED BALANCES. — 1. The "Department of **[**Natural Resources**]** **Agriculture Land Survey** Revolving Services Fund" is hereby created. All funds received by the department of **[**natural resources**]** **agriculture** from the delivery of services and the sale or resale of maps, plats, reports, studies, records and other publications and documents and surveying information, on paper or in electronic format, by the department shall be credited to the fund. The director of the department shall administer the fund. The state treasurer is the custodian of the fund and shall approve disbursements from the fund requested by the director of the department. When appropriated, moneys in the fund shall be used to purchase goods, equipment, hardware and software, maintenance and licenses, software and database development and maintenance, personal services, and other services that will ultimately be used to provide copies of information maintained or provided by the land survey program, reprint maps, publications or other documents requested by governmental agencies or members of the general public; to publish the maps, publications or other documents or to purchase maps, publications or other documents for resale; and to pay shipping charges, **[**laboratory services, core library fees, workshop fees, conference fees, interdivisional cooperative agreements,**]** but for no other purpose.

2. **Effective August 28, 2013, a transfer of monies between the department of natural resources revolving services fund, created in section 640.065, and the department of agriculture land survey revolving services fund shall be made such that only the balance related to the reproduction and sale of land survey documents is transferred to the department of agriculture land survey revolving services fund.**

3. An unencumbered balance in the fund at the end of the fiscal year not exceeding one million dollars is exempt from the provisions of section 33.080 relating to the transfer of unexpended balances to the general revenue fund.

[3.**]** **4.** The department of **[**natural resources**]** **agriculture** shall report all income to and expenditures from such fund on a quarterly basis to the house budget committee and the senate appropriations committee.

60.600. REGISTERED SURVEYORS TO BE USED — PRIVATE EMPLOYMENT PROHIBITED. — Every employee of the department of **[**natural resources**]** **agriculture** who is engaged in work required by law to be done by a registered land surveyor will be so registered. No employee of the department of **[**natural resources**]** **agriculture** shall engage in private land surveying or consultation while employed by the department of **[**natural resources**]** **agriculture**.

60.610. DEPARTMENT MAY CONTRACT. — Whenever the department of **[**natural resources**]** **agriculture** deems it expedient, and when funds appropriated permit, the department of **[**natural resources**]** **agriculture** may enter into any contract with agencies of the United States, with agencies of other states, or with private persons, registered land surveyors or professional engineers, in order to plan and execute desired land surveys or geodetic surveys, or to plan and execute other projects which are within the scope and purpose of sections 60.510 to 60.620 and section 60.670.

60.620. LAND SURVEY COMMISSION ESTABLISHED — APPOINTMENT — TERMS — QUALIFICATIONS — CHAIRMAN, SELECTION — MEETINGS, QUORUM — EXPENSES — DUTIES — ANNUAL REPORT, CONTENT TO BE PUBLIC. — 1. There is hereby created the "Land Survey Commission", within the department of **[**natural resources**]** **agriculture**. The commission shall consist of seven members, six of whom shall be appointed by the governor. Members shall reside in this state. Members of the commission shall hold office for terms of three years, but of the original appointments, two members shall serve for one year, two members shall serve for two years, and two members shall serve for three years. Members may serve only three consecutive terms on the commission.

2. The land survey commission shall consist of the following persons:

(1) Four members who shall be registered land surveyors, one of which shall be a county surveyor;

(2) One member who shall represent the real estate or land title industry;

(3) One member who shall represent the public and have an interest in and knowledge of land surveying; and

(4) The director of the department of **[**natural resources**]** **agriculture** or his or her designee.

The members in subdivisions (1) to (3) of this subsection shall be appointed by the governor with advice and consent of the senate and each shall serve until his or her successor is duly appointed.

3. The land survey commission shall elect a chairman annually. The commission shall meet semiannually and at other such times as called by the chairman of the commission and shall have a quorum when at least four members are present.

4. The land survey commission members shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

5. The land survey commission shall provide the director of the department of **[**natural resources**]** **agriculture** and the state land surveyor with recommendations on the operation and the planning and prioritization of the land survey program and the design of regulations needed to carry out the functions, duties, and responsibilities of the department of **[**natural resources**]** **agriculture** in sections 60.510 to 60.620 and section 60.670.

6. The land survey commission shall recommend to the department of **[**natural resources**]** **agriculture**:

(1) A person to be selected and appointed state land surveyor, who shall be the chief administrative officer of the land survey program. The state land surveyor shall be selected **[**under the state merit system**]** on the basis of professional experience and registration;

(2) Prioritization and execution of projects which are within the scope and purpose of sections 60.510 to 60.620 and section 60.670;

(3) Prioritization and selection of public land survey corner monuments to be reestablished through the county cooperative contracts in accordance with sections 8.285 to 8.291; and

(4) Approval of all other contracts for the planning and execution of projects which are within the scope and purpose of sections 60.510 to 60.620 and section 60.670 and in accordance with sections 8.285 to 8.291.

7. The commission shall, at least annually, prepare a report, which shall be available to the general public, of the review by the commission of the land survey program, stating its findings, conclusions, and recommendations to the director.

8. By December 1, 2013, the commission shall provide a report to the department of **[**natural resources**]** **agriculture** and general assembly that recommends the appropriate administrative or overhead cost rate that will be charged to the program, where such cost rate shall include all indirect services provided by the **[**division of geology and land survey,**]** department of **[**natural resources,**]** **agriculture** and office of administration.

60.653. RECORDER OF DEEDS, DUTIES — COPIES OF PLATS TO BE EVIDENCE WHEN CERTIFIED. — 1. It shall be the duty of the recorder of deeds to maintain a copy of all survey plats delivered to his custody in an appropriate file medium capable of reproduction.

2. Survey plats shall be placed in the plat books or such other record books as have been previously established.

3. A duplicate of the recorded survey plat shall be provided to the land survey **[**division**]** **program** of the department of **[**natural resources**]** **agriculture** at an amount not to exceed the actual cost of the duplicate.

4. The recorder shall maintain an index of all survey plats, subdivision plats, and condominium plats by section, township, and range and by subdivision or condominium name.

5. Copies of survey plats shall be evidence in all courts of justice when properly certified under the hand and official seal of the recorder.

60.670. DIGITAL CADASTRAL PARCEL MAPPING, MINIMUM STANDARDS, RULEMAKING AUTHORITY. — 1. As used in this section, the following terms shall mean:

(1) "Cadastral parcel mapping", an accurately delineated identification of all real property parcels. The cadastral map is based upon the USPLSS. For cadastral parcel maps the position of the legal framework is derived from the USPLSS, existing tax maps, and tax database legal descriptions, recorded deeds, recorded surveys, and recorded subdivision plats;

(2) "Digital cadastral parcel mapping", encompasses the concepts of automated mapping, graphic display and output, data analysis, and database management as pertains to cadastral parcel mapping. Digital cadastral parcel mapping systems consist of hardware, software, data, people, organizations, and institutional arrangements for collecting, storing, analyzing, and disseminating information about the location and areas of parcels and the USPLSS;

(3) "USPLSS" or "United States Public Land Survey System", a survey executed under the authority of the United States government as recorded on the official plats and field notes of the United States public land survey maintained by the land survey program of the department of **[**natural resources**]** **agriculture**;

(4) "Tax map", a document or map for taxation purposes representing the location, dimensions, and other relevant information pertaining to a parcel of land subject to property taxes.

2. The office of the state land surveyor established within the department of **[**natural resources**]** **agriculture** shall promulgate rules and regulations establishing minimum standards for digital cadastral parcel mapping. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

3. Any map designed and used to reflect legal property descriptions or boundaries for use in a digital cadastral mapping system shall comply with the rules promulgated under this section, unless the party requesting the map specifies otherwise in writing, the map was designed and in use prior to the promulgation of the rules, or the parties requesting and designing the map have already agreed to the terms of their contract on the effective date of the rules promulgation.

236.410. COUNCIL ESTABLISHED — MEMBERS, TERMS, QUALIFICATIONS, OFFICERS — MEETINGS — QUORUM — COMPENSATION — REPORT. — 1. There is hereby created a "Dam and Reservoir Safety Council", whose domicile for the purposes of sections 236.400 to 236.500 shall be the department of natural resources of the state of Missouri, for the regulation of dam and reservoir safety. The council shall consist of seven members, no more than four of whom shall be members of the same political party, appointed by the governor with the advice and consent of the senate.

2. The members of the council shall have a background of academic training or professional experience directly related to the design of dams and reservoirs. At least two members of the council shall be professional engineers registered in the state of Missouri, one of whom shall represent the general public; at least one member shall be an engineering geologist; at least one member, in addition to the professional engineer, shall be a representative of the general public; two members shall be from industry, one of whom shall be earthmoving contractors; and one member shall be the owner of a dam or reservoir. **Of the seven members, three shall be from each of the three United States congressional districts in this state with the highest number of dams.** The members shall serve for a term of two years; except, of the first appointments three shall be appointed for one year. The governor shall fill any vacancy on the council and may remove any appointed member for cause. The council shall annually elect a chairman and vice chairman from among its members. The council shall meet regularly but not less than quarterly. Special meetings and hearings may be called upon delivery of written notice to each member of the council signed by the director, the chief engineer, the council chairman or four of the council members. Four members of the council shall constitute a quorum to transact the business of the council. The council shall decide all questions by a majority vote of those present and constituting a quorum. The members of this council shall not receive any compensations other than for actual travel and subsistence when acting officially as members of the council. **The council shall prepare and present an annual report to the general assembly by December thirty-first of each year.**

253.090. STATE PARK EARNINGS FUND CREATED, HOW USED. — 1. All revenue derived from privileges, conveniences, contracts or otherwise, all moneys received by gifts, bequests or contributions or from county or municipal sources and all moneys received from the operation of concessions, projects or facilities and from resale items shall be paid into the state treasury to the credit of the "State Park Earnings Fund", which is hereby created. **The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. All interest and moneys earned on such investments shall be credited to the fund.** In the event any state park or any part thereof is taken under the power of eminent domain by the federal government the moneys paid for the taking shall be deposited in the state park earnings fund. The fund shall be used solely for the payment of the expenditures of the department of natural resources in the administration of this law, except that in any fiscal year the department may expend a sum not to exceed fifty percent of the preceding fiscal year's deposits to the state park earnings fund for the purpose of:

(1) Paying the principal and interest of revenue bonds issued;
(2) Providing an interest and sinking fund;
(3) Providing a reasonable reserve fund;
(4) Providing a reasonable fund for depreciation; and
(5) Paying for feasibility reports necessary for the issuing of revenue bonds.

2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

3. A good and sufficient bond conditioned upon the faithful performance of the contract and compliance with this law shall be required of all contractors.

4. Any person who contracts pursuant to this section with the state shall keep true and accurate records of his or her receipts and disbursements arising out of the performance of the contract and shall permit the department of natural resources and the state auditor to audit such records.

253.180. DOMESTIC ANIMALS PROHIBITED FROM RUNNING AT LARGE. — No person shall allow any domestic or other animal under his control or ownership to range within any state park at any time**, unless as authorized under section 253.185**.

253.185. DOMESTIC ANIMALS, HOW CONTROLLED — PROHIBITED IN BUILDINGS, EXCEPTION — DOG PARK, DESIGNATED AREA. — **1. Except for the provisions of subsection 2 of this section,** domestic household animals shall not be allowed in any state park unless restrained by a leash not longer than ten feet held by some person or firmly affixed to some stationary object so as to prevent the animal from ranging at large. No domestic household or other animal shall be allowed inside any state park building under the control of either the department of natural resources or a concessionaire licensed by the department of natural resources unless permission is granted by the department of natural resources.

2. The department of natural resources may designate a specified area within any state park to serve as a dog park or an off-leash area for domestic household animals.

256.117. FUNDING FOR OPERATION OF MAP REPOSITORY FROM DOCUMENT SERVICES FUND — MONEY FROM SALES OF MAPS OR PRODUCTS DEPOSITED IN FUND. — 1. Funds from department of natural resources **[**document**]** **revolving** services fund created in section **[**60.595**]** **640.065** may be used to purchase, acquire and copy maps described in sections 256.112 to 256.117, as well as all services necessary for the operation of the map repository.

2. All funds from the sale of maps and products from the mine map repository shall be deposited in the department of natural resources **[**document**]** **revolving** services fund created in section **[**60.595**]** **640.065**.

256.438. FUND CREATED, USE OF MONEYS. — 1. There is hereby established in the state treasury a fund to be known as the "Multi-Purpose Water Resource Program Renewable Water Program Fund", which shall consist of all money deposited in such fund from whatever source, whether public or private. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and other moneys earned on such investments shall be credited to the fund. Any unexpended balance in such fund at the end of any appropriation period shall not be transferred to the general revenue fund and, accordingly, shall be exempt from the provisions of section 33.080 relating to the transfer of funds to the general revenue funds of the state by the state treasurer.

2. Upon appropriation, the department of natural resources shall use money in the fund created by this section for the purposes of carrying out the provisions of sections 256.435 to 256.445, including, but not limited to, the provision of grants or other financial assistance, and, if such limitations or conditions are imposed, only upon such other limitations or conditions specified in the instrument that appropriates, grants, bequeaths, or otherwise authorizes the transmission of money to the fund.

258.010. COMMITTEES, COUNCILS AND BOARDS AUTHORIZED — STAFFING BY DEPARTMENT. — 1. **[**There shall be a "State Interagency Council for Outdoor Recreation" composed of the following state agencies:

(1) Department of agriculture;

(2) Office of administration;
(3) Department of social services;
(4) Department of economic development;
(5) Department of conservation;
(6) Department of natural resources;
(7) Department of transportation;
(8) University of Missouri**] The department of natural resources shall be responsible for convening any committee, council, or board the department deems necessary or advisable in order for the department to perform any functions or duties related to state parks or historic sites, recreational trails, outdoor recreation, any federal grant program pursuant to chapters 253 and 258, any federal land and water conservation fund act, 28 U.S.C. 206, or any other law**.

2. The department of natural resources shall provide all staff support and office space for **[**the council**] any such bodies**.

258.060. DUTIES AND FUNCTIONS OF DEPARTMENT. — The **[**state inter-agency council for outdoor recreation**] department of natural resources** shall be:

(1) The official state agency for liaison with the federal bureau of outdoor recreation;
(2) The official state agency to receive and disburse federal funds available to this state for overall outdoor recreation planning **and any recreational trails planning or programs**;
(3) The official state agency to receive and allocate to the appropriate agency, or political subdivision, federal funds available for outdoor recreation **or recreational trails** programs; and
(4) Shall provide a forum for consideration of outdoor recreation problems affecting member agencies and as an advisory and planning agency for overall outdoor recreational programs. The **[**council**] department** may provide information and advisory services for any political subdivision requesting its services.

258.070. COMPENSATION, EXPENSES OF MEMBER AGENCIES' REPRESENTATIVES. — Representatives of **[**the member agencies**] any committee, council, or board convened by the department pursuant to section 258.010** shall not receive any additional compensation for their services **[**as representatives on the council**] ,** and all expenses of **any** agency representatives shall be paid by their respective agency.

258.080. FUND CREATED — MONEYS APPROPRIATED, FOR WHAT PURPOSES — FUNDS NOT TO REVERT. — 1. There is hereby created in the state treasury for the use of the **[**state inter-agency council for outdoor recreation**] department of natural resources** a fund to be known as "The Inter-Agency Council Fund". All federal moneys received by the state of Missouri from the Land and Water Conservation Fund Act of 1965, Public Law 88-578, shall be deposited in the fund.

2. Moneys deposited in the fund shall, upon appropriation by the general assembly to the **[**state inter-agency council for outdoor recreation**] department**, be received and expended or allocated by the **[**state inter-agency council**] department** for outdoor recreation for outdoor recreation planning, acquisition and development and for no other purposes; provided, however, that not less than fifty percent of the moneys appropriated shall be allocated by **[**said council**] the department** to political subdivisions of the state of Missouri, none of which moneys so allocated shall be expended for the improvement or operation of projects under the supervision or control of any state agency.

3. Any unexpended balance in **[**the inter-agency council**] such** fund at the end of any appropriation period shall not be transferred to the general revenue fund of the state treasury and, accordingly, shall be exempt from the provisions of section 33.080 relating to transfer of funds to the general revenue funds of the state by the state treasurer.

260.200. DEFINITIONS. — 1. The following words and phrases when used in sections 260.200 to 260.345 shall mean:

(1) "Alkaline-manganese battery" or "alkaline battery", a battery having a manganese dioxide positive electrode, a zinc negative electrode, an alkaline electrolyte, including alkaline-manganese button cell batteries intended for use in watches, calculators, and other electronic products, and larger-sized alkaline-manganese batteries in general household use;

(2) **"Applicant", a person or persons seeking or holding a facility permit;**

(3) "Bioreactor", a municipal solid waste disposal area or portion of a municipal solid waste disposal area where the controlled addition of liquid waste or water accelerates both the decomposition of waste and landfill gas generation;

[(3)**] (4)** "Button cell battery" or "button cell", any small alkaline-manganese or mercuric-oxide battery having the size and shape of a button;

[(4)**] (5)** "City", any incorporated city, town, or village;

[(5)**] (6)** "Clean fill", uncontaminated soil, rock, sand, gravel, concrete, asphaltic concrete, cinderblocks, brick, minimal amounts of wood and metal, and inert solids as approved by rule or policy of the department for fill, reclamation or other beneficial use;

[(6)**] (7)** "Closure", the permanent cessation of active disposal operations, abandonment of the disposal area, revocation of the permit or filling with waste of all areas and volumes specified in the permit and preparing the area for long-term care;

[(7)**] (8)** "Closure plan", plans, designs and relevant data which specify the methods and schedule by which the operator will complete or cease disposal operations, prepare the area for long-term care, and make the area suitable for other uses, to achieve the purposes of sections 260.200 to 260.345 and the regulations promulgated thereunder;

[(8)**] (9)** "Conference, conciliation and persuasion", a process of verbal or written communications consisting of meetings, reports, correspondence or telephone conferences between authorized representatives of the department and the alleged violator. The process shall, at a minimum, consist of one offer to meet with the alleged violator tendered by the department. During any such meeting, the department and the alleged violator shall negotiate in good faith to eliminate the alleged violation and shall attempt to agree upon a plan to achieve compliance;

[(9)**] (10)** "Construction and demolition waste", waste materials from the construction and demolition of residential, industrial, or commercial structures, but shall not include materials defined as clean fill under this section;

[(10)**] (11)** "Demolition landfill", a solid waste disposal area used for the controlled disposal of demolition wastes, construction materials, brush, wood wastes, soil, rock, concrete and inert solids insoluble in water;

[(11)**] (12)** "Department", the department of natural resources;

[(12)**] (13)** "Director", the director of the department of natural resources;

[(13)**] (14) "Disclosure statement", a sworn statement or affirmation, in such form as may be required by the director of the department of natural resources, which includes:**

(a) The full names and business address of key personnel;

(b) The full name and business address of any entity, other than a natural person, that collects, transfers, processes, treats, stores, or disposes of solid waste in which all key personnel holds an equity interest of seven percent or more;

(c) A description of the business experience of all key personnel listed in the disclosure statement;

(d) For the five year period ending on the date the sworn disclosure statement or affirmation is signed by key personnel:

a. A listing organized by issuing federal, state, or county or county equivalent regulatory body of all environmental permits or licenses for the collection, transfer, treatment, processing, storage, or disposal of solid waste issued to or held by any key personnel;

b. A listing and explanation of notices of violation which shall by rule be defined, prosecutions, or other administrative enforcement actions resulting in an adjudication or conviction;

c. A listing of license or permit suspensions, revocations, or denials issued by any state, the federal government or a county or county equivalent, which are pending or have concluded with a finding of violation or entry of a consent agreement regarding an allegation of civil or criminal violation of law, regulation or requirement relating to the collection, transfer, treatment, processing, storage, or disposal of solid waste or violation of the environmental statutes of other states or federal statutes;

d. An itemized list of all felony convictions under the laws of the state of Missouri or the equivalent thereof under the laws of any other jurisdiction; and a listing of any findings of guilt for any crimes or criminal acts an element of which involves restraint of trade, price-fixing, intimidation of the customers of another person or for engaging in any other acts which may have the effect of restraining or limiting competition concerning activities regulated pursuant to this chapter or similar laws of other states or the federal government including, but not limited to, racketeering or violation of antitrust laws of any key personnel;

(15) "District", a solid waste management district established under section 260.305;

[(14)**]** **(16)** "Financial assurance instrument", an instrument or instruments, including, but not limited to, cash or surety bond, letters of credit, corporate guarantee or secured trust fund, submitted by the applicant to ensure proper closure and postclosure care and corrective action of a solid waste disposal area in the event that the operator fails to correctly perform closure and postclosure care and corrective action requirements, except that the financial test for the corporate guarantee shall not exceed one and one-half times the estimated cost of closure and postclosure. The form and content of the financial assurance instrument shall meet or exceed the requirements of the department. The instrument shall be reviewed and approved or disapproved by the attorney general;

[(15)**]** **(17)** "Flood area", any area inundated by the one hundred year flood event, or the flood event with a one percent chance of occurring in any given year;

[(16)**]** **(18)** "Household consumer", an individual who generates used motor oil through the maintenance of the individual's personal motor vehicle, vessel, airplane, or other machinery powered by an internal combustion engine;

[(17)**]** **(19)** "Household consumer used motor oil collection center", any site or facility that accepts or aggregates and stores used motor oil collected only from household consumers or farmers who generate an average of twenty-five gallons per month or less of used motor oil in a calendar year. This section shall not preclude a commercial generator from operating a household consumer used motor oil collection center;

[(18)**]** **(20)** "Household consumer used motor oil collection system", any used motor oil collection center at publicly owned facilities or private locations, any curbside collection of household consumer used motor oil, or any other household consumer used motor oil collection program determined by the department to further the purposes of sections 260.200 to 260.345;

[(19)**]** **(21)** "Infectious waste", waste in quantities and characteristics as determined by the department by rule, including isolation wastes, cultures and stocks of etiologic agents, blood and blood products, pathological wastes, other wastes from surgery and autopsy, contaminated laboratory wastes, sharps, dialysis unit wastes, discarded biologicals known or suspected to be infectious; provided, however, that infectious waste does not mean waste treated to department specifications;

(22) "Key personnel", the applicant itself and any person employed by the applicant in a managerial capacity, or empowered to make discretionary decisions with respect to the solid waste operations of the applicant in Missouri, but shall not include employees exclusively engaged in the physical or mechanical collection, transfer, transportation, treatment, processing, storage, or disposal of solid waste and such other employees as the

director of the department of natural resources may designate by regulation. If the applicant has not previously conducted solid waste operations in Missouri, the term also includes any officer, director, partner of the applicant, or any holder of seven percent or more of the equity or debt of the applicant. If any holder of seven percent or more of the equity or debt of the applicant or of any key personnel is not a natural person, the term includes all key personnel of that entity, provided that where such entity is a chartered lending institution or a reporting company under the federal Securities Exchange Act of 1934, the term does not include key personnel of such entity. Provided further that the term means the chief executive officer of any agency of the United States or of any agency or political subdivision of the state of Missouri, and all key personnel of any person, other than a natural person, that operates a landfill or other facility for the collection, transfer, treatment, processing, storage, or disposal of nonhazardous solid waste under contract with or for one of those governmental entities;

[(20)**] (23)** "Lead-acid battery", a battery designed to contain lead and sulfuric acid with a nominal voltage of at least six volts and of the type intended for use in motor vehicles and watercraft;

[(21)**] (24)** "Major appliance", clothes washers and dryers, water heaters, trash compactors, dishwashers, conventional ovens, ranges, stoves, woodstoves, air conditioners, refrigerators and freezers;

[(22)**] (25)** "Mercuric-oxide battery" or "mercury battery", a battery having a mercuric-oxide positive electrode, a zinc negative electrode, and an alkaline electrolyte, including mercuric-oxide button cell batteries generally intended for use in hearing aids and larger size mercuric-oxide batteries used primarily in medical equipment;

[(23)**] (26)** "Minor violation", a violation which possesses a small potential to harm the environment or human health or cause pollution, was not knowingly committed, and is not defined by the United States Environmental Protection Agency as other than minor;

[(24)**] (27)** "Motor oil", any oil intended for use in a motor vehicle, as defined in section 301.010, train, vessel, airplane, heavy equipment, or other machinery powered by an internal combustion engine;

[(25)**] (28)** "Motor vehicle", as defined in section 301.010;

[(26)**] (29)** "Operator" and "permittee", anyone so designated, and shall include cities, counties, other political subdivisions, authority, state agency or institution, or federal agency or institution;

[(27)**] (30)** "Permit modification", any permit issued by the department which alters or modifies the provisions of an existing permit previously issued by the department;

[(28)**] (31)** "Person", any individual, partnership, **limited liability company,** corporation, association, **trust,** institution, city, county, other political subdivision, authority, state agency or institution, or federal agency or institution**, or any other legal entity**;

[(29)**] (32)** "Plasma arc technology", a process that converts electrical energy into thermal energy. This electric arc is created when an ionized gas transfers electric power between two or more electrodes;

[(30)**] (33)** "Postclosure plan", plans, designs and relevant data which specify the methods and schedule by which the operator shall perform necessary monitoring and care for the area after closure to achieve the purposes of sections 260.200 to 260.345 and the regulations promulgated thereunder;

[(31)**] (34)** "Recovered materials", those materials which have been diverted or removed from the solid waste stream for sale, use, reuse or recycling, whether or not they require subsequent separation and processing;

[(32)**] (35)** "Recycled content", the proportion of fiber in a newspaper which is derived from postconsumer waste;

[(33)**] (36)** "Recycling", the separation and reuse of materials which might otherwise be disposed of as solid waste;

[(34)**]** **(37)** "Resource recovery", a process by which recyclable and recoverable material is removed from the waste stream to the greatest extent possible, as determined by the department and pursuant to department standards, for reuse or remanufacture;

[(35)**]** **(38)** "Resource recovery facility", a facility in which recyclable and recoverable material is removed from the waste stream to the greatest extent possible, as determined by the department and pursuant to department standards, for reuse or remanufacture;

[(36)**]** **(39)** "Sanitary landfill", a solid waste disposal area which accepts commercial and residential solid waste;

[(37)**]** **(40)** "Scrap tire", a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect;

[(38)**]** **(41)** "Scrap tire collection center", a site where scrap tires are collected prior to being offered for recycling or processing and where fewer than five hundred tires are kept on site on any given day;

[(39)**]** **(42)** "Scrap tire end-user facility", a site where scrap tires are used as a fuel or fuel supplement or converted into a useable product. Baled or compressed tires used in structures, or used at recreational facilities, or used for flood or erosion control shall be considered an end use;

[(40)**]** **(43)** "Scrap tire generator", a person who sells tires at retail or any other person, firm, corporation, or government entity that generates scrap tires;

[(41)**]** **(44)** "Scrap tire processing facility", a site where tires are reduced in volume by shredding, cutting, or chipping or otherwise altered to facilitate recycling, resource recovery, or disposal;

[(42)**]** **(45)** "Scrap tire site", a site at which five hundred or more scrap tires are accumulated, but not including a site owned or operated by a scrap tire end-user that burns scrap tires for the generation of energy or converts scrap tires to a useful product;

[(43)**]** **(46)** "Solid waste", garbage, refuse and other discarded materials including, but not limited to, solid and semisolid waste materials resulting from industrial, commercial, agricultural, governmental and domestic activities, but does not include hazardous waste as defined in sections 260.360 to 260.432, recovered materials, overburden, rock, tailings, matte, slag or other waste material resulting from mining, milling or smelting;

[(44)**]** **(47)** "Solid waste disposal area", any area used for the disposal of solid waste from more than one residential premises, or one or more commercial, industrial, manufacturing, recreational, or governmental operations;

[(45)**]** **(48)** "Solid waste fee", a fee imposed pursuant to sections 260.200 to 260.345 and may be:

(a) A solid waste collection fee imposed at the point of waste collection; or

(b) A solid waste disposal fee imposed at the disposal site;

[(46)**]** **(49)** "Solid waste management area", a solid waste disposal area which also includes one or more of the functions contained in the definitions of recycling, resource recovery facility, waste tire collection center, waste tire processing facility, waste tire site or solid waste processing facility, excluding incineration;

[(47)**]** **(50)** "Solid waste management system", the entire process of managing solid waste in a manner which minimizes the generation and subsequent disposal of solid waste, including waste reduction, source separation, collection, storage, transportation, recycling, resource recovery, volume minimization, processing, market development, and disposal of solid wastes;

[(48)**]** **(51)** "Solid waste processing facility", any facility where solid wastes are salvaged and processed, including:

(a) A transfer station; or

(b) An incinerator which operates with or without energy recovery but excluding waste tire end-user facilities; or

(c) A material recovery facility which operates with or without composting;

(d) A plasma arc technology facility;

[(49)**]** **(52)** "Solid waste technician", an individual who has successfully completed training in the practical aspects of the design, operation and maintenance of a permitted solid waste processing facility or solid waste disposal area in accordance with sections 260.200 to 260.345;

[(50)**]** **(53)** "Tire", a continuous solid or pneumatic rubber covering encircling the wheel of any self-propelled vehicle not operated exclusively upon tracks, or a trailer as defined in chapter 301, except farm tractors and farm implements owned and operated by a family farm or family farm corporation as defined in section 350.010;

[(51)**]** **(54)** "Used motor oil", any motor oil which, as a result of use, becomes unsuitable for its original purpose due to loss of original properties or the presence of impurities, but used motor oil shall not include ethylene glycol, oils used for solvent purposes, oil filters that have been drained of free flowing used oil, oily waste, oil recovered from oil tank cleaning operations, oil spilled to land or water, or industrial nonlube oils such as hydraulic oils, transmission oils, quenching oils, and transformer oils;

[(52)**]** **(55)** "Utility waste landfill", a solid waste disposal area used for fly ash waste, bottom ash waste, slag waste and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels;

[(53)**]** **(56)** "Yard waste", leaves, grass clippings, yard and garden vegetation and Christmas trees. The term does not include stumps, roots or shrubs with intact root balls.

2. For the purposes of this section and sections 260.270 to 260.279 and any rules in place as of August 28, 2005, or promulgated under said sections, the term "scrap" shall be used synonymously with and in place of waste, as it applies only to scrap tires.

260.205. PERMIT REQUIRED TO OPERATE FACILITY, AND CONSTRUCTION PERMIT TO CONSTRUCT FACILITY, REQUIREMENTS, EXCEPTIONS, FEES — PLANS TO BE SUBMITTED — PERMITS REVOKED OR SUSPENDED, WHEN — DISCLOSURE STATEMENT, REQUIREMENTS. — 1. It shall be unlawful for any person to operate a solid waste processing facility or solid waste disposal area of a solid waste management system without first obtaining an operating permit from the department. It shall be unlawful for any person to construct a solid waste processing facility or solid waste disposal area without first obtaining a construction permit from the department pursuant to this section. A current authorization to operate issued by the department pursuant to sections 260.200 to 260.345 shall be considered to be a permit to operate for purposes of this section for all solid waste disposal areas and processing facilities existing on August 28, 1995. A permit shall not be issued for a sanitary landfill to be located in a flood area, as determined by the department, where flood waters are likely to significantly erode final cover. A permit shall not be required to operate a waste stabilization lagoon, settling pond or other water treatment facility which has a valid permit from the Missouri clean water commission even though the facility may receive solid or semisolid waste materials.

2. No person or operator may apply for or obtain a permit to construct a solid waste disposal area unless the person has requested the department to conduct a preliminary site investigation and obtained preliminary approval from the department. The department shall, within sixty days of such request, conduct a preliminary investigation and approve or disapprove the site.

3. All proposed solid waste disposal areas for which a preliminary site investigation request pursuant to subsection 2 of this section is received by the department on or after August 28, 1999, shall be subject to a public involvement activity as part of the permit application process. The activity shall consist of the following:

(1) The applicant shall notify the public of the preliminary site investigation approval within thirty days after the receipt of such approval. Such public notification shall be by certified mail to the governing body of the county or city in which the proposed disposal area is to be located and by certified mail to the solid waste management district in which the proposed disposal area is to be located;

(2) Within ninety days after the preliminary site investigation approval, the department shall conduct a public awareness session in the county in which the proposed disposal area is to be located. The department shall provide public notice of such session by both printed and broadcast media at least thirty days prior to such session. Printed notification shall include publication in at least one newspaper having general circulation within the county in which the proposed disposal area is to be located. Broadcast notification shall include public service announcements on radio stations that have broadcast coverage within the county in which the proposed disposal area is to be located. The intent of such public awareness session shall be to provide general information to interested citizens on the design and operation of solid waste disposal areas;

(3) At least sixty days prior to the submission to the department of a report on the results of a detailed site investigation pursuant to subsection 4 of this section, the applicant shall conduct a community involvement session in the county in which the proposed disposal area is to be located. Department staff shall attend any such session. The applicant shall provide public notice of such session by both printed and broadcast media at least thirty days prior to such session. Printed notification shall include publication in at least one newspaper having general circulation within the county in which the proposed disposal area is to be located. Broadcast notification shall include public service announcements on radio stations that have broadcast coverage within the county in which the proposed disposal area is to be located. Such public notices shall include the addresses of the applicant and the department and information on a public comment period. Such public comment period shall begin on the day of the community involvement session and continue for at least thirty days after such session. The applicant shall respond to all persons submitting comments during the public comment period no more than thirty days after the receipt of such comments;

(4) If a proposed solid waste disposal area is to be located in a county or city that has local planning and zoning requirements, the applicant shall not be required to conduct a community involvement session if the following conditions are met:

(a) The local planning and zoning requirements include a public meeting;

(b) The applicant notifies the department of intent to utilize such meeting in lieu of the community involvement session at least thirty days prior to such meeting;

(c) The requirements of such meeting include providing public notice by printed or broadcast media at least thirty days prior to such meeting;

(d) Such meeting is held at least thirty days prior to the submission to the department of a report on the results of a detailed site investigation pursuant to subsection 4 of this section;

(e) The applicant submits to the department a record of such meeting;

(f) A public comment period begins on the day of such meeting and continues for at least fourteen days after such meeting, and the applicant responds to all persons submitting comments during such public comment period no more than fourteen days after the receipt of such comments.

4. No person may apply for or obtain a permit to construct a solid waste disposal area unless the person has submitted to the department a plan for conducting a detailed surface and subsurface geologic and hydrologic investigation and has obtained geologic and hydrologic site approval from the department. The department shall approve or disapprove the plan within thirty days of receipt. The applicant shall conduct the investigation pursuant to the plan and submit the results to the department. The department shall provide approval or disapproval within sixty days of receipt of the investigation results.

5. (1) Every person desiring to construct a solid waste processing facility or solid waste disposal area shall make application for a permit on forms provided for this purpose by the department. Every applicant shall submit evidence of financial responsibility with the application. Any applicant who relies in part upon a parent corporation for this demonstration shall also submit evidence of financial responsibility for that corporation and any other subsidiary thereof.

(2) Every applicant shall provide a financial assurance instrument or instruments to the department prior to the granting of a construction permit for a solid waste disposal area. The financial assurance instrument or instruments shall be irrevocable, meet all requirements established by the department and shall not be cancelled, revoked, disbursed, released or allowed to terminate without the approval of the department. After the cessation of active operation of a sanitary landfill, or other solid waste disposal area as designed by the department, neither the guarantor nor the operator shall cancel, revoke or disburse the financial assurance instrument or allow the instrument to terminate until the operator is released from postclosure monitoring and care responsibilities pursuant to section 260.227.

(3) The applicant for a permit to construct a solid waste disposal area shall provide the department with plans, specifications, and such other data as may be necessary to comply with the purpose of sections 260.200 to 260.345. The application shall demonstrate compliance with all applicable local planning and zoning requirements. The department shall make an investigation of the solid waste disposal area and determine whether it complies with the provisions of sections 260.200 to 260.345 and the rules and regulations adopted pursuant to sections 260.200 to 260.345. Within twelve consecutive months of the receipt of an application for a construction permit the department shall approve or deny the application. The department shall issue rules and regulations establishing time limits for permit modifications and renewal of a permit for a solid waste disposal area. The time limit shall be consistent with this chapter.

(4) The applicant for a permit to construct a solid waste processing facility shall provide the department with plans, specifications and such other data as may be necessary to comply with the purpose of sections 260.200 to 260.345. Within one hundred eighty days of receipt of the application, the department shall determine whether it complies with the provisions of sections 260.200 to 260.345. Within twelve consecutive months of the receipt of an application for a permit to construct an incinerator as defined in section 260.200 or a material recovery facility as defined in section 260.200, and within six months for permit modifications, the department shall approve or deny the application. Permits issued for solid waste facilities shall be for the anticipated life of the facility.

(5) If the department fails to approve or deny an application for a permit or a permit modification within the time limits specified in subdivisions (3) and (4) of this subsection, the applicant may maintain an action in the circuit court of Cole County or that of the county in which the facility is located or is to be sited. The court shall order the department to show cause why it has not acted on the permit and the court may, upon the presentation of evidence satisfactory to the court, order the department to issue or deny such permit or permit modification. Permits for solid waste disposal areas, whether issued by the department or ordered to be issued by a court, shall be for the anticipated life of the facility.

(6) The applicant for a permit to construct a solid waste processing facility shall pay an application fee of one thousand dollars. Upon completion of the department's evaluation of the application, but before receiving a permit, the applicant shall reimburse the department for all reasonable costs incurred by the department up to a maximum of four thousand dollars. The applicant for a permit to construct a solid waste disposal area shall pay an application fee of two thousand dollars. Upon completion of the department's evaluations of the application, but before receiving a permit, the applicant shall reimburse the department for all reasonable costs incurred by the department up to a maximum of eight thousand dollars. Applicants who withdraw their application before the department completes its evaluation shall be required to reimburse the department for costs incurred in the evaluation. The department shall not collect the fees authorized in this subdivision unless it complies with the time limits established in this section.

(7) When the review reveals that the facility or area does conform with the provisions of sections 260.200 to 260.345 and the rules and regulations adopted pursuant to sections 260.200 to 260.345, the department shall approve the application and shall issue a permit for the construction of each solid waste processing facility or solid waste disposal area as set forth in the application and with any permit terms and conditions which the department deems appropriate.

In the event that the facility or area fails to meet the rules and regulations adopted pursuant to sections 260.200 to 260.345, the department shall issue a report to the applicant stating the reason for denial of a permit.

6. Plans, designs, and relevant data for the construction of solid waste processing facilities and solid waste disposal areas shall be submitted to the department by a registered professional engineer licensed by the state of Missouri for approval prior to the construction, alteration or operation of such a facility or area.

7. Any person or operator as defined in section 260.200 who intends to obtain a construction permit in a solid waste management district with an approved solid waste management plan shall request a recommendation in support of the application from the executive board created in section 260.315. The executive board shall consider the impact of the proposal on, and the extent to which the proposal conforms to, the approved district solid waste management plan prepared pursuant to section 260.325. The executive board shall act upon the request for a recommendation within sixty days of receipt and shall submit a resolution to the department specifying its position and its recommendation regarding conformity of the application to the solid waste plan. The board's failure to submit a resolution constitutes recommendation of the application. The department may consider the application, regardless of the board's action thereon and may deny the construction permit if the application fails to meet the requirements of sections 260.200 to 260.345, or if the application is inconsistent with the district's solid waste management plan.

8. If the site proposed for a solid waste disposal area is not owned by the applicant, the owner or owners of the site shall acknowledge that an application pursuant to sections 260.200 to 260.345 is to be submitted by signature or signatures thereon. The department shall provide the owner with copies of all communication with the operator, including inspection reports and orders issued pursuant to section 260.230.

9. The department shall not issue a permit for the operation of a solid waste disposal area designed to serve a city with a population of greater than four hundred thousand located in more than one county, if the site is located within one-half mile of an adjoining municipality, without the approval of the governing body of such municipality. The governing body shall conduct a public hearing within fifteen days of notice, shall publicize the hearing in at least one newspaper having general circulation in the municipality, and shall vote to approve or disapprove the land disposal facility within thirty days after the close of the hearing.

10. Upon receipt of an application for a permit to construct a solid waste processing facility or disposal area, the department shall notify the public of such receipt:

(1) By legal notice published in a newspaper of general circulation in the area of the proposed disposal area or processing facility;

(2) By certified mail to the governing body of the county or city in which the proposed disposal area or processing facility is to be located; and

(3) By mail to the last known address of all record owners of contiguous real property or real property located within one thousand feet of the proposed disposal area and, for a proposed processing facility, notice as provided in section 64.875 or section 89.060, whichever is applicable.

(4) If an application for a construction permit meets all statutory and regulatory requirements for issuance, a public hearing on the draft permit shall be held by the department in the county in which the proposed solid waste disposal area is to be located prior to the issuance of the permit. The department shall provide public notice of such hearing by both printed and broadcast media at least thirty days prior to such hearing. Printed notification shall include publication in at least one newspaper having general circulation within the county in which the proposed disposal area is to be located. Broadcast notification shall include public service announcements on radio stations that have broadcast coverage within the county in which the proposed disposal area is to be located.

11. After the issuance of a construction permit for a solid waste disposal area, but prior to the beginning of disposal operations, the owner and the department shall execute an easement to allow the department, its agents or its contractors to enter the premises to complete work specified in the closure plan, or to monitor or maintain the site or to take remedial action during the postclosure period. After issuance of a construction permit for a solid waste disposal area, but prior to the beginning of disposal operations, the owner shall submit evidence that he or she has recorded, in the office of the recorder of deeds in the county where the disposal area is located, a notice and covenant running with the land that the property has been permitted as a solid waste disposal area and prohibits use of the land in any manner which interferes with the closure and, where appropriate, postclosure plans filed with the department.

12. Every person desiring to obtain a permit to operate a solid waste disposal area or processing facility shall submit applicable information and apply for an operating permit from the department. The department shall review the information and determine, within sixty days of receipt, whether it complies with the provisions of sections 260.200 to 260.345 and the rules and regulations adopted pursuant to sections 260.200 to 260.345. When the review reveals that the facility or area does conform with the provisions of sections 260.200 to 260.345 and the rules and regulations adopted pursuant to sections 260.200 to 260.345, the department shall issue a permit for the operation of each solid waste processing facility or solid waste disposal area and with any permit terms and conditions which the department deems appropriate. In the event that the facility or area fails to meet the rules and regulations adopted pursuant to sections 260.200 to 260.345, the department shall issue a report to the applicant stating the reason for denial of a permit.

13. Each solid waste disposal area, except utility waste landfills unless otherwise and to the extent required by the department, and those solid waste processing facilities designated by rule, shall be operated under the direction of a certified solid waste technician in accordance with sections 260.200 to 260.345 and the rules and regulations promulgated pursuant to sections 260.200 to 260.345.

14. Base data for the quality and quantity of groundwater in the solid waste disposal area shall be collected and submitted to the department prior to the operation of a new or expansion of an existing solid waste disposal area. Base data shall include a chemical analysis of groundwater drawn from the proposed solid waste disposal area.

15. Leachate collection and removal systems shall be incorporated into new or expanded sanitary landfills which are permitted after August 13, 1986. The department shall assess the need for a leachate collection system for all types of solid waste disposal areas, other than sanitary landfills, and the need for monitoring wells when it evaluates the application for all new or expanded solid waste disposal areas. The department may require an operator of a solid waste disposal area to install a leachate collection system before the beginning of disposal operations, at any time during disposal operations for unfilled portions of the area, or for any portion of the disposal area as a part of a remedial plan. The department may require the operator to install monitoring wells before the beginning of disposal operations or at any time during the operational life or postclosure care period if it concludes that conditions at the area warrant such monitoring. The operator of a demolition landfill or utility waste landfill shall not be required to install a leachate collection and removal system or monitoring wells unless otherwise and to the extent the department so requires based on hazardous waste characteristic criteria or site specific geohydrological characteristics or conditions.

16. Permits granted by the department, as provided in sections 260.200 to 260.345, shall be subject to suspension for a designated period of time, civil penalty or revocation whenever the department determines that the solid waste processing facility or solid waste disposal area is, or has been, operated in violation of sections 260.200 to 260.345 or the rules or regulations adopted pursuant to sections 260.200 to 260.345, or has been operated in violation of any permit terms and conditions, or is creating a public nuisance, health hazard, or environmental pollution.

In the event a permit is suspended or revoked, the person named in the permit shall be fully informed as to the reasons for such action.

17. Each permit for operation of a facility or area shall be issued only to the person named in the application. Permits are transferable as a modification to the permit. An application to transfer ownership shall identify the proposed permittee. A disclosure statement for the proposed permittee listing violations contained in **[**subsection 19 of this section**]** **the definition of disclosure statement found in section 260.200** shall be submitted to the department. The operation and design plans for the facility or area shall be updated to provide compliance with the currently applicable law and rules. A financial assurance instrument in such an amount and form as prescribed by the department shall be provided for solid waste disposal areas by the proposed permittee prior to transfer of the permit. The financial assurance instrument of the original permittee shall not be released until the new permittee's financial assurance instrument has been approved by the department and the transfer of ownership is complete.

18. Those solid waste disposal areas permitted on January 1, 1996, shall, upon submission of a request for permit modification, be granted a solid waste management area operating permit if the request meets reasonable requirements set out by the department.

19. In case a permit required pursuant to this section is denied or revoked, the person may request a hearing in accordance with section 260.235.

20. **[**Any person seeking a permit or renewal of a permit to operate a commercial solid waste processing facility, or a solid waste disposal area shall, concurrently with the filing of application for a permit, file a disclosure statement with the department of natural resources. The disclosure statement shall include, but not be limited to, a listing of any felony convictions by state or federal agencies, and a listing of other enforcement actions, sanctions, permit revocations or denials by any state or federal authority of every person seeking a permit, including officers, directors, partners and facility or location managers of each person seeking a permit, any violations of Missouri environmental statutes, violations of the environmental statutes of other states or federal statutes and a listing of convictions for any crimes or criminal acts, an element of which involves restraint of trade, price-fixing, intimidation of the customers of another person or for engaging in any other acts which may have the effect of restraining or limiting competition concerning activities regulated pursuant to this chapter or similar laws of other states or the federal government; except that convictions for violations by entities purchased or acquired by an applicant or permittee which occurred prior to the purchase or acquisition shall not be included. The department shall by rule, define those environmental violations which must be reported pursuant to this section. For purposes of this section, additional persons as required by rule shall be named in the statement and violations or convictions of such persons shall be listed. The department or its representative shall verify the information provided on the disclosure statement prior to permit issuance. The disclosure statement shall be used by the department in determining whether a permit should be granted or denied on the basis of the applicant's status as a habitual violator; however, the department has the authority to make a habitual violator determination independent of the information contained in the disclosure statement. After permit issuance, each facility shall annually file an updated disclosure statement with the department of natural resources on or before March thirty-first of each year. Any county, district, municipality, authority or other political subdivision of this state which owns and operates a sanitary landfill shall be exempt from the provisions of this subsection**]** **Every applicant for a permit shall file a disclosure statement with the information required by and on a form developed by the department of natural resources at the same time the application for a permit is filed with the department**.

21. **[**Any person seeking a permit to operate a solid waste disposal area, a solid waste processing facility or a resource recovery facility shall, concurrently with the filing of the application for a permit, disclose any convictions in this state of municipal or county public health or land use ordinances related to the management of solid waste. If the department finds that there has been a continuing pattern of serious adjudicated violations by the applicant, the

department may deny the application] **Upon request of the director of the department of natural resources, the applicant for a permit, any person that could reasonably be expected to be involved in management activities of the solid waste disposal area or solid waste processing facility, or any person who has a controlling interest in any permittee shall be required to submit to a criminal background check under section 43.543**.

22. **All persons required to file a disclosure statement shall provide any assistance or information requested by the director or by the Missouri state highway patrol and shall cooperate in any inquiry or investigation conducted by the department and any inquiry, investigation or hearing conducted by the director. If, upon issuance of a formal request to answer any inquiry or produce information, evidence or testimony, any person required to file a disclosure statement refuses to comply, the application of an applicant or the permit of a permittee may be denied or revoked by the director.**

23. If any of the information required to be included in the disclosure statement changes, or if any additional information should be added after the filing of the statement, the person required to file it shall provide that information to the director in writing, within thirty days after the change or addition. The failure to provide such information within thirty days may constitute the basis for the revocation of or denial of an application for any permit issued or applied for in accordance with this section, but only if, prior to any such denial or revocation, the director notifies the applicant or permittee of the director's intention to do so and gives the applicant or permittee fourteen days from the date of the notice to explain why the information was not provided within the required thirty-day period. The director shall consider this information when determining whether to revoke, deny or conditionally grant the permit.

24. No person shall be required to submit the disclosure statement required by this section if the person is a corporation or an officer, director or shareholder of that corporation or any subsidiary thereof, and that corporation:

(1) Has on file and in effect with the federal Securities and Exchange Commission a registration statement required under Section 5, Chapter 38, Title 1 of the Securities Act of 1933, as amended, 15 U.S.C. Section 77e(c);

(2) Submits to the director with the application for a permit evidence of the registration described in subdivision (1) of this subsection and a copy of the corporation's most recent annual form 10-K or an equivalent report; and

(3) Submits to the director on the anniversary date of the issuance of any permit it holds under the Missouri solid waste management law evidence of registration described in subdivision (1) of this subsection and a copy of the corporation's most recent annual form 10-K or an equivalent report.

25. After permit issuance, each facility shall annually file an update to the disclosure statement with the department of natural resources on or before March thirty-first of each year. Failure to provide such update may result in penalties as provided for under section 260.240.

26. Any county, district, municipality, authority, or other political subdivision of this state which owns and operates a sanitary landfill shall be exempt from the requirement for the filing of the disclosure statement and annual update to the disclosure statement.

27. Any person seeking a permit to operate a solid waste disposal area, a solid waste processing facility, or a resource recovery facility shall, concurrently with the filing of the application for a permit, disclose any convictions in this state, county or county equivalent public health or land use ordinances related to the management of solid waste. If the department finds that there has been a continuing pattern of adjudicated violations by the applicant, the department may deny the application.

28. No permit to construct or permit to operate shall be required pursuant to this section for any utility waste landfill located in a county of the third classification with a township form of government which has a population of at least eleven thousand inhabitants and no more than

twelve thousand five hundred inhabitants according to the most recent decennial census, if such utility waste landfill complies with all design and operating standards and closure requirements applicable to utility waste landfills pursuant to sections 260.200 to 260.345 and provided that no waste disposed of at such utility waste landfill is considered hazardous waste pursuant to the Missouri hazardous waste law.

260.214. PRELIMINARY SITE INVESTIGATION APPROVAL, NOT REQUIRED FOR CERTAIN COUNTIES — SEVERABILITY CLAUSE. — 1. Preliminary site investigation approval shall not be required for any municipal utility located in a county of the first classification with more than two hundred sixty but fewer than three hundred thousand inhabitants to proceed with a utility waste landfill detailed site investigation. Nothing in this section shall preclude the department from exercising its existing authority to approve or disapprove the site upon completion of the detailed site investigation. Solely for purposes of conducting the public involvement activity described in subsection 3 of section 260.205, the effective date of this section shall be considered the date of approval of the preliminary site investigation.

2. If any provision of this section or the application thereof to anyone or to any circumstance is held invalid, the remainder of this act and the application of such provisions to others or other circumstances shall not be affected thereby.

260.235. APPEAL, JUDICIAL REVIEW, PROCEDURE — INJUNCTION BASED ON SERIOUSNESS OF THREAT TO ENVIRONMENT — PERFORMANCE BOND REQUIRED, FORFEITED, WHEN. — **[**1.**]** Any person aggrieved by a forfeiture of any financial assurance instrument, civil or administrative penalty or denial, suspension or revocation of a permit required by section 260.205 or a modification to a permit issued under section 260.205 or any disapproval of the plan required by section 260.220, may **[**within thirty days of notice of such action request a hearing**]** **appeal such decision as provided in section 621.250, subject to judicial review as provided by law**. The notice of the department shall be effected by certified mail and shall set forth the reasons for such forfeiture, disapproval, denial, suspension, civil penalty or revocation. The department may seek an injunction in the circuit court in which the facility is located requiring the facility for which the transfer of ownership has been denied, or the permit or modification of the permit has been denied, suspended or revoked, to cease operations from the date ordered by the court until such time as the appeal is resolved or obtain a performance bond in the amount and manner as prescribed by rule. The department's action seeking an injunction shall be based on the seriousness of the threat to the environment which continued operation of the facility poses. **[**The**]** **A** bond **may be required in order to stay the effect of the department's action until the appeal is resolved, in which case such bond** shall remain in place until the appeal is resolved. If the department's decision is upheld, the bond shall be forfeited and placed in a separate subaccount of the solid waste management fund.

[2. The hearing shall be conducted by the director or his designated representative in accordance with the procedures set forth in sections 536.070, 536.073, 536.077, 536.080, and 536.090. The decision of the department shall become final thirty days after delivery or certified mailing of a copy of it to the person. Such decisions may be appealed to the administrative hearing commission pursuant to sections 536.063 to 536.095 and shall be subject to judicial review of a final decision as provided in sections 536.100 to 536.140.**]**

260.249. ADMINISTRATIVE PENALTIES — NOT TO BE ASSESSED FOR MINOR VIOLATION, DEFINITION — AMOUNT SET BY RULE, PAYMENT WHEN — APPEAL EFFECT — SURCHARGE DUE WHEN — UNPAID PENALTY, COLLECTION — TIME LIMITATION TO ASSESS VIOLATION — JUDICIAL APPEAL — CIVIL ACTION EFFECT, EXCEPTION. — 1. In addition to any other remedy provided by law, upon a determination by the director that a provision of sections 260.200 to 260.281, or a standard, limitation, order, rule or regulation promulgated pursuant

thereto, or a term or condition of any permit has been violated, the director may issue an order assessing an administrative penalty upon the violator under this section. An administrative penalty shall not be imposed until the director has sought to resolve the violations through conference, conciliation and persuasion and shall not be imposed for minor violations of sections 260.200 to 260.281 or minor violation of any standard, limitation, order, rule or regulation promulgated pursuant to sections 260.200 to 260.281 or minor violations of any term or condition of a permit issued pursuant to sections 260.200 to 260.281 or any violations of sections 260.200 to 260.281 by any person resulting from mismanagement of solid waste generated and managed on the property of the place of residence of the person. If the violation is resolved through conference, conciliation and persuasion, no administrative penalty shall be assessed unless the violation has caused, or has the potential to cause, a risk to human health or to the environment, or has caused or has potential to cause pollution, or was knowingly committed, or is defined by the United States Environmental Protection Agency as other than minor. Any order assessing an administrative penalty shall state that an administrative penalty is being assessed under this section and that the person subject to the penalty may appeal as provided by section 260.235 **and section 621.250**. Any such order that fails to state the statute under which the penalty is being sought, the manner of collection or rights of appeal shall result in the state's waiving any right to collection of the penalty.

2. The department shall promulgate rules and regulations for the assessment of administrative penalties. The amount of the administrative penalty assessed per day of violation for each violation under this section shall not exceed the amount of the civil penalty specified in section 260.240. Such rules shall reflect the criteria used for the administrative penalty matrix as provided for in the Resource Conservation and Recovery Act, 42 U.S.C. 6928(a), Section 3008(a), and the harm or potential harm which the violation causes, or may cause, the violator's previous compliance record, and any other factors which the department may reasonably deem relevant. An administrative penalty shall be paid within sixty days from the date of issuance of the order assessing the penalty. Any person subject to an administrative penalty may appeal as provided in section 260.235 **and section 621.250**. Any appeal will stay the due date of such administrative penalty until the appeal is resolved. Any person who fails to pay an administrative penalty by the final due date shall be liable to the state for a surcharge of fifteen percent of the penalty plus ten percent per annum on any amounts owed. Any administrative penalty paid pursuant to this section shall be handled in accordance with section 7 of article IX of the state constitution. An action may be brought in the appropriate circuit court to collect any unpaid administrative penalty, and for attorney's fees and costs incurred directly in the collection thereof.

3. An administrative penalty shall not be increased in those instances where department action, or failure to act, has caused a continuation of the violation that was a basis for the penalty. Any administrative penalty must be assessed within two years following the department's initial discovery of such alleged violation, or from the date the department in the exercise of ordinary diligence should have discovered such alleged violation.

4. The state may elect to assess an administrative penalty, or, in lieu thereof, to request that the attorney general or prosecutor file an appropriate legal action seeking a civil penalty in the appropriate circuit court.

5. Any final order imposing an administrative penalty **[**is subject to judicial review upon the filing of a petition pursuant to section 536.100**] may be appealed** by any person subject to the administrative penalty **as provided in section 260.235 and section 621.250, subject to judicial review as provided by law. No judicial review shall be available until all administrative remedies are exhausted**.

260.262. RETAILERS OF LEAD-ACID BATTERIES, DUTIES — NOTICE TO PURCHASER, CONTENTS. — A person selling lead-acid batteries at retail or offering lead-acid batteries for retail sale in the state shall:

(1) Accept, at the point of transfer, in a quantity at least equal to the number of new lead-acid batteries purchased, used lead-acid batteries from customers, if offered by customers;

(2) Post written notice which must be at least four inches by six inches in size and must contain the universal recycling symbol and the following language:

(a) It is illegal to discard a motor vehicle battery or other lead-acid battery;

(b) Recycle your used batteries; and

(c) State law requires us to accept used motor vehicle batteries, or other lead-acid batteries for recycling, in exchange for new batteries purchased; and

(3) Manage used lead-acid batteries in a manner consistent with the requirements of the state hazardous waste law;

(4) Collect at the time of sale a fee of fifty cents for each lead-acid battery sold. Such fee shall be added to the total cost to the purchaser at retail after all applicable sales taxes on the battery have been computed. The fee imposed, less six percent of fees collected, which shall be retained by the seller as collection costs, shall be paid to the department of revenue in the form and manner required by the department and shall include the total number of batteries sold during the preceding month. The department of revenue shall promulgate rules and regulations necessary to administer the fee collection and enforcement. The terms "sold at retail" and "retail sales" do not include the sale of batteries to a person solely for the purpose of resale, if the subsequent retail sale in this state is to the ultimate consumer and is subject to the fee. However, this fee shall not be paid on batteries sold for use in agricultural operations upon written certification by the purchaser; and

(5) The department of revenue shall administer, collect, and enforce the fee authorized pursuant to this section pursuant to the same procedures used in the administration, collection, and enforcement of the general state sales and use tax imposed pursuant to chapter 144 except as provided in this section. The proceeds of the battery fee, less four percent of the proceeds, which shall be retained by the department of revenue as collection costs, shall be transferred by the department of revenue into the hazardous waste fund, created pursuant to section 260.391. The fee created in subdivision (4) and this subdivision shall be effective October 1, 2005. The provisions of subdivision (4) and this subdivision shall terminate December 31, **[**2013**]** **2018**.

260.365. HAZARDOUS WASTE MANAGEMENT COMMISSION CREATED — COMPOSITION, QUALIFICATIONS — COMPENSATION — TERMS — MEETINGS, NOTICE REQUIRED, QUORUM. — 1. There is hereby created a hazardous waste management agency to be known as the "Hazardous Waste Management Commission of the State of Missouri", whose domicile for the purpose of sections 260.350 to 260.430 shall be deemed to be that of the department of natural resources of the state of Missouri. The commission shall consist of seven members appointed by the governor with the advice and consent of the senate. No more than four members shall belong to the same political party. All members shall be representative of the general interest of the public and shall have an interest in and knowledge of waste management and the effects of improper waste management on health and the environment and shall serve in a manner consistent with the purposes of sections 260.350 to 260.430. **[**Three**]** **Four** of the members, but no more than **[**three**]** **four**, one for each interest, shall be knowledgeable of and may be employed in agriculture, **the retail petroleum industry,** the waste generating industry and the waste management industry. Except for the industry members, no member shall receive, or have received during the previous two years, a significant portion of income directly or indirectly from any license or permit holder or applicant for license or permit under any waste management act. At the first meeting of the commission and annually thereafter, the members shall select from among themselves a chairman and a vice chairman. Prior to any vote on any variance, appeal or order, they shall adopt a voting rule to exclude from such vote any member with a conflict of interest with respect to the matter at issue.

2. The members' terms of office shall be four years and until their successors are selected and qualified, except that, of those first appointed, three shall have a term of three years, two shall

have a term of two years and two shall have a term of one year as designated by the governor at the time of appointment. There is no limitation on the number of terms any appointed member may serve. If a vacancy occurs the governor may appoint a member for the remaining portion of the unexpired term created by the vacancy. The governor may remove any appointed member for cause. The members of the commission shall be reimbursed for actual and necessary expenses incurred in the performance of their duties, and shall receive fifty dollars per day for each day spent in the performance of their official duties while in attendance at regular commission meetings.

3. The commission shall hold at least four regular meetings each year and such additional meetings as the chairman deems desirable at a place and time to be fixed by the chairman. Special meetings may be called by three members of the commission upon delivery of written notice to each member of the commission. Reasonable written notice of all meetings shall be given by the department to all members of the commission. Four members of the commission shall constitute a quorum. All powers and duties conferred upon members of the commission shall be exercised personally by the members and not by alternates or representatives. All actions of the commission shall be taken at meetings open to the public. Any member absent from four consecutive regular commission meetings for any cause whatsoever shall be deemed to have resigned and the vacancy shall be filled immediately in accordance with this section.

260.380. DUTIES OF HAZARDOUS WASTE GENERATORS — FEES TO BE COLLECTED, DISPOSITION — EXEMPTIONS — EXPIRATION OF FEES. — 1. After six months from the effective date of the standards, rules and regulations adopted by the commission pursuant to section 260.370, hazardous waste generators located in Missouri shall:

(1) Promptly file and maintain with the department, on registration forms it provides for this purpose, information on hazardous waste generation and management as specified by rules and regulations. Hazardous waste generators shall pay a one hundred dollar registration fee upon initial registration, and a one hundred dollar registration renewal fee annually thereafter to maintain an active registration. Such fees shall be deposited in the hazardous waste fund created in section 260.391;

(2) Containerize and label all hazardous wastes as specified by standards, rules and regulations;

(3) Segregate all hazardous wastes from all nonhazardous wastes and from noncompatible wastes, materials and other potential hazards as specified by standards, rules and regulations;

(4) Provide safe storage and handling, including spill protection, as specified by standards, rules and regulations, for all hazardous wastes from the time of their generation to the time of their removal from the site of generation;

(5) Unless provided otherwise in the rules and regulations, utilize only a hazardous waste transporter holding a license pursuant to sections 260.350 to 260.430 for the removal of all hazardous wastes from the premises where they were generated;

(6) Unless provided otherwise in the rules and regulations, provide a separate manifest to the transporter for each load of hazardous waste transported from the premises where it was generated. The generator shall specify the destination of such load on the manifest. The manner in which the manifest shall be completed, signed and filed with the department shall be in accordance with rules and regulations;

(7) Utilize for treatment, resource recovery, disposal or storage of all hazardous wastes, only a hazardous waste facility authorized to operate pursuant to sections 260.350 to 260.430 or the federal Resource Conservation and Recovery Act, or a state hazardous waste management program authorized pursuant to the federal Resource Conservation and Recovery Act, or any facility exempted from the permit required pursuant to section 260.395;

(8) Collect and maintain such records, perform such monitoring or analyses, and submit such reports on any hazardous waste generated, its transportation and final disposition, as

specified in sections 260.350 to 260.430 and rules and regulations adopted pursuant to sections 260.350 to 260.430;

(9) Make available to the department upon request samples of waste and all records relating to hazardous waste generation and management for inspection and copying and allow the department to make unhampered inspections at any reasonable time of hazardous waste generation and management facilities located on the generator's property and hazardous waste generation and management practices carried out on the generator's property;

(10) Pay annually, on or before January first of each year, effective January 1, 1982, a fee to the state of Missouri to be placed in the hazardous waste fund. The fee shall be five dollars per ton or portion thereof of hazardous waste registered with the department as specified in subdivision (1) of this subsection for the twelve-month period ending June thirtieth of the previous year. However, the fee shall not exceed fifty-two thousand dollars per generator site per year nor be less than one hundred fifty dollars per generator site per year;

(a) All moneys payable pursuant to the provisions of this subdivision shall be promptly transmitted to the department of revenue, which shall deposit the same in the state treasury to the credit of the hazardous waste fund created in section 260.391;

(b) The hazardous waste management commission shall establish and submit to the department of revenue procedures relating to the collection of the fees authorized by this subdivision. Such procedures shall include, but not be limited to, necessary records identifying the quantities of hazardous waste registered, the form and submission of reports to accompany the payment of fees, the time and manner of payment of fees, which shall not be more often than quarterly**;**

(c) The director of the department of natural resources may conduct a comprehensive review of the fee structure set forth in this section. The comprehensive review shall include stakeholder meetings in order to solicit stakeholder input from each of the following groups: cement kiln representatives, chemical companies, large and small hazardous waste generators, and any other interested parties. Upon completion of the comprehensive review, the department shall submit proposed changes to the fee structure with stakeholder agreement to the hazardous waste management commission. The commission shall, upon receiving the department's recommendations, review such recommendations at the forthcoming regular or special meeting. The commission shall not take a vote on the fee structure until the following regular meeting. If the commission approves, by vote of two-thirds majority, the hazardous waste fee structure recommendations, the commission shall promulgate by regulation and publish the recommended fee structure no later than October first of the same year. The commission shall file the order of rulemaking for such rule with the joint committee on administrative rules pursuant to sections 536.021 and 536.024 no later than December first of the same year. If such rules are not disapproved by the general assembly in the manner set out below, they shall take effect on January first of the next odd-numbered year and the fee structure set out in this section shall expire upon the effective date of the commission adopted fee structure, contrary to subsection 4 of this section. Any regulation promulgated under this subsection shall be deemed to be beyond the scope and authority provided in this subsection, or detrimental to permit applicants, if the general assembly, within the first sixty calendar days of the regular session immediately following the promulgation of such regulation, by concurrent resolution, shall disapprove the fee structure contained in such regulation. If the general assembly so disapproves any regulation promulgated under this subsection, the hazardous waste management commission shall continue to use the fee structure set forth in the most recent preceding regulation promulgated under this subsection. This subsection shall expire on August 28, 2023.

2. Missouri treatment, storage, or disposal facilities shall pay annually, on or before January first of each year, a fee to the department equal to two dollars per ton or portion thereof

for all hazardous waste received from outside the state. This fee shall be based on the hazardous waste received for the twelve-month period ending June thirtieth of the previous year.

3. Exempted from the requirements of this section are individual householders and farmers who generate only small quantities of hazardous waste and any person the commission determines generates only small quantities of hazardous waste on an infrequent basis, except that:

(1) Householders, farmers and exempted persons shall manage all hazardous wastes they may generate in a manner so as not to adversely affect the health of humans, or pose a threat to the environment, or create a public nuisance; and

(2) The department may determine that a specific quantity of a specific hazardous waste requires special management. Upon such determination and after public notice by press release or advertisement thereof, including instructions for handling and delivery, generators exempted pursuant to this subsection shall deliver, but without a manifest or the requirement to use a licensed hazardous waste transporter, such waste to:

(a) Any storage, treatment or disposal site authorized to operate pursuant to sections 260.350 to 260.430 or the federal Resource Conservation and Recovery Act, or a state hazardous waste management program authorized pursuant to the federal Resource Conservation and Recovery Act which the department designates for this purpose; or

(b) A collection station or vehicle which the department may arrange for and designate for this purpose.

4. Failure to pay the fee, or any portion thereof, prescribed in this section by the due date shall result in the imposition of a penalty equal to fifteen percent of the original fee. The fee prescribed in this section shall expire December 31, **[**2013**]** **2018**, except that the department shall levy and collect this fee for any hazardous waste generated prior to such date and reported to the department.

260.390. DUTIES OF HAZARDOUS WASTE FACILITY OWNERS AND OPERATORS — TAX TO BE COLLECTED, DISPOSITION — DUTIES UPON TERMINATION OF USE OF FACILITY — INSPECTION FEES, COMMERCIAL FACILITIES, REQUIREMENTS. — 1. After six months from the effective date of the standards, rules and regulations adopted by the commission pursuant to section 260.370, hazardous waste facility owners or operators shall:

(1) Not construct, substantially alter or operate**[**, including all postclosure activities and operations specified in the rules and regulations,**]** a hazardous waste facility without first obtaining a hazardous waste facility permit from the department as specified in section 260.395;

(2) Operate the facility according to the standards, rules and regulations adopted under sections 260.350 to 260.430 and all terms and conditions of the permit;

(3) Unless otherwise provided in sections 260.350 to 260.430 or the rules and regulations adopted hereunder, accept delivery of hazardous waste only if delivery is by a hazardous waste transporter holding a license under sections 260.350 to 260.430, the shipment is accompanied by a manifest properly completed by both the generator and transporter and their facility is the destination indicated by the generator on the manifest. Exempted from the requirements of this subsection are deliveries, when directed by the department, from householders, farmers and other persons exempted from generator responsibilities under provisions of section 260.380 and deliveries made in emergency situations as specified in sections 260.350 to 260.550 or the rules and regulations adopted hereunder. For such exempted deliveries they shall make a record of any waste accepted, its type, quantity, origin and the identity of the person making the delivery and promptly report this information to the department;

(4) Complete, sign and file the facility operator portion of the manifest as specified in rules and regulations adopted under sections 260.350 to 260.430;

(5) Whenever final disposition is to be achieved at another hazardous waste or exempted facility, initiate a new manifest and comply with the other responsibilities of generators specified in sections 260.350 to 260.430 and in rules and regulations and terms and conditions of their permit adopted or issued hereunder;

(6) Collect and maintain such records, submit such reports and perform such monitoring as specified in sections 260.350 to 260.430 and in rules and regulations and terms and conditions of their permit adopted or issued hereunder;

(7) Make available to the department, upon request, samples of wastes received and all records, for inspection and copying, relating to hazardous waste management and allow the department to make unhampered inspections at any reasonable time of all facilities and equipment.

2. All hazardous waste landfills shall collect, on behalf of the state from each hazardous waste generator or transporter, a tax equal to two percent of the gross charges and fees charged such generator for disposal at the landfill site to be placed in the hazardous waste fund to be used solely for the administration of sections 260.350 to 260.430. The tax shall be accounted for separately on the statement of charges and fees made to the hazardous waste generator and shall be collected at the time of the collection of such charges and fees. All moneys payable under the provisions of this subsection shall be promptly transmitted to the department of revenue, which shall daily deposit the same in the state treasury to the credit of the hazardous waste fund. The hazardous waste management commission shall establish and submit to the department of revenue procedures relating to the collection of the taxes authorized by this subsection. Such procedures shall include, but not be limited to, necessary records identifying the quantities of hazardous waste received, the form and submission of reports to accompany the payment of taxes, the time and manner of payment of taxes, which shall not be more often than quarterly.

3. The owner or operator of a hazardous waste disposal facility must close that facility upon termination of its operation, and shall after closure of the facility provide for protection during a postclosure care period, in accordance with the requirements of the commission, including the funds necessary for same. Protection shall include, but not be limited to, monitoring and maintenance subject to the rules and regulations of the hazardous waste management commission. The owner or operator shall maintain a hazardous waste facility permit for the postclosure care period. The operator and the state may enter into an agreement consistent with the rules and regulations of the hazardous waste management commission where the state may accept deed to, and monitor and maintain the site.

4. All owners or operators of hazardous waste facilities who have obtained, or are required to obtain, a hazardous waste facility permit from the department and who accept, on a commercial basis for remuneration, hazardous waste from off-site sources, but not including wastes generated by the same person at other sites located in Missouri or within a metropolitan statistical area located partially in Missouri and owned or operated by the same person and transferred to the hazardous waste facility, for treatment, storage or disposal, shall pay fees for inspections conducted by the department to determine compliance with sections 260.350 to 260.430 and the rules promulgated thereunder. Hazardous waste facility inspection fees shall be specified by the hazardous waste management commission by rule. The inspection fees shall be used by the department as specified in subsection 3 of section 260.391.

260.395. TRANSPORTATION OF HAZARDOUS WASTE, HOW PERMITTED — FEES, HOW DETERMINED — NOTICE PRIOR TO ISSUANCE OF PERMIT — PERMIT NOT REQUIRED OF WHOM — APPLICATION FOR CERTIFICATION, WHEN — PERMIT MAINTAINED FOR POSTCLOSURE CARE PERIOD — LEACHATE COLLECTION SYSTEM REQUIRED — RAILROAD HAZARDOUS WASTE TRANSPORTATION, FEE. — 1. After six months from the effective date of the standards, rules and regulations adopted by the commission pursuant to section 260.370, it shall be unlawful for any person to transport any hazardous waste in this state without first obtaining a hazardous waste transporter license. Any person transporting hazardous waste in this state shall file an application for a license pursuant to this subsection which shall:

(1) Be submitted on a form provided for this purpose by the department and shall furnish the department with such equipment identification and data as may be necessary to demonstrate to the satisfaction of the department that equipment engaged in such transportation of hazardous

waste, and other equipment as designated in rules and regulations pursuant to sections 260.350 to 260.430, is adequate to provide protection of the health of humans and the environment and to comply with the provisions of any federal hazardous waste management act and sections 260.350 to 260.430 and the standards, rules and regulations adopted pursuant to sections 260.350 to 260.430. If approved by the department, this demonstration of protection may be satisfied by providing certification that the equipment so identified meets and will be operated in accordance with the rules and regulations of the Missouri public service commission and the federal Department of Transportation for the transportation of the types of hazardous materials for which it will be used;

(2) Include, as specified by rules and regulations, demonstration of financial responsibility, including, but not limited to, guarantees, liability insurance, posting of bond or any combination thereof which shall be related to the number of units, types and sizes of equipment to be used in the transport of hazardous waste by the applicant;

(3) Include, as specified in rules and regulations, a fee payable to the state of Missouri which shall consist of an annual application fee, plus an annual use fee based upon tonnage, mileage or a combination of tonnage and mileage. The fees established pursuant to this subdivision shall be set to generate, as nearly as is practicable, six hundred thousand dollars annually. No fee shall be collected pursuant to this subdivision from railroads that pay a fee pursuant to subsection 19 of this section. Fees collected pursuant to this subdivision shall be deposited in the hazardous waste fund created pursuant to section 260.391.

2. If the department determines the application conforms to the provisions of any federal hazardous waste management act and sections 260.350 to 260.430 and the standards, rules and regulations adopted pursuant to sections 260.350 to 260.430, it shall issue the hazardous waste transporter license with such terms and conditions as it deems necessary to protect the health of humans and the environment. The department shall act within ninety days after receipt of the application. If the department denies the license, it shall issue a report to the applicant stating the reason for denial of the license.

3. A license may be suspended or revoked whenever the department determines that the equipment is or has been operated in violation of any provision of sections 260.350 to 260.430 or any standard, rule or regulation, order, or license term or condition adopted or issued pursuant to sections 260.350 to 260.430, poses a threat to the health of humans or the environment, or is creating a public nuisance.

4. Whenever a license is issued, renewed, denied, suspended or revoked by the department, any aggrieved person, by petition filed with the department within thirty days of the decision, may appeal such decision and shall be entitled to a hearing as provided in section 260.400.

5. A license shall be issued for a period of one year and shall be renewed upon proper application by the holder and a determination by the department that the applicant is in compliance with all provisions of sections 260.350 to 260.430 and all standards, rules and regulations, orders and license terms and conditions adopted or issued pursuant to sections 260.350 to 260.430.

6. A license is not required for the transport of any hazardous waste on the premises where it is generated or onto contiguous property owned by the generator thereof, or for those persons exempted in section 260.380. Nothing in this subsection shall be interpreted to preclude the department from inspecting unlicensed hazardous waste transporting equipment and to require that it be adequate to provide protection for the health of humans and the environment.

7. After six months from the effective date of the standards, rules and regulations adopted by the commission pursuant to section 260.370, it shall be unlawful for any person to construct, substantially alter or operate, including **[**postclosure activities and**]** operations specified in the rules and regulations, a hazardous waste facility without first obtaining a hazardous waste facility permit for such construction, alteration or operation from the department. Such person must submit to the department at least ninety days prior to submitting a permit application a letter of

intent to construct, substantially alter or operate any hazardous waste disposal facility. The person must file an application within one hundred eighty days of the filing of a letter of intent unless granted an extension by the commission. The department shall publish such letter of intent as specified in section 493.050 within ten days of receipt of such letter. The letter shall be published once each week for four weeks in the county where the hazardous waste disposal facility is proposed. Once such letter is submitted, all conditions for the permit application evaluation purposes in existence as of the date of submission shall be deemed frozen, in that no subsequent action by any person to change such conditions in an attempt to thwart a fair and impartial decision on the application for a permit shall be allowed as grounds for denial of the permit. Any person before constructing, substantially altering or operating a hazardous waste facility in this state shall file an application for a permit which shall:

(1) Be submitted on a form provided for this purpose by the department and shall furnish the department with plans, specifications and such other data as may be necessary to demonstrate to the satisfaction of the department that such facility does or will provide adequate protection of the health of humans and the environment and does or will comply with the provisions of any federal hazardous waste management act and sections 260.350 to 260.430 and the standards, rules and regulations adopted pursuant to sections 260.350 to 260.430;

(2) Include plans, designs, engineering reports and relevant data for construction, alteration or operation of a hazardous waste facility, to be submitted to the department by a registered professional engineer licensed by this state;

(3) Include, as specified by rules and regulations, demonstration of financial responsibility, including, but not limited to, guarantees, liability insurance, posting of bond or any combination thereof, which shall be related to type and size of facility;

(4) Include such environmental and geologic information, assessments and studies as required by the rules and regulations of the commission;

(5) **[**Submit with the application for a hazardous waste disposal or treatment facility a profile of the environmental and economic characteristics of the area as required by the commission, including the extent of air pollution and groundwater contamination; and a profile of the health characteristics of the area which identifies all serious illness, the rate of which exceeds the state average for such illness, which might be attributable to environmental contamination;

(6)**]** Include a fee payable to the state of Missouri which shall not exceed one thousand dollars, which shall cover the first year of the permit, if issued, but which is not refundable. If the permit is issued for more than one year, a fee equal in amount to the first year's fee shall be paid to the state of Missouri prior to issuance of the permit for each year the permit is to be in effect beyond the first year;

[(7)**] (6)** The department shall supervise any field work undertaken to collect geologic and engineering data for submission with the application. The state geologist and departmental engineers shall review the geologic and engineering plans, respectively, and attest to their accuracy and adequacy. The applicant shall pay all reasonable costs, as determined by the commission, incurred by the department pursuant to this subsection.

8. (1) Prior to issuing or renewing a hazardous waste facility permit, the department shall issue public notice by press release or advertisement and shall notify all record owners of adjoining property by mail directed to the last known address, and the village, town or city, if any, and the county in which the hazardous waste facility is located; and, upon request, shall hold a public hearing after public notice as required in this subsection at a location convenient to the area affected by the issuance of the permit.

(2) Prior to issuing**[**, reviewing every five years as required in subsection 12 of this section,**]** or renewing a hazardous waste disposal facility permit the department shall issue public notice by press release and advertisement and shall notify all record owners of property, within one mile of the outer boundaries of the site, by mail directed to the last known address; and shall hold a

public hearing after public notice as required in this subsection at a location convenient to the area affected by the issuance of the permit.

9. If the department determines that the application conforms to the provisions of any federal hazardous waste management act and sections 260.350 to 260.430 and the standards, rules and regulations adopted pursuant to sections 260.350 to 260.430, it shall issue the hazardous waste facility permit, with such terms and conditions and require such testing and construction supervision as it deems necessary to protect the health of humans or the environment. The department shall act within one hundred and eighty days after receipt of the application. If the department denies the permit, it shall issue a report to the applicant stating the reason for denial of a permit.

10. A permit may be suspended or revoked whenever the department determines that the hazardous waste facility is, or has been, operated in violation of any provision of sections 260.350 to 260.430 or any standard, rule or regulation, order or permit term or condition adopted or issued pursuant to sections 260.350 to 260.430, poses a threat to the health of humans or the environment or is creating a public nuisance.

11. Whenever a permit is issued, renewed, denied, suspended or revoked by the department, any aggrieved person, by petition filed with the department within thirty days of the decision, may appeal such decision and shall be entitled to a hearing as provided in section 260.400.

12. A permit shall be issued for a fixed term, which shall not exceed ten years in the case of any land disposal facility, storage facility, incinerator, or other treatment facility. **[**Each permit for a land disposal facility shall be reviewed five years after the date of its issuance or reissuance and shall be modified as necessary to assure that the facility continues to comply with the currently applicable requirements of federal and state law.**]** Nothing in this subsection shall preclude the department from reviewing and modifying a permit at any time during its term. Review of any application for a permit renewal shall consider improvements in the state of control and measurement technology as well as changes in applicable regulations. Each permit issued pursuant to this section shall contain such terms and conditions as the department determines necessary to protect human health and the environment, and upon proper application by the holder and a determination by the department that the applicant is in compliance with all provisions of sections 260.350 to 260.430 and all standards, rules and regulations, orders and permit terms and conditions adopted or issued pursuant to sections 260.350 to 260.430.

13. A hazardous waste facility permit is not required for:

(1) On-site storage of hazardous wastes where such storage is exempted by the commission by rule or regulation; however, such storage must conform to the provisions of any federal hazardous waste management act and sections 260.350 to 260.430 and the applicable standards, rules and regulations adopted pursuant to sections 260.350 to 260.430 and any other applicable hazardous materials storage and spill-prevention requirements provided by law;

(2) A publicly owned treatment works which has an operating permit pursuant to section 644.051 and is in compliance with that permit;

(3) A resource recovery facility which the department certifies uses hazardous waste as a supplement to, or substitute for, nonwaste material, and that the sole purpose of the facility is manufacture of a product rather than treatment or disposal of hazardous wastes;

(4) That portion of a facility engaged in hazardous waste resource recovery, when the facility is engaged in both resource recovery and hazardous waste treatment or disposal, provided the owner or operator can demonstrate to the department's satisfaction and the department finds that such portion is not intended and is not used for hazardous waste treatment or disposal.

14. Facilities exempted pursuant to subsection 13 of this section must comply with the provisions of subdivisions (3) to (7) of section 260.390 and such other requirements, to be specified by rules and regulations, as are necessary to comply with any federal hazardous waste management act or regulations hereunder. Generators who use such an exempted facility shall keep records of hazardous wastes transported, except by legal flow through sewer lines, to the

facility and submit such records to the department in accordance with the provisions of section 260.380 and the standards, rules and regulations adopted pursuant to sections 260.350 to 260.430. Any person, before constructing, altering or operating a resource recovery facility in this state shall file an application for a certification. Such application shall include:

(1) Plans, designs, engineering reports and other relevant information as specified by rule that demonstrate that the facility is designed and will operate in a manner protective of human health and the environment; and

(2) An application fee of not more than five hundred dollars for a facility that recovers waste generated at the same facility or an application fee of not more than one thousand dollars for a facility that recovers waste generated at off-site sources. Such fees shall be deposited in the hazardous waste fund created in section 260.391. The department shall review such application for conformance with applicable laws, rules and standard engineering principles and practices. The applicant shall pay to the department all reasonable costs, as determined by the commission, incurred by the department pursuant to this subsection. All such funds shall be deposited in the hazardous waste fund created in section 260.391.

15. The owner or operator of any hazardous waste facility in existence on September 28, 1977, who has achieved federal interim status pursuant to 42 U.S.C. 6925(e), and who has submitted to the department Part A of the federal facility permit application, may continue to receive and manage hazardous wastes in the manner as specified in the Part A application, and in accordance with federal interim status requirements, until completion of the administrative disposition of a permit application submitted pursuant to sections 260.350 to 260.430. The department may at any time require submission of, or the owner or operator may at any time voluntarily submit, a complete application for a permit pursuant to sections 260.350 to 260.430 and commission regulations. The authority to operate pursuant to this subsection shall cease one hundred eighty days after the department has notified an owner or operator that an application for permit pursuant to sections 260.350 to 260.430 must be submitted, unless within such time the owner or operator submits a completed application therefor. Upon submission of a complete application, the authority to operate pursuant to this subsection shall continue for such reasonable time as is required to complete the administrative disposition of the permit application. If a facility loses its federal interim status, or the Environmental Protection Agency requires the owner or operator to submit Part B of the federal application, the department shall notify the owner or operator that an application for a permit must be submitted pursuant to this subsection. In addition to compliance with the federal interim status requirements, the commission shall have the authority to adopt regulations requiring persons operating pursuant to this subsection to meet additional state interim status requirements.

16. [A license or permit shall not be issued to any person who is determined by the department to habitually engage in or to have habitually engaged in hazardous waste management practices which pose a threat to the health of humans or the environment or who is determined by the department to habitually violate or to have habitually violated the requirements of the Missouri solid or hazardous waste laws, the solid or hazardous waste laws of other states or federal laws pertaining to hazardous waste. Nor shall a license or permit be issued to any person who has been adjudged in contempt of any court order enforcing the provisions of the Missouri solid or hazardous waste laws, the solid or hazardous waste laws of other states or federal laws pertaining to hazardous waste or who has offered, in person or through an agent, any inducement, including any discussion of potential employment opportunities, to any employee of the department when such person has an application for a permit pending or a permit under review. For the purposes of this subsection, the term "person" shall include any officer or management employee of the applicant, or any officer or management employee of any corporation or business which owns an interest in the applicant, or any officer or management employee of any business which is owned either wholly or in part by any person, corporation, or business which owns an interest in the applicant.

17.**]** No person, otherwise qualified pursuant to sections 260.350 to 260.430 for a license to transport hazardous wastes or for a permit to construct, substantially alter or operate a hazardous waste facility, shall be denied such license or permit on the basis of a lack of need for such transport service or such facility because of the existence of other services or facilities capable of meeting that need; except that permits for hazardous waste facilities may be denied on determination made by the department that the financial resources of the persons applying are such that the continued operation of the sites in accordance with sections 260.350 to 260.430 cannot be reasonably assured or on determination made by the department that the probable volume of business is insufficient to ensure and maintain the solvency of then existing permitted hazardous waste facilities.

[18.**] 17.** All hazardous waste landfills constructed after October 31, 1980, shall have a leachate collection system. The rules and regulations of the commission shall treat and protect all aquifers to the same level of protection. The provisions of this subsection shall not apply to the disposal of tailings and slag resulting from mining, milling and primary smelting operations.

[19.**] 18.** Any railroad corporation as defined in section 388.010 that transports any hazardous waste as defined in section 260.360 or any hazardous substance as defined in section 260.500 shall pay an annual fee of three hundred fifty dollars. Fees collected pursuant to this subsection shall be deposited in the hazardous waste fund created in section 260.391.

260.475. FEES TO BE PAID BY HAZARDOUS WASTE GENERATORS — EXCEPTIONS — DEPOSIT OF MONEYS — VIOLATIONS, PENALTY — DEPOSIT — FEE REQUIREMENT, EXPIRATION — FEE STRUCTURE REVIEW. — 1. Every hazardous waste generator located in Missouri shall pay, in addition to the fees imposed in section 260.380, a fee of twenty-five dollars per ton annually on all hazardous waste which is discharged, deposited, dumped or placed into or on the soil as a final action, and two dollars per ton on all other hazardous waste transported off site. No fee shall be imposed upon any hazardous waste generator who registers less than ten tons of hazardous waste annually pursuant to section 260.380, or upon:

(1) Hazardous waste which must be disposed of as provided by a remedial plan for an abandoned or uncontrolled hazardous waste site;

(2) Fly ash waste, bottom ash waste, slag waste and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels;

(3) Solid waste from the extraction, beneficiation and processing of ores and minerals, including phosphate rock and overburden from the mining of uranium ore and smelter slag waste from the processing of materials into reclaimed metals;

(4) Cement kiln dust waste;

(5) Waste oil; or

(6) Hazardous waste that is:

(a) Reclaimed or reused for energy and materials;

(b) Transformed into new products which are not wastes;

(c) Destroyed or treated to render the hazardous waste nonhazardous; or

(d) Waste discharged to a publicly owned treatment works.

2. The fees imposed in this section shall be reported and paid to the department on an annual basis not later than the first of January. The payment shall be accompanied by a return in such form as the department may prescribe.

3. All moneys collected or received by the department pursuant to this section shall be transmitted to the department of revenue for deposit in the state treasury to the credit of the hazardous waste fund created pursuant to section 260.391. Following each annual reporting date, the state treasurer shall certify the amount deposited in the fund to the commission.

4. If any generator or transporter fails or refuses to pay the fees imposed by this section, or fails or refuses to furnish any information reasonably requested by the department relating to such fees, there shall be imposed, in addition to the fee determined to be owed, a penalty of fifteen percent of the fee shall be deposited in the hazardous waste fund.

5. If the fees or any portion of the fees imposed by this section are not paid by the date prescribed for such payment, there shall be imposed interest upon the unpaid amount at the rate of ten percent per annum from the date prescribed for its payment until payment is actually made, all of which shall be deposited in the hazardous waste fund.

6. The state treasurer is authorized to deposit all of the moneys in the hazardous waste fund in any of the qualified depositories of the state. All such deposits shall be secured in such a manner and shall be made upon such terms and conditions as are now or may hereafter be provided for by law relative to state deposits. Interest received on such deposits shall be credited to the hazardous waste fund.

7. This fee shall expire December 31, **[**2013**]** **2018**, except that the department shall levy and collect this fee for any hazardous waste generated prior to such date and reported to the department.

8. The director of the department of natural resources may conduct a comprehensive review of the fee structure set forth in this section. The comprehensive review shall include stakeholder meetings in order to solicit stakeholder input from each of the following groups: cement kiln representatives, chemical companies, large and small hazardous waste generators, and any other interested parties. Upon completion of the comprehensive review, the department shall submit proposed changes to the fee structure with stakeholder agreement to the hazardous waste management commission. The commission shall, upon receiving the department's recommendations, review such recommendations at the forthcoming regular or special meeting. The commission shall not take a vote on the fee structure until the following regular meeting. If the commission approves, by vote of two-thirds majority, the hazardous waste fee structure recommendations, the commission shall promulgate by regulation and publish the recommended fee structure no later than October first of the same year. The commission shall file the order of rulemaking for such rule with the joint committee on administrative rules pursuant to sections 536.021 and 536.024 no later than December first of the same year. If such rules are not disapproved by the general assembly in the manner set out below, they shall take effect on January first of the next odd-numbered year and the fee structure set out in this section shall expire upon the effective date of the commission adopted fee structure, contrary to subsection 9 of this section. Any regulation promulgated under this subsection shall be deemed to be beyond the scope and authority provided in this subsection, or detrimental to permit applicants, if the general assembly, within the first sixty calendar days of the regular session immediately following the promulgation of such regulation, by concurrent resolution, shall disapprove the fee structure contained in such regulation. If the general assembly so disapproves any regulation promulgated under this subsection, the hazardous waste management commission shall continue to use the fee structure set forth in the most recent preceding regulation promulgated under this subsection. This subsection shall expire on August 28, 2023.

261.023. POWERS, DUTIES, FUNCTIONS TRANSFERRED TO DEPARTMENT OF AGRICULTURE AND CERTAIN OTHER DESIGNATED AGENCIES. — 1. There is hereby created a department of agriculture to be headed by a director of the department of agriculture to be appointed by the governor, by and with the advice and consent of the senate. The director shall possess the qualifications presently provided by law for the position of commissioner of agriculture.

2. All powers, duties and functions now vested by law to the commissioner of the department of agriculture and the department of agriculture, chapter 261 and others, are transferred by type I transfer to the director of the department of agriculture and to the department of agriculture herein created.

3. The state horticultural society created by sections 262.010 and 262.020 is transferred by type I transfer to the department of agriculture.

4. All the powers, duties, and functions vested in the state milk board, chapter 196, are transferred to the department of agriculture by type III transfer. The appointed members of the board shall be nominated by the department director, and appointed by the governor with the advice and consent of the senate. The department of health and senior services shall retain the powers, duties and functions assigned by chapter 196.

5. All the powers, duties, functions and properties of the state fruit experiment station, chapter 262, are transferred by type I transfer to the Southwest Missouri State University and fruit experiment station board of trustees is abolished.

6. All the powers, duties and functions of the department of revenue relating to the inspection of motor fuel and special fuel distributors, chapters 323 and 414, are transferred by type I transfer to the department of agriculture and to the director of that department. The collection of the taxes provided in chapters 142 and 136, however, shall be made by the department of revenue.

7. All the powers, duties, and functions of the land survey program of the department of natural resources are transferred to the department of agriculture by type I transfer.

444.772. PERMIT — APPLICATION, CONTENTS, FEES — AMENDMENT, HOW MADE — SUCCESSOR OPERATOR, DUTIES OF. — 1. Any operator desiring to engage in surface mining shall make written application to the director for a permit.

2. Application for permit shall be made on a form prescribed by the commission and shall include:

(1) The name of all persons with any interest in the land to be mined;

(2) The source of the applicant's legal right to mine the land affected by the permit;

(3) The permanent and temporary post office address of the applicant;

(4) Whether the applicant or any person associated with the applicant holds or has held any other permits pursuant to sections 444.500 to 444.790, and an identification of such permits;

(5) The written consent of the applicant and any other persons necessary to grant access to the commission or the director to the area of land affected under application from the date of application until the expiration of any permit granted under the application and thereafter for such time as is necessary to assure compliance with all provisions of sections 444.500 to 444.790 or any rule or regulation promulgated pursuant to them. Permit applications submitted by operators who mine an annual tonnage of less than ten thousand tons shall be required to include written consent from the operator to grant access to the commission or the director to the area of land affected;

(6) A description of the tract or tracts of land and the estimated number of acres thereof to be affected by the surface mining of the applicant for the next succeeding twelve months; and

(7) Such other information that the commission may require as such information applies to land reclamation.

3. The application for a permit shall be accompanied by a map in a scale and form specified by the commission by regulation.

4. The application shall be accompanied by a bond, security or certificate meeting the requirements of section 444.778, a geologic resources fee authorized under section 256.700, and a permit fee approved by the commission not to exceed one thousand dollars. The commission may also require a fee for each site listed on a permit not to exceed four hundred dollars for each site. If mining operations are not conducted at a site for six months or more during any year, the fee for such site for that year shall be reduced by fifty percent. The commission may also require a fee for each acre bonded by the operator pursuant to section 444.778 not to exceed twenty dollars per acre. If such fee is assessed, the per-acre fee on all acres bonded by a single operator that exceed a total of two hundred acres shall be reduced by fifty percent. In no case shall the

total fee for any permit be more than three thousand dollars. Permit and renewal fees shall be established by rule, except for the initial fees as set forth in this subsection, and shall be set at levels that recover the cost of administering and enforcing sections 444.760 to 444.790, making allowances for grants and other sources of funds. The director shall submit a report to the commission and the public each year that describes the number of employees and the activities performed the previous calendar year to administer sections 444.760 to 444.790. For any operator of a gravel mining operation where the annual tonnage of gravel mined by such operator is less than five thousand tons, the total cost of submitting an application shall be three hundred dollars. The issued permit shall be valid from the date of its issuance until the date specified in the mine plan unless sooner revoked or suspended as provided in sections 444.760 to 444.790. Beginning August 28, 2007, the fees shall be set at a permit fee of eight hundred dollars, a site fee of four hundred dollars, and an acre fee of ten dollars, with a maximum fee of three thousand dollars. Fees may be raised as allowed in this subsection after a regulation change that demonstrates the need for increased fees.

5. An operator desiring to have his or her permit amended to cover additional land may file an amended application with the commission. Upon receipt of the amended application, and such additional fee and bond as may be required pursuant to the provisions of sections 444.760 to 444.790, the director shall, if the applicant complies with all applicable regulatory requirements, issue an amendment to the original permit covering the additional land described in the amended application.

6. An operation may withdraw any land covered by a permit, excepting affected land, by notifying the commission thereof, in which case the penalty of the bond or security filed by the operator pursuant to the provisions of sections 444.760 to 444.790 shall be reduced proportionately.

7. Where mining or reclamation operations on acreage for which a permit has been issued have not been completed, the permit shall be renewed. The operator shall submit a permit renewal form furnished by the director for an additional permit year and pay a fee equal to an application fee calculated pursuant to subsection 4 of this section, but in no case shall the renewal fee for any operator be more than three thousand dollars. For any operator involved in any gravel mining operation where the annual tonnage of gravel mined by such operator is less than five thousand tons, the permit as to such acreage shall be renewed by applying on a permit renewal form furnished by the director for an additional permit year and payment of a fee of three hundred dollars. Upon receipt of the completed permit renewal form and fee from the operator, the director shall approve the renewal. With approval of the director and operator, the permit renewal may be extended for a portion of an additional year with a corresponding prorating of the renewal fee.

8. Where one operator succeeds another at any uncompleted operation, either by sale, assignment, lease or otherwise, the commission may release the first operator from all liability pursuant to sections 444.760 to 444.790 as to that particular operation if both operators have been issued a permit and have otherwise complied with the requirements of sections 444.760 to 444.790 and the successor operator assumes as part of his or her obligation pursuant to sections 444.760 to 444.790 all liability for the reclamation of the area of land affected by the former operator.

9. The application for a permit shall be accompanied by a plan of reclamation that meets the requirements of sections 444.760 to 444.790 and the rules and regulations promulgated pursuant thereto, and shall contain a verified statement by the operator setting forth the proposed method of operation, reclamation, and a conservation plan for the affected area including approximate dates and time of completion, and stating that the operation will meet the requirements of sections 444.760 to 444.790, and any rule or regulation promulgated pursuant to them.

10. At the time that a permit application is deemed complete by the director, the operator shall publish a notice of intent to operate a surface mine in any newspaper qualified pursuant to

section 493.050 to publish legal notices in any county where the land is located. If the director does not respond to a permit application within forty-five calendar days, the application shall be deemed to be complete. Notice in the newspaper shall be posted once a week for four consecutive weeks beginning no more than ten days after the application is deemed complete. The operator shall also send notice of intent to operate a surface mine by certified mail to the governing body of the counties or cities in which the proposed area is located, and to the last known addresses of all record landowners of contiguous real property or real property located adjacent to the proposed mine plan area. The notices shall include the name and address of the operator, a legal description consisting of county, section, township and range, the number of acres involved, a statement that the operator plans to mine a specified mineral during a specified time, and the address of the commission. The notices shall also contain a statement that any person with a direct, personal interest in one or more of the factors the commission may consider in issuing a permit may request a public meeting, a public hearing or file written comments to the director no later than fifteen days following the final public notice publication date.

11. The commission may approve a permit application or permit amendment whose operation or reclamation plan deviates from the requirements of sections 444.760 to 444.790 if it can be demonstrated by the operator that the conditions present at the surface mining location warrant an exception. The criteria accepted for consideration when evaluating the merits of an exception or variance to the requirements of sections 444.760 to 444.790 shall be established by regulations.

12. Fees imposed pursuant to this section shall become effective August 28, 2007, and shall expire on December 31, **[**2013**]** **2018**. No other provisions of this section shall expire.

621.250. APPEALS FROM DECISIONS OF CERTAIN ENVIRONMENTAL COMMISSIONS TO BE HEARD BY ADMINISTRATIVE HEARING COMMISSION — PROCEDURE. — 1. All authority to hear **contested case administrative** appeals granted in chapters **236, 256,** 260, 444, 640, 643, and 644, and to the hazardous waste management commission in chapter 260, the land reclamation commission in chapter 444, the safe drinking water commission in chapter 640, the air conservation commission in chapter 643, and the clean water commission in chapter 644 shall be transferred to the administrative hearing commission under this chapter. The authority to render final decisions after hearing on appeals heard by the administrative hearing commission shall remain with the commissions listed in this subsection. **For appeals pursuant to chapter 236, chapter 256, section 260.235, or section 260.249, the administrative hearing commission shall render a final decision rather than a recommended decision.** The administrative hearing commission may render **[**a**]** **its** recommended **or** final decision after hearing or through stipulation, consent order, agreed settlement or by disposition in the nature of default judgment, judgment on the pleadings, or summary determination, consistent with the requirements of this subsection and the rules and procedures of the administrative hearing commission.

2. Except as otherwise provided by law, any person or entity who is a party to, or who is aggrieved or adversely affected by, any finding, order, decision, or assessment for which the authority to hear appeals was transferred to the administrative hearing commission in subsection 1 of this section may file a notice of appeal with the administrative hearing commission within thirty days after any such finding, order, decision, or assessment is placed in the United States mail or within thirty days of any such finding, order, decision, or assessment being delivered, whichever is earlier. Within ninety days after the date on which the notice of appeal is filed the administrative hearing commission may hold hearings**,** and within one hundred twenty days after the date on which the notice of appeal is filed shall make a recommended decision **[**based on those hearings or shall make a recommended decision based on stipulation of the parties, consent order, agreed settlement or by disposition in the nature of default judgment, judgment on the pleadings, or summary determination**] , or a final decision where applicable**, in accordance with the requirements of this **[**subsection**]** **section** and the rules and procedures of the

administrative hearing commission; provided, however, that the dates by which the administrative hearing commission is required to hold hearings and make a recommended decision may be extended at the sole discretion of the permittee as either petitioner or intervenor in the appeal.

3. Any decision by the director of the department of natural resources that may be appealed as provided in subsection 1 of this section shall contain a notice of the right of appeal in substantially the following language: "If you were adversely affected by this decision, you may **be entitled to pursue an** appeal **[**to have the matter heard by**]** **before** the administrative hearing commission. To appeal, you must file a petition with the administrative hearing commission within thirty days after the date this decision was mailed or the date it was delivered, whichever date was earlier. If any such petition is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed; if it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the administrative hearing commission.". Within fifteen days after the administrative hearing commission renders **[**its**]** **a** recommended decision, it shall transmit the record and a transcript of the proceedings, together with the administrative hearing commission's recommended decision to the commission having authority to issue a final decision. The final decision of the commission shall be issued within one hundred eighty days of the date the notice of appeal in subsection 2 of this section is filed and shall be based only on the facts and evidence in the hearing record; provided, however, that the date by which the commission is required to issue a final decision may be extended at the sole discretion of the permittee as either petitioner or intervenor in the appeal. The commission may adopt the recommended decision as its final decision. The commission may change a finding of fact or conclusion of law made by the administrative hearing commission, or may vacate or modify the recommended decision issued by the administrative hearing commission, only if the commission states in writing the specific reason for a change made under this subsection.

4. In the event the person filing the appeal prevails in any dispute under this section, interest shall be allowed upon any amount found to have been wrongfully collected or erroneously paid at the rate established by the director of the department of revenue under section 32.065.

5. Appropriations shall be made from the respective funds of the **[**various commissions**]** **department of natural resources** to cover the administrative hearing commission's costs associated with these appeals.

6. In all matters heard by the administrative hearing commission under this section, the burden of proof shall comply with section 640.012. The hearings shall be conducted by the administrative hearing commission in accordance with the provisions of chapter 536 and its regulations promulgated thereunder.

7. No cause of action or appeal arising out of any finding, order, decision, or assessment of any of the commissions listed in subsection 1 of this section shall accrue in any court unless the party seeking to file such cause of action or appeal shall have filed a notice of appeal and received a final decision in accordance with the provisions of this section.

640.010. DEPARTMENT CREATED — DIRECTOR, APPOINTMENT, POWERS, DUTIES — TRANSFER OF CERTAIN AGENCIES. — 1. There is hereby created a department of natural resources in charge of a director appointed by the governor, by and with the advice and consent of the senate. The director shall administer the programs assigned to the department relating to environmental control and the conservation and management of natural resources. The director shall coordinate and supervise all staff and other personnel assigned to the department. He shall faithfully cause to be executed all policies established by the boards and commissions assigned to the department, be subject to their decisions as to all substantive and procedural rules and his **or her** decisions shall be subject to appeal **[**to the board or commission on request of the board or commission or by affected parties**]** **as provided by law**. The director shall recommend

policies to the various boards and commissions assigned to the department to achieve effective and coordinated environmental control and natural resource conservation policies.

2. The director shall appoint directors of staff to service each of the policy making boards or commissions assigned to the department. Each director of staff shall be qualified by education, training and experience in the technical matters of the board to which he is assigned and his **or her** appointment shall be approved by the board to which he is assigned and he shall be removed or reassigned on their request in writing to the director of the department. All other employees of the department and of each board and commission assigned to the department shall be appointed by the director of the department in accord with chapter 36, and shall be assigned and may be reassigned as required by the director of the department in such a manner as to provide optimum service, efficiency and economy.

3. The air conservation commission, chapter 203 and others, the clean water commission, chapter 204 and others, are transferred by type II transfer to the department of natural resources. The governor shall appoint the members of these bodies in accord with the laws establishing them, with the advice and consent of the senate. The bodies hereby transferred shall retain all rulemaking and hearing powers allotted by law, as well as those of any bodies transferred to their jurisdiction. All the powers, duties and functions of the state environmental improvement authority, chapter 260 and others, are transferred by type III transfer to the air conservation commission. All the powers, duties and functions of the water resources board, chapter 256 and others, are transferred by type I transfer to the clean water commission and the board is abolished. No member of the clean water commission shall receive or shall have received, during the previous two years from the date of his **or her** appointment, a significant portion of his **or her** income directly or indirectly from permit holders or applicants for a permit under the jurisdiction of the clean water commission. The state park board, chapter 253, is transferred to the department of natural resources by type I transfer.

4. All the powers, duties and functions of the state soil and water districts commission, chapter 278 and others, are transferred by a type II transfer to the department.

5. All the powers, duties and functions of the state geologist, chapter 256 and others, are transferred by type I transfer to the department of natural resources. **[**All the powers, duties and functions of the state land survey authority, chapter 60, are transferred to the department of natural resources by type I transfer and the authority is abolished.**]** All the powers, duties and functions of the state oil and gas council, chapter 259 and others**,** are transferred to the department of natural resources by type II transfer. The director of the department shall appoint a state geologist who shall have the duties to supervise and coordinate the work formerly done by the departments or authorities abolished by this subsection, and shall provide staff services for the state oil and gas council.

6. All the powers, duties and functions of the land reclamation commission, chapter 444 and others, are transferred to the department of natural resources by type II transfer. All necessary personnel required by the commission shall be selected, employed and discharged by the commission. The director of the department shall not have the authority to abolish positions.

7. The functions performed by the division of health in relation to the maintenance of a safe quality of water dispensed to the public, sections 640.100 to 640.115, and others, and for licensing and regulating solid waste management systems and plans are transferred by type I transfer to the department of natural resources.

[8. (1) The state interagency council for outdoor recreation, chapter 258, is transferred to the department of natural resources by type II transfer. The council shall consist of representatives of the following state agencies: department of agriculture; department of conservation; office of administration; department of natural resources; department of economic development; department of social services; department of transportation; and the University of Missouri.

(2) The council shall function as provided in chapter 258, except that the department of natural resources shall provide all staff services as required by the council notwithstanding the

provisions of sections 258.030 and 258.040, and all personnel and property of the council are hereby transferred by type I transfer to the department of natural resources and the office of executive secretary to the council is abolished.**]**

640.012. BURDEN OF PROOF IN CONTESTED CASES HEARD BY ADMINISTRATIVE HEARING COMMISSION, EXCEPTIONS. — In all **[**matters**] contested case administrative appeals** heard by the **[**department of natural resources in this chapter and chapters 260, 278, 444, 643, and 644, the hazardous waste management commission in chapter 260, the state soil and water districts commission in chapter 278, the land reclamation commission in chapter 444, the safe drinking water commission in this chapter, the air conservation commission in chapter 643, and the clean water commission in chapter 644**] administrative hearing commission pursuant to section 621.250**, the burden of proof shall be upon the department of natural resources **[**or the commission that issued**] to demonstrate the lawfulness of** the finding, order, decision or assessment being appealed, except that in matters involving the denial of a permit, license or registration, the burden of proof shall be on the applicant for such permit, license or registration.

640.017. UNIFIED PERMIT SCHEDULE AUTHORIZED FOR ACTIVITIES REQUIRING MULTIPLE PERMITS — DIRECTOR'S DUTIES — PROCEDURE — RULEMAKING AUTHORITY. — 1. **Notwithstanding any other provision of law,** for activities that may require multiple environmental state permits **or certifications**, an applicant may **[**request to coordinate**] directly petition the director for purposes of approving or denying such permits or certifications, and for purposes of coordinating** a unified permit schedule with the department which covers the timing and order to obtain such permits **in a coordinated and streamlined process**. In determining the schedule, the department and applicant shall consider which permits are most critical for the regulated activity, the need for unified public participation for all of the regulated aspects of the permitted activity, the applicant's anticipated staging of construction and financing for the permitted activity, and the applicant's use of innovative environmental approaches or strategies to minimize its environmental impacts.

2. **In order to facilitate a unified and streamlined permitting process, the director shall develop and implement a process to coordinate the processing of multiple environmental permits, certifications, or permit modifications from a single applicant.**

3. The department may initiate the unified permits process for a class of similar activities by notifying any known applicants interested in those regulated activities of the intent to use the unified process. To the extent practicable and consistent with the purposes of this section, the department shall coordinate with interested applicants on the unified permit schedule.

[3.**] 4.** The **[**department**] process developed and implemented by the director** shall **include working with such applicants in an effort to help** determine**, at the earliest stage,** all of the permits required for a specific proposed activity based on information provided by the applicant; additional information regarding the proposed activity may result in different permits being required. The department shall **[**propose**] inform applicants that** a unified permitting schedule **[**to interested applicants**] is available**. Any multiple-permit applicant may decline at any time to have its permits processed in accordance with the schedule and instead proceed **[**in**] on** a permit-by-permit approach. The department shall publicize the order and tentative schedule on the department's internet website.

[4.**] 5.** Following the establishment of a unified permit schedule, the director shall notify the applicant in writing of the order in which the applicant shall obtain permits. The department shall proceed to consider applications accordingly and may only modify the schedule with the consent of the applicant through the date of the public hearing. Each application shall be reviewed by the department based solely on its own merits and compliance with the applicable law.

[5.**]** **6.** The department shall coordinate with the applicant, to the extent possible, to align the unified permit process so that all public meetings or hearings related to the permits are consolidated into one hearing in a location near the facility.

[6.**]** **7.** In furtherance of this section, the director may waive otherwise applicable procedural requirements related to timing as set forth in state environmental laws or rules found in this chapter and chapters **236, 259,** 260, 444, **643,** and 644, so long as:

(1) The public comment periods related to each permit are not shortened; and

(2) The unified permitting schedule does not impair the ability of the applicant or the department to comply with substantive legal requirements related to the permit application.

[7.**]** **8.** The director shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

640.026. ENFORCEMENT AND PENALTIES, LIST OF DOCUMENTS PRODUCED FOR EXTERNAL DISSEMINATION — JCAR REVIEW, CONTENTS. — 1. The department of natural resources shall, by December 1, 2013, and annually thereafter, develop a list of all documents produced for external dissemination, excluding permits, that the department utilizes to implement enforcement actions or penalties levied by the department which have not been established in statute or have not been promulgated pursuant to chapter 536. The list and all documents referenced shall be provided to the joint committee on administrative rules for the purpose of a review, in consultation with the department, to determine if the documents are statements of general applicability that implement, interpret, or prescribe law or policy that should be subject to the rulemaking process prescribed in chapter 536.

2. All documents, excluding permits and rules, produced by the department for external dissemination shall contain:

(1) The name of the department;

(2) The name of the division of the department, if applicable;

(3) The name of the director of the division, if applicable;

(4) The calendar date on which the document was produced; and

(5) A disclosure statement stating: "Nothing in this document may be used to implement any enforcement action or levy any penalty unless promulgated by rule under chapter 536 or authorized by statute.".

3. The list and all documents required by this section to be provided to the joint committee on administrative rules shall be satisfied by providing either physical copies of both a list and all documents, excluding permits, or by providing a list of documents accompanied by a separate uniform resource locator for each listed document.

640.065. REVOLVING SERVICES FUND CREATED, USE OF MONEYS. — 1. The "Department of Natural Resources Revolving Services Fund" is hereby created. All funds received by the department of natural resources from the delivery of services and the sale or resale of maps, plats, reports, studies, records, and other publications and documents, on paper or in electronic format, shall be credited to the fund. The director of the department shall administer the fund. The state treasurer is the custodian of the fund and may approve disbursements from the fund requested by the director of the department. When appropriated, moneys in the fund shall be used to purchase goods, equipment, hardware and software, maintenance and licenses, software and database

development and maintenance, personal services, and other services that will ultimately be used to provide copies of information maintained or provided by the department, reprint maps, publications or other documents requested by governmental agencies or members of the general public; to publish the maps, publications, or other documents; to purchase maps, publications, or other documents for resale; and to pay shipping charges, laboratory services, core library fees, workshop fees, conference fees, and interdivisional cooperative agreements, but for no other purpose.

2. The department of natural resources may produce, reproduce, and sell maps, plats, reports, studies, and records and shall fix the charge therefor. All income received shall be promptly deposited in the state treasury to the credit of the department of natural resources revolving services fund.

3. An unencumbered balance not exceeding one million dollars in the department of natural resources revolving services fund at the end of the fiscal year is exempt from the provisions of section 33.080 relating to the transfer of unexpended balances to the general revenue fund.

4. The department of natural resources shall report all income to and expenditures from such fund on a quarterly basis to the house of representatives budget committee and the senate appropriations committee.

640.075. BROCHURES ON THOMAS HART BENTON MURALS AND CAPITOL ART WORK, PUBLICATION. — The department of natural resources is authorized to gather data, photographs and such other materials as may be necessary and to prepare, edit and publish from time to time, as deemed necessary, copies of a brochure on the Thomas Hart Benton murals in the house lounge and on other major works of art of the Missouri state capitol. The brochure shall be sold at a price to be set by the department of natural resources. The proceeds from the sale of the brochure shall be deposited in the state treasury to the credit of the natural resources **[**document**]** **revolving** services fund created in section **[**60.595**]** **640.065**.

640.080. E. COLI MEASURING STANDARD — POSTING OF SIGNS WHEN BEACHES EXCEED, LANGUAGE — AUTHORITY TO CLOSE BEACHES. — **1. For Missouri state parks' designated swim beaches, a standard that measures E. coli using the Environmental Protection Agency's Method 1603, or any other equivalent method that measures culturable E. coli, with the geometric mean (GM) of weekly sampling of one hundred ninety colony forming units per one hundred milliliters shall be utilized.**

2. If beaches exceed the GM standard established in subsection 1 of this section, the department of natural resources shall post the beach with signs that state "Swimming is Not Recommended".

3. The department reserves the right to close a beach in the event of a documented health risk including things such as but not limited to wastewater by-pass, extremely high sampling values, spills of hazardous chemicals, or localized outbreaks of an infectious disease.

640.715. NOTIFICATION BY OWNERS OR OPERATORS, INFORMATION REQUIRED — DEPARTMENT TO ISSUE PERMIT, WHEN. — 1. Prior to filing an application to acquire **[**a construction**]** **an operating** permit **for a new or expanded facility** from the department, the owner or operator of any class IA, class IB, or class IC concentrated animal feeding operation shall provide the following information to the department, to the county governing body and to all adjoining property owners of property located within one and one-half times the buffer distance as specified in subsection 2 of section 640.710 for the size of the proposed facility:

(1) The number of animals anticipated at such facility;

(2) The waste handling plan and general layout of the facility;

(3) The location and number of acres of such facility;

(4) Name, address, telephone number and registered agent for further information as it relates to subdivisions (1) to (3) of this subsection;

(5) Notice that the department will accept written comments from the public for a period of thirty days; and

(6) The address of the regional or state office of the department. The department shall require proof of such notification upon accepting an application for **[**a construction**]** **an operating** permit **for a new or expanded facility**. The department shall accept written comments from the public for thirty days after receipt of application for **[**construction**]** **such** permit.

2. The department shall not issue **[**a**]** **an operating** permit to a facility described in subsection 1 of this section to engage in any activity regulated by the department unless the applicant is in compliance with sections 640.700 to 640.755.

3. The department shall issue **[**a**]** **an operating** permit or respond with a letter of comment to the owner or operator of such facility within forty-five days of receiving a completed permit application and verification of compliance with subsection 1 of this section.

640.725. INSPECTION OF FACILITY, WHEN, RECORDS RETENTION PERIOD — AUTOMATIC SHUTOFF SYSTEM REQUIRED. — 1. The owner or operator of any flush system animal waste wet handling facility shall employ one or more persons who shall **once per week** visually inspect the **[**animal waste wet handling facility and lagoons for unauthorized discharge and structural integrity at least every twelve hours with a deviation of not to exceed three hours**]** **gravity outfall lines, recycle pump stations, recycle force mains, and appurtenances for any release to any containment structure required by section 640.730. The owner or operator shall also visually inspect once per day any lagoon whose water level is less than twelve inches from the emergency spillway**. The owner or operator of the facility shall keep records of each inspection. Such records shall be retained for three years. The department shall provide or approve a form provided by the owner or operator for each facility for such inspections.

2. All new construction permits for flush system animal waste wet handling facilities shall have an electronic or mechanical shutoff of the system in the event of pipe stoppage. As of July 1, 1997, all existing flush system animal waste wet handling facilities shall have, at a minimum, an electronic or mechanical shutoff of the system in the event of pipe stoppage or backflow.

643.079. FEES, AMOUNT — DEPOSIT OF MONEYS, WHERE, SUBACCOUNT TO BE MAINTAINED — CIVIL ACTION FOR FAILURE TO REMIT FEES, EFFECT UPON PERMIT — AGENCIES, DETERMINATION OF FEES — FEE STRUCTURE REVIEW. — 1. Any air contaminant source required to obtain a permit issued under sections 643.010 to 643.355 shall pay annually beginning April 1, 1993, a fee as provided herein. For the first year the fee shall be twenty-five dollars per ton of each regulated air contaminant emitted. Thereafter, the fee shall be set every three years by the commission by rule and shall be at least twenty-five dollars per ton of regulated air contaminant emitted but not more than forty dollars per ton of regulated air contaminant emitted in the previous calendar year. If necessary, the commission may make annual adjustments to the fee by rule. The fee shall be set at an amount consistent with the need to fund the reasonable cost of administering sections 643.010 to 643.355, taking into account other moneys received pursuant to sections 643.010 to 643.355. For the purpose of determining the amount of air contaminant emissions on which the fees authorized under this section are assessed, a facility shall be considered one source under the definition of subsection 2 of section 643.078, except that a facility with multiple operating permits shall pay the emission fees authorized under this section separately for air contaminants emitted under each individual permit.

2. A source which produces charcoal from wood shall pay an annual emission fee under this subsection in lieu of the fee established in subsection 1 of this section. The fee shall be based upon a maximum fee of twenty-five dollars per ton and applied upon each ton of regulated air

contaminant emitted for the first four thousand tons of each contaminant emitted in the amount established by the commission pursuant to subsection 1 of this section, reduced according to the following schedule:

(1) For fees payable under this subsection in the years 1993 and 1994, the fee shall be reduced by one hundred percent;

(2) For fees payable under this subsection in the years 1995, 1996 and 1997, the fee shall be reduced by eighty percent;

(3) For fees payable under this subsection in the years 1998, 1999 and 2000, the fee shall be reduced by sixty percent.

3. The fees imposed in subsection 2 of this section shall not be imposed or collected after the year 2000 unless the general assembly reimposes the fee.

4. Each air contaminant source with a permit issued under sections 643.010 to 643.355 shall pay the fee for the first four thousand tons of each regulated air contaminant emitted each year but no air contaminant source shall pay fees on total emissions of regulated air contaminants in excess of twelve thousand tons in any calendar year. A permitted air contaminant source which emitted less than one ton of all regulated pollutants shall pay a fee equal to the amount per ton set by the commission. An air contaminant source which pays emission fees to a holder of a certificate of authority issued pursuant to section 643.140 may deduct such fees from any amount due under this section. The fees imposed in this section shall not be applied to carbon oxide emissions. The fees imposed in subsection 1 and this subsection shall not be applied to sulfur dioxide emissions from any Phase I affected unit subject to the requirements of Title IV, Section 404, of the federal Clean Air Act, as amended, 42 U.S.C. 7651, et seq., any sooner than January 1, 2000. The fees imposed on emissions from Phase I affected units shall be consistent with and shall not exceed the provisions of the federal Clean Air Act, as amended, and the regulations promulgated thereunder. Any such fee on emissions from any Phase I affected unit shall be reduced by the amount of the service fee paid by that Phase I affected unit pursuant to subsection 8 of this section in that year. Any fees that may be imposed on Phase I sources shall follow the procedures set forth in subsection 1 and this subsection and shall not be applied retroactively.

5. Moneys collected under this section shall be transmitted to the director of revenue for deposit in appropriate subaccounts of the natural resources protection fund created in section 640.220. A subaccount shall be maintained for fees paid by air contaminant sources which are required to be permitted under Title V of the federal Clean Air Act, as amended, 42 U.S.C. Section 7661, et seq., and used, upon appropriation, to fund activities by the department to implement the operating permits program authorized by Title V of the federal Clean Air Act, as amended. Another subaccount shall be maintained for fees paid by air contaminant sources which are not required to be permitted under Title V of the federal Clean Air Act as amended, and used, upon appropriation, to fund other air pollution control program activities. Another subaccount shall be maintained for service fees paid under subsection 8 of this section by Phase I affected units which are subject to the requirements of Title IV, Section 404, of the federal Clean Air Act Amendments of 1990, as amended, 42 U.S.C. 7651, and used, upon appropriation, to fund air pollution control program activities. The provisions of section 33.080 to the contrary notwithstanding, moneys in the fund shall not revert to general revenue at the end of each biennium. Interest earned by moneys in the subaccounts shall be retained in the subaccounts. The per-ton fees established under subsection 1 of this section may be adjusted annually, consistent with the need to fund the reasonable costs of the program, but shall not be less than twenty-five dollars per ton of regulated air contaminant nor more than forty dollars per ton of regulated air contaminant. The first adjustment shall apply to moneys payable on April 1, 1994, and shall be based upon the general price level for the twelve-month period ending on August thirty-first of the previous calendar year.

6. The department may initiate a civil action in circuit court against any air contaminant source which has not remitted the appropriate fees within thirty days. In any judgment against

the source, the department shall be awarded interest at a rate determined pursuant to section 408.030 and reasonable attorney's fees. In any judgment against the department, the source shall be awarded reasonable attorney's fees.

7. The department shall not suspend or revoke a permit for an air contaminant source solely because the source has not submitted the fees pursuant to this section.

8. Any Phase I affected unit which is subject to the requirements of Title IV, Section 404, of the federal Clean Air Act, as amended, 42 U.S.C. 7651, shall pay annually beginning April 1, 1993, and terminating December 31, 1999, a service fee for the previous calendar year as provided herein. For the first year, the service fee shall be twenty-five thousand dollars for each Phase I affected generating unit to help fund the administration of sections 643.010 to 643.355. Thereafter, the service fee shall be annually set by the commission by rule, following public hearing, based on an annual allocation prepared by the department showing the details of all costs and expenses upon which such fees are based consistent with the department's reasonable needs to administer and implement sections 643.010 to 643.355 and to fulfill its responsibilities with respect to Phase I affected units, but such service fee shall not exceed twenty-five thousand dollars per generating unit. Any such Phase I affected unit which is located on one or more contiguous tracts of land with any Phase II generating unit that pays fees under subsection 1 or subsection 2 of this section shall be exempt from paying service fees under this subsection. A "contiguous tract of land" shall be defined to mean adjacent land, excluding public roads, highways and railroads, which is under the control of or owned by the permit holder and operated as a single enterprise.

9. The department of natural resources shall determine the fees due pursuant to this section by the state of Missouri and its departments, agencies and institutions, including two- and four-year institutions of higher education. The director of the department of natural resources shall forward the various totals due to the joint committee on capital improvements and the directors of the individual departments, agencies and institutions. The departments, as part of the budget process, shall annually request by specific line item appropriation funds to pay said fees and capital funding for projects determined to significantly improve air quality. If the general assembly fails to appropriate funds for emissions fees as specifically requested, the departments, agencies and institutions shall pay said fees from other sources of revenue or funds available. The state of Missouri and its departments, agencies and institutions may receive assistance from the small business technical assistance program established pursuant to section 643.173.

10. The director of the department of natural resources may conduct a comprehensive review of the fee structure set forth in this section. The comprehensive review shall include stakeholder meetings in order to solicit stakeholder input from each of the following groups: electric utilities, mineral and metallic mining and processing facilities, cement kiln representatives, and any other interested industrial or business entities or interested parties. Upon completion of the comprehensive review, the department shall submit proposed changes to the fee structure with stakeholder agreement to the air conservation commission. The commission shall, upon receiving the department's recommendations, review such recommendations at the forthcoming regular or special meeting. The commission shall review fee structure recommendations from the department. The commission shall not take a vote on the fee structure recommendations until the following regular or special meeting. If the commission approves, by vote of two-thirds majority or five of seven commissioners, the fee structure recommendations, the commission shall promulgate by regulation and publish the recommended fee structure no later than October first of the same year. The commission shall file the order of rulemaking for such rule with the joint committee on administrative rules pursuant to sections 536.021 and 536.024 no later than December first of the same year. If such rules are not disapproved by the general assembly in the manner set out below, they shall take effect on January first of the next odd-numbered year and the fee structure set out in this section shall expire upon the effective date of the commission adopted fee structure. Any

regulation promulgated under this subsection shall be deemed to be beyond the scope and authority provided in this subsection, or detrimental to permit applicants, if the general assembly, within the first sixty calendar days of the regular session immediately following the promulgation of such regulation, by concurrent resolution, shall disapprove the fee structure contained in such regulation. If the general assembly so disapproves any regulation promulgated under this subsection, the air conservation commission shall continue to use the fee structure set forth in the most recent preceding regulation promulgated under this subsection. This subsection shall expire on August 28, 2023.

644.029. NEW WATER QUALITY REQUIREMENTS, GRANDFATHERING PROVISION. — The department shall allow an appropriate schedule of compliance for a permittee to make upgrades or changes to its facilities that are necessary to meet new water quality requirements. For publicly owned treatment works, schedules of compliance shall be consistent with affordability findings made under section 644.145. For privately owned treatment works, schedules of compliance shall be negotiated with the facilities recognizing their financial capabilities and shall reflect statewide performance expectations. The department shall incorporate new water quality requirements into existing permits at the time of permit renewal unless there are compelling reasons to implement these requirements earlier through permit modifications.

All new permit applicants may be required to meet any new water quality standards or classifications prescribed by the commission.

644.051. PROHIBITED ACTS — PERMITS REQUIRED, WHEN, FEE — BOND REQUIRED OF PERMIT HOLDERS, WHEN — PERMIT APPLICATION PROCEDURES — RULEMAKING — LIMITATION ON USE OF PERMIT FEE MONEYS — PERMIT SHIELD PROVISIONS. — 1. It is unlawful for any person:

(1) To cause pollution of any waters of the state or to place or cause or permit to be placed any water contaminant in a location where it is reasonably certain to cause pollution of any waters of the state;

(2) To discharge any water contaminants into any waters of the state which reduce the quality of such waters below the water quality standards established by the commission;

(3) To violate any pretreatment and toxic material control regulations, or to discharge any water contaminants into any waters of the state which exceed effluent regulations or permit provisions as established by the commission or required by any federal water pollution control act;

(4) To discharge any radiological, chemical, or biological warfare agent or high-level radioactive waste into the waters of the state.

2. It shall be unlawful for any person to **[**build, erect, alter, replace,**]** operate, use or maintain any water contaminant or point source in this state that is subject to standards, rules or regulations promulgated pursuant to the provisions of sections 644.006 to 644.141 unless such person holds **[**a**]** **an operating** permit from the commission, subject to such exceptions as the commission may prescribe by rule or regulation. However, no **operating** permit shall be required of any person for any emission into publicly owned treatment facilities or into publicly owned sewer systems tributary to publicly owned treatment works.

3. **[**Every proposed water contaminant or point source which, when constructed or installed or established, will be subject to any federal water pollution control act or sections 644.006 to 644.141 or regulations promulgated pursuant to the provisions of such act shall make application to the director for a permit at least thirty days prior to the initiation of construction or installation or establishment. Every water contaminant or point source in existence when regulations or sections 644.006 to 644.141 become effective shall make application to the director for a permit within sixty days after the regulations or sections 644.006 to 644.141 become effective, whichever shall be earlier. The director shall promptly investigate each

application, which investigation shall include such hearings and notice, and consideration of such comments and recommendations as required by sections 644.006 to 644.141 and any federal water pollution control act. If the director determines that the source meets or will meet the requirements of sections 644.006 to 644.141 and the regulations promulgated pursuant thereto, the director shall issue a permit with such conditions as he or she deems necessary to ensure that the source will meet the requirements of sections 644.006 to 644.141 and any federal water pollution control act as it applies to sources in this state. If the director determines that the source does not meet or will not meet the requirements of either act and the regulations pursuant thereto, the director shall deny the permit pursuant to the applicable act and issue any notices required by sections 644.006 to 644.141 and any federal water pollution control act**] It shall be unlawful for any person to construct, build, replace or make major modification to any point source or collection system that is principally designed to convey or discharge human sewage to waters of the state, unless such person obtains a construction permit from the commission, except as provided in this section. The following activities shall be excluded from construction permit requirements:**

(1) Facilities greater than one million gallons per day that are authorized through a local supervised program, and are not receiving any department financial assistance;

(2) All sewer extensions or collection projects that are one thousand feet in length or less with fewer than two lift stations;

(3) All sewer collection projects that are authorized through a local supervised program; and

(4) Any other exclusions the commission may promulgate by rule.

However, nothing shall prevent the department from taking action to assure protection of the environment and human health. A construction permit may be required where necessary as determined by the department, including the following:

(a) Substantial deviation from the commission's design standards;

(b) To correct noncompliance;

(c) When an unauthorized discharge has occurred or has the potential to occur; or

(d) To correct a violation of water quality standards.

In addition, any point source that proposes to construct an earthen storage structure to hold, convey, contain, store or treat domestic, agricultural, or industrial process wastewater also shall be subject to the construction permit provisions of this subsection. All other construction-related activities at point sources shall be exempt from the construction permit requirements. All activities that are exempted from the construction permit requirement are subject to the following conditions:

a. Any point source system designed to hold, convey, contain, store or treat domestic, agricultural or industrial process wastewater shall be designed by a professional engineer registered in Missouri in accordance with the commission's design rules;

b. Such point source system shall be constructed in accordance with the registered professional engineer's design and plans; and

c. Such point source system may receive a post-construction site inspection by the department prior to receiving operating permit approval. A site inspection may be performed by the department, upon receipt of a complete operating permit application or submission of an engineer's statement of work complete.

A governmental unit may apply to the department for authorization to operate a local supervised program, and the department may authorize such a program. A local supervised program would recognize the governmental unit's engineering capacity and ability to conduct engineering work, supervise construction and maintain compliance with relevant operating permit requirements.

4. Before issuing **[**a permit to build or enlarge a water contaminant or point source or reissuing any permit**] any permit required by this section**, the director shall issue such notices, conduct such hearings, and consider such factors, comments and recommendations as required by sections 644.006 to 644.141 or any federal water pollution control act. The director shall determine if any state or any provisions of any federal water pollution control act the state is required to enforce, any state or federal effluent limitations or regulations, water quality-related effluent limitations, national standards of performance, toxic and pretreatment standards, or water quality standards which apply to the source, or any such standards in the vicinity of the source, are being exceeded, and shall determine the impact on such water quality standards from the source. The director, in order to effectuate the purposes of sections 644.006 to 644.141, shall deny a permit if the source will violate any such acts, regulations, limitations or standards or will appreciably affect the water quality standards or the water quality standards are being substantially exceeded, unless the permit is issued with such conditions as to make the source comply with such requirements within an acceptable time schedule.

5. The director shall grant or deny the permit within sixty days after all requirements of the Federal Water Pollution Control Act concerning issuance of permits have been satisfied unless the application does not require any permit pursuant to any federal water pollution control act. The director or the commission may require the applicant to provide and maintain such facilities or to conduct such tests and monitor effluents as necessary to determine the nature, extent, quantity or degree of water contaminant discharged or released from the source, establish and maintain records and make reports regarding such determination.

6. The director shall promptly notify the applicant in writing of his or her action and if the permit is denied state the reasons therefor. The applicant may appeal to the commission from the denial of a permit or from any condition in any permit by filing notice of appeal with the commission within thirty days of the notice of denial or issuance of the permit. After a final action is taken on a new or reissued general permit, a potential applicant for the general permit who can demonstrate that he or she is or may be adversely affected by any permit term or condition may appeal the terms and conditions of the general permit within thirty days of the department's issuance of the general permit. In no event shall a permit constitute permission to violate the law or any standard, rule or regulation promulgated pursuant thereto.

7. In any hearing held pursuant to this section that involves a permit, license, or registration, the burden of proof is on the party specified in section 640.012. Any decision of the commission made pursuant to a hearing held pursuant to this section is subject to judicial review as provided in section 644.071.

8. In any event, no permit issued pursuant to this section shall be issued if properly objected to by the federal government or any agency authorized to object pursuant to any federal water pollution control act unless the application does not require any permit pursuant to any federal water pollution control act.

9. Permits may be modified, reissued, or terminated at the request of the permittee. All requests shall be in writing and shall contain facts or reasons supporting the request.

10. No manufacturing or processing plant or operating location shall be required to pay more than one operating fee. Operating permits shall be issued for a period not to exceed five years after date of issuance, except that general permits shall be issued for a five-year period, and also except that neither a construction nor an annual permit shall be required for a single residence's waste treatment facilities. Applications for renewal of a site-specific operating permit shall be filed at least one hundred eighty days prior to the expiration of the existing permit. Applications seeking to renew coverage under a general permit shall be submitted at least thirty days prior to the expiration of the general permit, unless the permittee has been notified by the director that an earlier application must be made. General permits may be applied for and issued electronically once made available by the director.

11. Every permit issued to municipal or any publicly owned treatment works or facility shall require the permittee to provide the clean water commission with adequate notice of any

substantial new introductions of water contaminants or pollutants into such works or facility from any source for which such notice is required by sections 644.006 to 644.141 or any federal water pollution control act. Such permit shall also require the permittee to notify the clean water commission of any substantial change in volume or character of water contaminants or pollutants being introduced into its treatment works or facility by a source which was introducing water contaminants or pollutants into its works at the time of issuance of the permit. Notice must describe the quality and quantity of effluent being introduced or to be introduced into such works or facility by a source which was introducing water contaminants or pollutants into its works at the time of issuance of the permit. Notice must describe the quality and quantity of effluent being introduced or to be introduced into such works or facility and the anticipated impact of such introduction on the quality or quantity of effluent to be released from such works or facility into waters of the state.

12. The director or the commission may require the filing or posting of a bond as a condition for the issuance of permits for construction of temporary or future water treatment facilities or facilities that utilize innovative technology for wastewater treatment in an amount determined by the commission to be sufficient to ensure compliance with all provisions of sections 644.006 to 644.141, and any rules or regulations of the commission and any condition as to such construction in the permit. For the purposes of this section, "innovative technology for wastewater treatment" shall mean a completely new and generally unproven technology in the type or method of its application that bench testing or theory suggest has environmental, efficiency, and cost benefits beyond the standard technologies. No bond shall be required for designs approved by any federal agency or environmental regulatory agency of another state. The bond shall be signed by the applicant as principal, and by a corporate surety licensed to do business in the state of Missouri and approved by the commission. The bond shall remain in effect until the terms and conditions of the permit are met and the provisions of sections 644.006 to 644.141 and rules and regulations promulgated pursuant thereto are complied with.

13. (1) The department shall issue or deny applications for construction and site-specific operating permits received after January 1, 2001, within one hundred eighty days of the department's receipt of an application. For general construction and operating permit applications received after January 1, 2001, that do not require a public participation process, the department shall issue or deny the permits within sixty days of the department's receipt of an application. For an application seeking coverage under a renewed general permit that does not require an individual public participation process, the director shall issue or deny the permit within sixty days of the director's receipt of the application, or upon issuance of the general permit, whichever is later. In regard to an application seeking coverage under an initial general permit that does not require an individual public participation process, the director shall issue or deny the permit within sixty days of the department's receipt of the application. For an application seeking coverage under a renewed general permit that requires an individual public participation process, the director shall issue or deny the permit within ninety days of the director's receipt of the application, or upon issuance of the general permit, whichever is later. In regard to an application for an initial general permit that requires an individual public participation process, the director shall issue or deny the permit within ninety days of the director's receipt of the application.

(2) If the department fails to issue or deny with good cause a construction or operating permit application within the time frames established in subdivision (1) of this subsection, the department shall refund the full amount of the initial application fee within forty-five days of failure to meet the established time frame. If the department fails to refund the application fee within forty-five days, the refund amount shall accrue interest at a rate established pursuant to section 32.065.

(3) Permit fee disputes may be appealed to the commission within thirty days of the date established in subdivision (2) of this subsection. If the applicant prevails in a permit fee dispute appealed to the commission, the commission may order the director to refund the applicant's

permit fee plus interest and reasonable attorney's fees as provided in sections 536.085 and 536.087. A refund of the initial application or annual fee does not waive the applicant's responsibility to pay any annual fees due each year following issuance of a permit.

(4) No later than December 31, 2001, the commission shall promulgate regulations defining shorter review time periods than the time frames established in subdivision (1) of this subsection, when appropriate, for different classes of construction and operating permits. In no case shall commission regulations adopt permit review times that exceed the time frames established in subdivision (1) of this subsection. The department's failure to comply with the commission's permit review time periods shall result in a refund of said permit fees as set forth in subdivision (2) of this subsection. On a semiannual basis, the department shall submit to the commission a report which describes the different classes of permits and reports on the number of days it took the department to issue each permit from the date of receipt of the application and show averages for each different class of permits.

(5) During the department's technical review of the application, the department may request the applicant submit supplemental or additional information necessary for adequate permit review. The department's technical review letter shall contain a sufficient description of the type of additional information needed to comply with the application requirements.

(6) Nothing in this subsection shall be interpreted to mean that inaction on a permit application shall be grounds to violate any provisions of sections 644.006 to 644.141 or any rules promulgated pursuant to sections 644.006 to 644.141.

14. The department shall respond to all requests for individual certification under Section 401 of the Federal Clean Water Act within the lesser of sixty days or the allowed response period established pursuant to applicable federal regulations without request for an extension period unless such extension is determined by the commission to be necessary to evaluate significant impacts on water quality standards and the commission establishes a timetable for completion of such evaluation in a period of no more than one hundred eighty days.

15. All permit fees generated pursuant to this chapter shall not be used for the development or expansion of total maximum daily loads studies on either the Missouri or Mississippi rivers.

16. The department shall implement permit shield provisions equivalent to the permit shield provisions implemented by the U.S. Environmental Protection Agency pursuant to the Clean Water Act, Section 402(k), 33 U.S.C. 1342(k), and its implementing regulations, for permits issued pursuant to chapter 644.

17. Prior to the development of a new general permit or reissuance of a general permit for aquaculture, land disturbance requiring a storm water permit, or reissuance of a general permit under which fifty or more permits were issued under a general permit during the immediately preceding five-year period for a designated category of water contaminant sources, the director shall implement a public participation process complying with the following minimum requirements:

(1) For a new general permit or reissuance of a general permit, a general permit template shall be developed for which comments shall be sought from permittees and other interested persons prior to issuance of the general permit;

(2) The director shall publish notice of his intent to issue a new general permit or reissue a general permit by posting notice on the department's website at least one hundred eighty days before the proposed effective date of the general permit;

(3) The director shall hold a public informational meeting to provide information on anticipated permit conditions and requirements and to receive informal comments from permittees and other interested persons. The director shall include notice of the public informational meeting with the notice of intent to issue a new general permit or reissue a general permit under subdivision (2) of this subsection. The notice of the public informational meeting, including the date, time and location, shall be posted on the department's website at least thirty days in advance of the public meeting. If the meeting is being held for reissuance of a general permit, notice shall also be made by electronic mail to all permittees holding the current general

permit which is expiring. Notice to current permittees shall be made at least twenty days prior to the public meeting;

(4) The director shall hold a thirty-day public comment period to receive comments on the general permit template with the thirty-day comment period expiring at least sixty days prior to the effective date of the general permit. Scanned copies of the comments received during the public comment period shall be posted on the department's website within five business days after close of the public comment period;

(5) A revised draft of a general permit template and the director's response to comments submitted during the public comment period shall be posted on the department's website at least forty-five days prior to issuance of the general permit. At least forty-five days prior to issuance of the general permit the department shall notify all persons who submitted comments to the department that these documents have been posted to the department's website;

(6) Upon issuance of a new or renewed general permit, the general permit shall be posted to the department's website.

18. Notices required to be made by the department pursuant to subsection 17 of this section may be made by electronic mail. The department shall not be required to make notice to any permittee or other person who has not provided a current electronic mail address to the department. In the event the department chooses to make material modifications to the general permit before its expiration, the department shall follow the public participation process described in subsection 17 of this section.

19. The provisions of subsection 17 of this section shall become effective beginning January 1, 2013.

644.052. PERMIT TYPES, FEES, AMOUNTS — REQUESTS FOR PERMIT MODIFICATIONS — REQUESTS FOR FEDERAL CLEAN WATER CERTIFICATIONS. — 1. Persons with operating permits or permits by rule issued pursuant to this chapter shall pay fees pursuant to subsections 2 to 8 and 12 to 13 of this section. Persons with a sewer service connection to public sewer systems owned or operated by a city, public sewer district, public water district or other publicly owned treatment works shall pay a permit fee pursuant to subsections 10 and 11 of this section.

2. A privately owned treatment works or an industry which treats only human sewage shall annually pay a fee based upon the design flow of the facility as follows:

(1) One hundred dollars if the design flow is less than five thousand gallons per day;

(2) One hundred fifty dollars if the design flow is equal to or greater than five thousand gallons per day but less than six thousand gallons per day;

(3) One hundred seventy-five dollars if the design flow is equal to or greater than six thousand gallons per day but less than seven thousand gallons per day;

(4) Two hundred dollars if the design flow is equal to or greater than seven thousand gallons per day but less than eight thousand gallons per day;

(5) Two hundred twenty-five dollars if the design flow is equal to or greater than eight thousand gallons per day but less than nine thousand gallons per day;

(6) Two hundred fifty dollars if the design flow is equal to or greater than nine thousand gallons per day but less than ten thousand gallons per day;

(7) Three hundred seventy-five dollars if the design flow is equal to or greater than ten thousand gallons per day but less than eleven thousand gallons per day;

(8) Four hundred dollars if the design flow is equal to or greater than eleven thousand gallons per day but less than twelve thousand gallons per day;

(9) Four hundred fifty dollars if the design flow is equal to or greater than twelve thousand gallons per day but less than thirteen thousand gallons per day;

(10) Five hundred dollars if the design flow is equal to or greater than thirteen thousand gallons per day but less than fourteen thousand gallons per day;

(11) Five hundred fifty dollars if the design flow is equal to or greater than fourteen thousand gallons per day but less than fifteen thousand gallons per day;

(12) Six hundred dollars if the design flow is equal to or greater than fifteen thousand gallons per day but less than sixteen thousand gallons per day;

(13) Six hundred fifty dollars if the design flow is equal to or greater than sixteen thousand gallons per day but less than seventeen thousand gallons per day;

(14) Eight hundred dollars if the design flow is equal to or greater than seventeen thousand gallons per day but less than twenty thousand gallons per day;

(15) One thousand dollars if the design flow is equal to or greater than twenty thousand gallons per day but less than twenty-three thousand gallons per day;

(16) Two thousand dollars if the design flow is equal to or greater than twenty-three thousand gallons per day but less than twenty-five thousand gallons per day;

(17) Two thousand five hundred dollars if the design flow is equal to or greater than twenty-five thousand gallons per day but less than thirty thousand gallons per day;

(18) Three thousand dollars if the design flow is equal to or greater than thirty thousand gallons per day but less than one million gallons per day; or

(19) Three thousand five hundred dollars if the design flow is equal to or greater than one million gallons per day.

3. Persons who produce industrial process wastewater which requires treatment and who apply for or possess a site-specific permit shall annually pay:

(1) Five thousand dollars if the industry is a class IA animal feeding operation as defined by the commission; or

(2) For facilities issued operating permits based upon categorical standards pursuant to the Federal Clean Water Act and regulations implementing such act:

(a) Three thousand five hundred dollars if the design flow is less than one million gallons per day; or

(b) Five thousand dollars if the design flow is equal to or greater than one million gallons per day.

4. Persons who apply for or possess a site-specific permit solely for industrial storm water shall pay an annual fee of:

(1) One thousand three hundred fifty dollars if the design flow is less than one million gallons per day; or

(2) Two thousand three hundred fifty dollars if the design flow is equal to or greater than one million gallons per day.

5. Persons who produce industrial process wastewater who are not included in subsection 2 or 3 of this section shall annually pay:

(1) One thousand five hundred dollars if the design flow is less than one million gallons per day; or

(2) Two thousand five hundred dollars if the design flow is equal to or greater than one million gallons per day.

6. Persons who apply for or possess a general permit shall pay:

(1) Three hundred dollars for the discharge of storm water from a land disturbance site;

(2) Fifty dollars annually for the operation of a chemical fertilizer or pesticide facility;

(3) One hundred fifty dollars for the operation of an animal feeding operation or a concentrated animal feeding operation;

(4) One hundred fifty dollars annually for new permits for the discharge of process water or storm water potentially contaminated by activities not included in subdivisions (1) to (3) of this subsection. Persons paying fees pursuant to this subdivision with existing general permits on August 27, 2000, and persons paying fees pursuant to this subdivision who receive renewed general permits on the same facility after August 27, 2000, shall pay sixty dollars annually;

(5) Up to two hundred fifty dollars annually for the operation of an aquaculture facility.

7. Requests for modifications to state operating permits on entities that charge a service connection fee pursuant to subsection 10 of this section shall be accompanied by a two hundred

dollar fee. The department may waive the fee if it is determined that the necessary modification was either initiated by the department or caused by an error made by the department.

8. Requests for state operating permit modifications other than those described in subsection 7 of this section shall be accompanied by a fee equal to twenty-five percent of the annual operating fee assessed for the facility pursuant to this section. **However, requests for modifications for such operating permits that seek name changes, address changes, or other nonsubstantive changes to the operating permit shall be accompanied by a fee of one hundred dollars.** The department may waive the fee if it is determined that the necessary modification was either initiated by the department or caused by an error made by the department.

9. Persons requesting water quality certifications in accordance with Section 401 of the Federal Clean Water Act shall pay a fee of seventy-five dollars and shall submit the standard application form for a Section 404 permit as administered by the U.S. Army Corps of Engineers or similar information required for other federal licenses and permits, except that the fee is waived for water quality certifications issued and accepted for activities authorized pursuant to a general permit or nationwide permit by the U.S. Army Corps of Engineers.

10. Persons with a direct or indirect sewer service connection to a public sewer system owned or operated by a city, public sewer district, public water district, or other publicly owned treatment works shall pay an annual fee per water service connection as provided in this subsection. Customers served by multiple water service connections shall pay such fee for each water service connection, except that no single facility served by multiple connections shall pay more than a total of seven hundred dollars per year. The fees provided for in this subsection shall be collected by the agency billing such customer for sewer service and remitted to the department. The fees may be collected in monthly, quarterly or annual increments, and shall be remitted to the department no less frequently than annually. The fees collected shall not exceed the amounts specified in this subsection and, except as provided in subsection 11 of this section, shall be collected at the specified amounts unless adjusted by the commission in rules. The annual fees shall not exceed:

(1) For sewer systems that serve more than thirty-five thousand customers, forty cents per residential customer as defined by the provider of said sewer service until such time as the commission promulgates rules defining the billing procedure;

(2) For sewer systems that serve equal to or less than thirty-five thousand but more than twenty thousand customers, fifty cents per residential customer as defined by the provider of said sewer service until such time as the commission promulgates rules defining the billing procedure;

(3) For sewer systems that serve equal to or less than twenty thousand but more than seven thousand customers, sixty cents per residential customer as defined by the provider of said sewer service until such time as the commission promulgates rules defining the billing procedure;

(4) For sewer systems that serve equal to or less than seven thousand but more than one thousand customers, seventy cents per residential customer as defined by the provider of said sewer service until such time as the commission promulgates rules defining the billing procedure;

(5) For sewer systems that serve equal to or less than one thousand customers, eighty cents per residential customer as defined by the provider of said sewer service until such time as the commission promulgates rules defining the billing procedure;

(6) Three dollars for commercial or industrial customers not served by a public water system as defined in chapter 640;

(7) Three dollars per water service connection for all other customers with water service connections of less than or equal to one inch excluding taps for fire suppression and irrigation systems;

(8) Ten dollars per water service connection for all other customers with water service connections of more than one inch but less than or equal to four inches, excluding taps for fire suppression and irrigation systems;

(9) Twenty-five dollars per water service connection for all other customers with water service connections of more than four inches, excluding taps for fire suppression and irrigation systems.

11. Customers served by any district formed pursuant to the provisions of section 30(a) of article VI of the Missouri Constitution shall pay the fees set forth in subsection 10 of this section according to the following schedule:

(1) From August 28, 2000, through September 30, 2001, customers of any such district shall pay fifty percent of such fees; and

(2) Beginning October 1, 2001, customers of any such districts shall pay one hundred percent of such fees.

12. Persons submitting a notice of intent to operate pursuant to a permit by rule shall pay a filing fee of twenty-five dollars.

13. For any general permit issued to a state agency for highway construction pursuant to subdivision (1) of subsection 6 of this section, a single fee may cover all sites subject to the permit.

644.054. FEES, BILLING AND COLLECTION — ADMINISTRATION, GENERALLY — FEES TO BECOME EFFECTIVE, WHEN — FEES TO EXPIRE, WHEN — VARIANCES GRANTED, WHEN — FEE STRUCTURE REVIEW. — 1. Fees imposed in sections 644.052 and 644.053 shall, except for those fees imposed pursuant to subsection 4 and subsections 6 to 13 of section 644.052, become effective October 1, 1990, and shall expire **[**September 1, 2013**]** **December 31, 2018**. Fees imposed pursuant to subsection 4 and subsections 6 to 13 of section 644.052 shall become effective August 28, 2000, and shall expire on **[**September 1, 2013**]** **December 31, 2018**. The clean water commission shall promulgate rules and regulations on the procedures for billing and collection. All sums received through the payment of fees shall be placed in the state treasury and credited to an appropriate subaccount of the natural resources protection fund created in section 640.220. Moneys in the subaccount shall be expended, upon appropriation, solely for the administration of sections 644.006 to 644.141. Fees collected pursuant to subsection 10 of section 644.052 by a city, a public sewer district, a public water district or other publicly owned treatment works are state fees. Five percent of the fee revenue collected shall be retained by the city, public sewer district, public water district or other publicly owned treatment works as reimbursement of billing and collection expenses.

2. The commission may grant a variance pursuant to section 644.061 to reduce fees collected pursuant to section 644.052 for facilities that adopt systems or technologies that reduce the discharge of water contaminants substantially below the levels required by commission rules.

3. Fees imposed in subsections 2 to 6 of section 644.052 shall be due on the date of application and on each anniversary date of permit issuance thereafter until the permit is terminated.

4. The director of the department of natural resources shall conduct a comprehensive review of the fee structure in sections 644.052 and 644.053. The review shall include stakeholder meetings in order to solicit stakeholder input. The director shall submit a report to the general assembly by December 31, 2012, which shall include its findings and a recommended plan for the fee structure. The plan shall also include time lines for permit issuance, provisions for expedited permits, and recommendations for any other improved services provided by the fee funding.

644.057. CLEAN WATER FEE STRUCTURE REVIEW, REQUIREMENTS. — The director of the department of natural resources may conduct a comprehensive review of the clean water fee structure set forth in sections 644.052 and 644.053. The comprehensive review shall include stakeholder meetings in order to solicit stakeholder input from each of the following groups: agriculture, industry, municipalities, public and private wastewater facilities, and the development community. Upon completion of the comprehensive

review, the department shall submit proposed changes to the fee structure with stakeholder agreement to the clean water commission. The commission shall, upon receiving the department's recommendations, review such recommendations at the forthcoming regular or special meeting under subsection 3 of section 644.021. The commission shall not take a vote on the clean water fee structure recommendations until the following regular or special meeting. In no case shall the clean water commission adopt or recommend any clean water fee in excess of five thousand dollars. If the commission approves, by vote of two-thirds majority or five of seven commissioners, the clean water fee structure recommendations, the commission shall promulgate by regulation and publish the recommended clean water fee structure no later than October first of the same year. The commission shall file the order of rulemaking for such rule with the joint committee on administrative rules pursuant to sections 536.021 and 536.024 no later than December first of the same year. If such rules are not disapproved by the general assembly in the manner set out below, they shall take effect on January first of the next odd-numbered year and the fee structures set forth in sections 644.052 and 644.053 shall expire upon the effective date of the commission adopted fee structure, contrary to section 644.054. Any regulation promulgated under this subsection shall be deemed to be beyond the scope and authority provided in this subsection, or detrimental to permit applicants, if the general assembly, within the first sixty calendar days of the regular session immediately following the promulgation of such regulation, by concurrent resolution, shall disapprove the fee structure contained in such regulation. If the general assembly so disapproves any regulation promulgated under this subsection, the clean water commission shall continue to use the fee structure set forth in the most recent preceding regulation promulgated under this subsection. This section shall expire on August 28, 2023.

644.062. PROVISIONAL VARIANCES GRANTED, WHEN — PROCEDURE. — 1. The director may grant provisional variances whenever it is determined, upon application of adequate proof, that compliance on a short-term basis with the limitations prescribed in sections 644.006 to 644.141, or rule, standard, requirement, limitation, or order of the director adopted thereto due to conditions beyond reasonable control such as extended elevated temperatures or extreme drought conditions will result in an arbitrary or unreasonable hardship that exists solely because of the regulatory requirement in question and the costs of compliance are substantial and certain. If the hardship complained of consists solely of the need for a reasonable delay in which to correct a violation of sections 644.006 to 644.141, or rule, standard, requirement, limitation, or order of the director, the director shall condition the grant of such variance upon the posting of sufficient performance bond or other security to assure the completion of the work covered by the variance. In granting such provisional variance, the director shall consider the hardship imposed by requiring compliance on a short-term basis and adverse impacts that may result from granting the provisional variance. The director shall exercise wide discretion in weighing the equities involved and the advantages and disadvantages to the applicant and to those affected by water contaminants emitted by the applicant.

2. Any provisional variance granted by the director under this section shall be for a period not to exceed forty-five days. A provisional variance may be extended by the director up to an additional forty-five days, but in no event longer than ninety days in one calendar year.

3. Any person seeking a provisional variance shall file a petition for a variance with the director describing the conditions or circumstances giving rise to the request for relief. There shall be a two hundred fifty dollar filing fee payable to the state of Missouri with each petition for provisional variance. The director shall promptly investigate the petition and shall take action within fourteen days of the request. If the director denies the petition,

the person may initiate a proceeding under section 644.061. The director may condition any provisional variance as sections 644.006 to 644.141, or rule, standard, requirement, limitation or order of the director may require.

4. If the director grants a provisional variance under this section, he or she shall promptly notify the petitioner and shall file a copy of the written decision with the commission. The commission must maintain, for public inspection, copies of all provisional variances filed with it by the director.

SECTION 1. ANNUAL STAKEHOLDER MEETING IN EACH PARK DISTRICT — STAKEHOLDERS MAY PETITION DIRECTOR, WHEN — STAKEHOLDER DEFINED. — 1. Upon public notice, the division of state parks shall once each year hold a stakeholder meeting in each park district.

2. A stakeholder may petition the director of state parks regarding any policy or park issue that has been presented to the relevant facility manager and district supervisor. The director, or his or her designee, shall respond to the stakeholder within fourteen days and may schedule a stakeholder meeting to determine if action is warranted in response to the petition. If a stakeholder meeting occurs, the director shall notify the stakeholder in writing that either no action is warranted or that specific action will be undertaken within thirty days of the meeting. The decision of the director shall be final and not subject to review.

3. For purposes of this section, "stakeholder" shall mean any person with an interest in the subject matter of the petition who has visited the park in the past sixty days.

SECTION 2. JOINT COMMITTEE ESTABLISHED, MEMBERS, DUTIES, REPORT. — 1. There is hereby established a joint committee of the general assembly, which shall be known as the "Joint Committee on Solid Waste Management District Operations", which shall be composed of five members of the senate, with no more than three members of one party, and five members of the house of representatives, with no more than three members of one party. The senate members of the committee shall be appointed by the president pro tempore of the senate and the house members by the speaker of the house of representatives. The committee shall select either a chairperson or co-chairpersons, one of whom shall be a member of the senate and one a member of the house of representatives. A majority of the members shall constitute a quorum. Meetings of the committee may be called at such time and place as the chairperson or chairpersons designate.

2. The committee shall examine solid waste management district operations, including but not limited to the efficiency, efficacy, and reasonableness of costs and expenses of such districts to Missouri taxpayers.

3. The joint committee may hold hearings as it deems advisable and may obtain any input or information necessary to fulfill its obligations. The committee may make reasonable requests for staff assistance from the research and appropriations staffs of the house and senate and the committee on legislative research, as well as the department of natural resources and representatives of solid waste management districts.

4. The joint committee shall prepare a final report, together with its recommendations for any legislative action deemed necessary, for submission to the general assembly by December 31, 2013, at which time the joint committee shall be dissolved.

5. Members of the committee shall receive no compensation but may be reimbursed for reasonable and necessary expenses associated with the performance of their official duties.

[258.020. AGENCY HEADS TO BE ON COUNCIL. — The member agencies shall be represented on the council by the executive head of the agency. The executive head of any member agency may from time to time authorize any member of the agency's staff to represent it on the council and to fully exercise any of the powers and duties of an agency representative.**]**

[258.030. COUNCIL OFFICERS — APPOINTMENT — DUTIES. — 1. The officers of the council shall be a chairman and vice chairman appointed by the governor from the executive heads of the agencies represented on the council. A chairman may serve more than one term.

2. Duties of the chairman shall be to see that policies and directives of the council are carried out by the executive secretary and to preside at meetings of the council. If the chairman cannot perform the duties, the vice chairman shall assume them.**]**

[260.379. PERMIT NOT TO BE ISSUED, WHEN — NOTICE TO DEPARTMENT OF CERTAIN CRIMES, PENALTY FOR FAILURE TO NOTIFY — REINSTATEMENT, WHEN. — 1. The department of natural resources shall not issue a permit to any person for the operation of any facility or issue any license to any person under the authority of sections 260.350 to 260.434, if such person has had three or more convictions, which convictions occurred after July 9, 1990, and within any five-year period within the courts of the United States or of any state except Missouri or had two or more convictions within a Missouri court after July 9, 1990, and within any five-year period, for any crimes or criminal acts, an element of which involves restraint of trade, price-fixing, intimidation of the customers of any person or for engaging in any other acts which may have the effect of restraining or limiting competition concerning activities regulated under this chapter or similar laws of other states or the federal government; except that convictions for violations by entities purchased or acquired by an applicant or permittee which occurred prior to the purchase or acquisition shall not be included. For the purpose of this section, the term "person" shall include any business organization or entity, successor corporation, partnership or subsidiary of any business organization or entity, and the owners and officers thereof, or the entity submitting the application.

2. The director shall suspend, revoke or not renew the permit or license of any person issued pursuant to sections 260.350 to 260.434, if such person has had two or more convictions in any court of the United States or of any state other than Missouri or two or more convictions within a Missouri court for crimes as specified herein if such conviction occurred after July 9, 1990, and within any five-year period.

3. Any person applying for a permit or license under sections 260.350 to 260.434 shall notify the director of any conviction for any act which would have the effect of limiting competition. Any person with a permit or license shall notify the department of any such conviction within thirty days of the conviction or plea. Failure to notify the director is a class D felony and subject to a fine of one thousand dollars per day for each day unreported.

4. Provided that after a period of five years after a permit has been revoked under the provisions of this section, the person, firm or corporation affected may apply for rehabilitation and reinstatement to the director of the department. The department shall promulgate the necessary rules and regulations for rehabilitation and reinstatement. The time period for same shall not exceed five years.**]**

[260.434. PROPOSED SITES, HAZARDOUS WASTE FACILITIES — DEPARTMENT TO EXAMINE TRANSPORTATION ROUTES — DEPARTMENT TO EXAMINE LOCAL

GOVERNMENT'S CAPABILITY TO RESPOND TO EMERGENCY — INTERAGENCY AGREEMENT. — 1. The department shall assess the transportation system serving a proposed site for a new hazardous waste resource recovery, treatment or disposal facility as a part of its review of the application for a permit. The department shall examine the transportation route or routes to ensure that the design and maintenance of such route or routes provides adequate safety for the public using or living near the route or routes. The department may designate or prohibit specific routes, limit use of approved routes during certain time periods or impose other reasonable restrictions upon the transportation of hazardous waste to or from the facility.

2. The department shall review the capability of local governments near a proposed site to respond to an emergency involving the transportation of hazardous waste or an emergency at the hazardous waste resource recovery, treatment or disposal facility when it reviews an application for a permit. The department shall reassess that capability whenever the operator proposes recovering, treating or disposing of a hazardous waste which is substantially more toxic, corrosive, ignitable or reactive than those wastes approved under the current permit. The department may require the operator to provide supplemental emergency response capability to ensure public safety.

3. The department shall enter into an interagency agreement with the department of transportation and the department of public safety to permit the sharing of information and to assign responsibility for performing the assessment required in this section.**]**

SECTION B. EMERGENCY CLAUSE. — Because immediate action is necessary to ensure an operational clean water fee structure, and to ensure public safety, the enactment of sections 640.080 and 644.057 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of sections 640.080 and 644.057 of this act shall be in full force and effect upon its passage and approval.

Approved July 12, 2013

HB 34 [SS#2 HB 34]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the way that the Department of Labor and Industrial Relations determines the prevailing hourly rate of wages on public work projects

AN ACT to repeal sections 290.210, 290.260, and 290.262, RSMo, and to enact in lieu thereof three new sections relating to prevailing wage.

SECTION

A. Enacting clause.
290.210. Definitions.
290.260. Determination of hourly rate for heavy and highway construction work, when made, where filed, objections, hearing, determination.
290.262. Determination of hourly rate by location and occupation title, when made, where filed — objections, hearings — final determination — notice to department by public body, when.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 290.210, 290.260, and 290.262, are repealed and three new sections enacted in lieu thereof, to be known as sections 290.210, 290.260, and 290.262, to read as follows:

290.210. DEFINITIONS. — As used in sections 290.210 to 290.340, unless the context indicates otherwise:

(1) **"Adjacent county", any Missouri county of the third or fourth classification having a boundary that, at any point, touches any boundary of the locality for which the wage rate is being determined;**

(2) "Collective bargaining agreement" means any written agreement or understanding between an employer or employer association and a labor organization or union which is the exclusive bargaining representative of the employer's or employer association's employees pursuant to the terms of the National Labor Relations Act and which agreement or understanding or predecessor agreement or understanding has been used to determine an occupational title wage rate;

(3) "Construction" includes construction, reconstruction, improvement, enlargement, alteration, painting and decorating, or major repair**[.] ;**

[(2)**] (4)** "Department" means the department of labor and industrial relations**[.] ;**

(5) "Labor organization" or "union" means any entity which has been designated pursuant to the terms of the National Labor Relations Act as the exclusive bargaining representative of employees of employers engaged in the construction industry, which entity or affiliated entity has ever had a collective bargaining agreement which determined an occupational title wage rate;

[(3)**] (6)** "Locality" means the county where the physical work upon public works is performed**[**, except that if there is not available in the county a sufficient number of competent skilled workmen to construct the public works efficiently and properly, "locality" may include two or more counties adjacent to the one in which the work or construction is to be performed and from which such workers may be obtained in sufficient numbers to perform the work, and that, with respect to contracts with the state highways and transportation commission, "locality" may be construed to include two or more adjacent counties from which workmen may be accessible for work on such construction.**] ;**

[(4)**] (7)** "Maintenance work" means the repair, but not the replacement, of existing facilities when the size, type or extent of the existing facilities is not thereby changed or increased**[.] ;**

[(5)**] (8)** "Prevailing hourly rate of wages" means the wages paid generally, in the locality in which the public works is being performed, to workmen engaged in work of a similar character including the basic hourly rate of pay and the amount of the rate of contributions irrevocably made **[**by a contractor or subcontractor to a trustee or to a third person pursuant**]** to a fund, plan or program, and the amount of the rate of costs to the contractor or subcontractor which may be reasonably anticipated in providing benefits to workmen and mechanics pursuant to an enforceable commitment to carry out a financially responsible plan or program which was communicated in writing to the workmen affected, for medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, for unemployment benefits, life insurance, disability and sickness insurance, accident insurance, for vacation and holiday pay, for defraying costs of apprenticeship or other similar programs, or for other bona fide fringe benefits, but only where the contractor or subcontractor is not required by other federal or state law to provide any of the benefits; provided, that the obligation of a contractor or subcontractor to make payment in accordance with the prevailing wage determinations of the department, insofar as sections 290.210 to 290.340 are concerned, may be discharged by the making of payments in cash, by the making of irrevocable contributions **[**to trustees or third persons as provided herein,**]** by the assumption of an enforceable commitment to bear the costs of a plan or program as provided

herein, or any combination thereof, where the aggregate of such payments, contributions and costs is not less than the rate of pay plus the other amounts as provided herein**[.] ;**

[(6)**] (9) "Previous six annual wage order reporting periods" means the current annual wage order reporting period under consideration for wage rate determinations and the five immediately preceding annual wage order reporting period;**

(10) "Public body" means the state of Missouri or any officer, official, authority, board or commission of the state, or other political subdivision thereof, or any institution supported in whole or in part by public funds**[.] ;**

[(7)**] (11)** "Public works" means all fixed works constructed for public use or benefit or paid for wholly or in part out of public funds. It also includes any work done directly by any public utility company when performed by it pursuant to the order of the public service commission or other public authority whether or not it be done under public supervision or direction or paid for wholly or in part out of public funds when let to contract by said utility. It does not include any work done for or by any drainage or levee district**[.] ;**

[(8)**] (12)** "Workmen" means laborers, workmen and mechanics.

290.260. DETERMINATION OF HOURLY RATE FOR HEAVY AND HIGHWAY CONSTRUCTION WORK, WHEN MADE, WHERE FILED, OBJECTIONS, HEARING, DETERMINATION. — 1. The department, as it deems necessary, shall from time to time investigate and determine the prevailing hourly rate of wages **for heavy and highway construction work** in the localities. **In doing so, the department shall accept and consider information regarding local wage rates that is submitted in either paper or electronic formats.** A determination applicable to every locality to be contained in a general wage order shall be made annually on or before July first of each year for the Missouri state highways and transportation commission and shall remain in effect until superseded by a new general wage order. In determining prevailing rates, the department shall ascertain and consider the applicable wage rates established by collective bargaining agreements, if any, and the rates that are paid generally within the locality.

2. A certified copy of the determination so made shall be filed immediately with the secretary of state and with the department in Jefferson City. Copies shall be supplied by the department to all persons requesting them within ten days after the filing.

3. At any time within thirty days after the certified copies of the determinations have been filed with the secretary of state and the department, any person who is affected thereby may object in writing to the determination or the part thereof that he deems objectionable by filing a written notice with the department, stating the specific grounds of the objection.

4. Within thirty days of the receipt of the objection, the department shall set a date for a hearing on the objection. The date for the hearing shall be within sixty days of the receipt of the objection. Written notice of the time and place of the hearing shall be given to the objectors at least ten days prior to the date set for the hearing.

5. The department at its discretion may hear each written objection separately or consolidate for hearing any two or more written objections. At the hearing the department shall first introduce in evidence the investigation it instituted and the other facts which were considered at the time of the original determination which formed the basis for its determination. The department, or the objector, or any interested party, thereafter may introduce any evidence that is material to the issues.

6. Within twenty days of the conclusion of the hearing, the department must rule on the written objection and make the final determination that it believes the evidence warrants. Immediately, the department shall file a certified copy of its final determination with the secretary of state and with the department and shall serve a copy of the final determination on all parties to the proceedings by personal service or by registered mail.

7. This final decision of the department of the prevailing wages in the locality is subject to review in accordance with the provisions of chapter 536. Any person affected, whether or not

the person participated in the proceedings resulting in the final determination, may have the decision of the department reviewed. The filing of the final determination with the secretary of state shall be considered a service of the final determination on persons not participating in the administrative proceedings resulting in the final determination.

8. At any time before trial any person affected by the final determination of the department may intervene in the proceedings to review under chapter 536 and be made a party to the proceedings.

9. All proceedings in any court affecting a determination of the department under the provisions of sections 290.210 to 290.340 shall have priority in hearing and determination over all other civil proceedings pending in the court, except election contests.

290.262. DETERMINATION OF HOURLY RATE BY LOCATION AND OCCUPATION TITLE, WHEN MADE, WHERE FILED — OBJECTIONS, HEARINGS — FINAL DETERMINATION — NOTICE TO DEPARTMENT BY PUBLIC BODY, WHEN. — 1. Except as otherwise provided in section 290.260, the department shall annually **[**investigate and**]** determine the prevailing hourly rate of wages in each locality for each separate occupational title. **In doing so, the department shall accept and consider information regarding local wage rates that is submitted in either paper or electronic formats.** A final determination applicable to every locality to be contained in an annual wage order shall be made annually on or before July first of each year and shall remain in effect until superseded by a new annual wage order or as otherwise provided in this section. **[**In determining prevailing rates, the department shall ascertain and consider the applicable wage rates established by collective bargaining agreements, if any, and the rates that are paid generally within the locality, and**]** **The department** shall, by March tenth of each year, make an initial determination for each occupational title within the locality.

2. **The prevailing wage rate for an occupational title in a locality shall, with the exception of localities that are counties of the third and fourth classification and any county of the second classification with more than fifty-eight thousand but fewer than sixty-five thousand inhabitants, be the wage rate most commonly paid, as measured by the number of hours worked at each wage rate, for that occupational title within that locality. In determining such prevailing wage rates, the department shall ascertain and consider the applicable wage rates established by collective bargaining agreements, if any, when no wages were reported.**

3. With respect only to localities that are counties of the third and fourth classification and any county of the second classification with more than fifty-eight thousand but fewer than sixty-five thousand inhabitants, the prevailing wage rate for an occupational title within such locality shall be determined in the following manner:

(1) The total number of hours worked that are not paid pursuant to a collective bargaining agreement for the time period in that occupational title in the locality and the total number of hours worked that are paid pursuant to a collective bargaining agreement for the time period in that occupational title in the locality shall be considered;

(2) If the total number of hours that are not paid pursuant to a collective bargaining agreement, in the aggregate, exceeds the total number of hours that are paid pursuant to such an agreement, in the aggregate, then the prevailing wage rate shall be the rate most commonly paid that is not paid pursuant to a collective bargaining agreement as measured by the number of hours worked at such rate for that occupational title within the locality;

(3) If the total number of hours that are paid pursuant to a collective bargaining agreement, in the aggregate, exceeds the total number of hours that are not paid pursuant to such an agreement, in the aggregate, then the prevailing wage rate shall be the rate most commonly paid that is paid pursuant to a collective bargaining agreement as measured by the number of hours worked at such rate for that occupational title within the locality;

(4) If no work within a particular occupational title has been performed in a locality at any wage rate, the prevailing wage rate for that occupational title in that locality shall be determined in the following manner:

(a) If wages were reported for an occupational title within a locality within the previous six annual wage order reporting periods and the prevailing wage rate was determined by a collective bargaining agreement by hours worked pursuant to such agreement in the most recent annual wage order reporting period where such wages were reported, then the wage rate paid pursuant to the current collective bargaining agreement shall be the prevailing rate for that occupational title within the locality;

(b) If wages were reported for an occupational title within a locality within the previous six annual wage order reporting periods and the prevailing wage rate was not determined by hours worked pursuant to a collective bargaining agreement in the most recent annual wage order reporting period where such wages were reported, then the wage rate paid in the most recent annual wage order reporting period when such wages were reported shall be the prevailing wage rate for that occupational title within the locality;

(c) If no wages were reported for an occupational title within a locality within the previous six annual wage order reporting periods, the department shall examine hours and wages reported in all adjacent Missouri counties during the same periods. The most recent reported wage rate in a given wage order period in the adjacent Missouri county with the most reported hours actually worked for that occupational title in the wage period during the previous six annual wage order reporting periods shall be used to determine the prevailing wage rate;

(d) If no wages were reported for an occupational title within any adjacent Missouri county within the previous six annual wage order reporting periods, then the rate paid pursuant to the current collective bargaining agreement shall be the prevailing wage rate for that occupational title within the locality.

4. A certified copy of the initial determinations so made shall be filed immediately with the secretary of state and with the department in Jefferson City. Copies shall be supplied by the department to all persons requesting them within ten days after the filing.

[3.**]** **5.** At any time within thirty days after the certified copies of the determinations have been filed with the secretary of state and the department, any person who is affected thereby may object in writing to a determination or a part thereof that he deems objectionable by filing a written notice with the department, stating the specific grounds of the objection. If no objection is filed, the determination is final after thirty days.

[4.**]** **6.** After the receipt of the objection, the department shall set a date for a hearing on the objection. The date for the hearing shall be within sixty days of the receipt of the objection. Written notice of the time and place of the hearing shall be given to the objectors at least ten days prior to the date set for the hearing.

[5.**]** **7.** The department at its discretion may hear each written objection separately or consolidate for hearing any two or more written objections. At the hearing the department shall first introduce in evidence the investigation it instituted and the other facts which were considered at the time of the original determination which formed the basis for its determination. The department, or the objector, or any interested party, thereafter may introduce any evidence that is material to the issues.

[6.**]** **8.** Within twenty days of the conclusion of the hearing, the department shall rule on the written objection and make the final determination that it believes the evidence warrants. Immediately, the department shall file a certified copy of its final determination with the secretary of state and with the department and shall serve a copy of the final determination on all parties to the proceedings by personal service or by registered mail.

[7.**]** **9.** This final decision of the department of the prevailing wages in the locality for each occupational title is subject to review in accordance with the provisions of chapter 536.

Any person affected, whether or not the person participated in the proceedings resulting in the final determination, may have the decision of the department reviewed. The filing of the final determination with the secretary of state shall be considered a service of the final determination on persons not participating in the administrative proceedings resulting in the final determination.

[8.**] 10.** At any time before trial any person affected by the final determination of the department may intervene in the proceedings to review under chapter 536 and be made a party to the proceedings.

[9.**] 11.** Any annual wage order made for a particular occupational title in a locality**, that is based on the number of hours worked under a collective bargaining agreement,** may be altered once each year, as provided in this subsection. The prevailing wage for each such occupational title may be adjusted on the anniversary date of any collective bargaining agreement which covers all persons in that particular occupational title in the locality in accordance with any annual incremental wage increases set in the collective bargaining agreement. If the prevailing wage for an occupational title is adjusted pursuant to this subsection, the employee's representative or employer in regard to such collective bargaining agreement shall notify the department of this adjustment, including the effective date of the adjustment. The adjusted prevailing wage shall be in effect until the next final annual wage order is issued pursuant to this section. The wage rates for any particular job, contracted and commenced within sixty days of the contract date, which were set as a result of the annual or revised wage order, shall remain in effect for the duration of that particular job.

[10.**] 12.** In addition to all other reporting requirements of sections 290.210 to 290.340, each public body which is awarding a contract for a public works project shall, prior to beginning of any work on such public works project, notify the department, on a form prescribed by the department, of the scope of the work to be done, the various types of craftsmen who will be needed on the project, and the date work will commence on the project.

Allowed to go into effect pursuant to Article III, Section 31 of the Missouri Constitution

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HB 58 [SS HCS HB 58]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding portable electronics insurance coverage

AN ACT to repeal section 379.1510, RSMo, and to enact in lieu thereof one new section relating to portable electronics insurance, with an emergency clause.

SECTION

A. Enacting clause.
379.1510. Authorization to sell, vendor responsibilities — eligibility and underwriting standards — supervising business entity to be appointed, purpose — training requirements — collection of charges.
B. Emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Section 379.1510, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 379.1510, to read as follows:

379.1510. AUTHORIZATION TO SELL, VENDOR RESPONSIBILITIES — ELIGIBILITY AND UNDERWRITING STANDARDS — SUPERVISING BUSINESS ENTITY TO BE APPOINTED, PURPOSE — TRAINING REQUIREMENTS — COLLECTION OF CHARGES. — 1. A vendor shall have the

obligation to ensure that every location that is authorized to sell, solicit, or negotiate portable electronics insurance to customers shall have specific brochures **[**and actual policies or certificates of coverage**]** available to prospective customers which:

(1) Disclose that portable electronics insurance may provide a duplication of coverage already provided by a customer's homeowner's, renter's, or other source of coverage**[**, and that the portable electronics insurance coverage is primary over any other collateral coverage**]**;

(2) State that the enrollment by the customer in a portable electronics insurance program is not required in order to purchase or lease portable electronics or services;

(3) Summarize the material terms of the insurance coverage, including:

(a) The identity of the insurer;

(b) The identity of the supervising business entity;

(c) The amount of any applicable deductible and how it is to be paid;

(d) Benefits of the coverage; and

(e) Key terms and conditions of coverage, such as whether portable electronics may be repaired or replaced with similar make and model reconditioned or nonoriginal manufacturer parts or equipment;

(4) Summarize the process for filing a claim, including any requirement to return portable electronics and the maximum fee applicable in the event the customer fails to comply with any equipment return requirements; and

(5) State that the customer may cancel enrollment for coverage under a portable electronics insurance policy at any time and receive a refund of any unearned premium on a pro rata basis.

2. Eligibility and underwriting standards for customers electing to enroll in coverage shall be established for each portable electronics insurance program. Each insurer shall maintain all eligibility and underwriting records for a period of five years. Portable electronics insurance issued under sections 379.1500 to 379.1550 shall be deemed primary coverage over any other collateral coverage **and any policy or certificate of coverage issued subsequent to January 1, 2015, shall contain a disclosure to that effect. A policy or certificate of coverage shall be made available to prospective customers at the point of sale or delivered to an enrolled customer within sixty days from the date a customer enrolls for coverage**.

3. Insurers offering portable electronics insurance coverage through vendors shall appoint a supervising business entity to supervise the administration of the program. The supervising business entity shall be responsible for the development of a training program for employees and authorized representatives of a vendor, and shall include basic instruction about the portable electronics insurance offered to customers and the disclosures required under this section.

4. Insurers and applicable supervising business entities offering portable electronics insurance shall share all complaint, grievance, or inquiries regarding any conduct that is specific to a vendor and that may not comply with applicable state laws and regulations.

5. A supervising business entity shall maintain a registry of vendor locations which are authorized to sell or solicit portable electronics insurance coverage in this state. Upon request by the director and with ten days' notice to the supervising business entity, the registry shall be open to inspection and examination by the director during regular business hours of the supervising business entity.

6. Within thirty days of a supervising business entity terminating a vendor location's appointment to sell or solicit portable electronics insurance, the supervising business entity shall update the registry with the effective date of termination. If a supervising business entity has possession of information relating to any cause for discipline under section 375.141, the supervising business entity shall notify the director of such information in writing. The privileges and immunities applicable to insurers under section 375.022 shall apply to supervising business entities for any information reported under this subsection.

7. The supervising business entity shall not charge a fee for adding or removing a vendor location from the registry.

8. No employee or authorized representative of a vendor shall advertise, represent, or otherwise hold himself or herself out as an insurance producer, unless such employee or authorized representative is otherwise licensed as an insurance producer.

9. The training required in subsection 3 of this section shall be delivered to all employees and authorized representatives of the vendors who are directly engaged in the activity of selling portable electronics insurance in this state. The training may be provided in electronic form. However, if conducted in an electronic form, the supervising business entity shall implement a supplemental education program regarding the portable electronics insurance product that is conducted and overseen by licensed employees of the supervising business entity.

10. The charges for portable electronics insurance coverage may be billed and collected by the vendor. Any charge to the customer that is not included in the cost associated with the purchase or lease of portable electronics or related services shall be separately itemized on the customer's bill. If the portable electronics insurance is included in the purchase or lease of portable electronics or related services, the vendor shall clearly and conspicuously disclose to the customer that the portable electronics insurance coverage is included with the portable electronics or related services. Vendors billing and collecting such charges shall not be required to maintain such funds in a segregated account, provided that the insurer authorized the vendor to hold such funds in an alternative manner and remits such amounts to the supervising business entity within forty-five days of receipt. All funds received by a vendor from a customer for the sale of portable electronics insurance shall be considered funds held in trust by the vendor in a fiduciary capacity for the benefit of the insurer. Vendors shall maintain all records related to the purchase of portable electronics insurance for a period of three years from the date of purchase.

SECTION B. EMERGENCY CLAUSE. — Because of the need to provide efficient notice to customers regarding primary insurance coverage for portable electronics, the repeal and reenactment of section 379.1510 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 379.1510 of this act shall be in full force and effect upon its passage and approval.

Approved June 25, 2013

HB 68 [HB 68]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Designates the month of November as "Pancreatic Cancer Awareness Month" and the last week in October as "Respiratory Syncytial Virus Awareness Week" in Missouri

AN ACT to amend chapter 9, RSMo, by adding thereto two new sections relating to state designations.

SECTION
A. Enacting clause.
9.155. Pancreatic cancer awareness month designated for the month of November.
9.190. Respiratory syncytial virus (RSV) awareness week designated for the last week of October.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Chapter 9, RSMo, is amended by adding thereto two new sections, to be known as sections 9.155 and 9.190, to read as follows:

9.155. PANCREATIC CANCER AWARENESS MONTH DESIGNATED FOR THE MONTH OF NOVEMBER. — The month of November shall be designated as "Pancreatic Cancer Awareness Month" in Missouri. The citizens of the state of Missouri are encouraged to participate in appropriate activities and events to increase awareness of pancreatic cancer, which is incurable and has a low rate of survival due to the advanced stage of the disease when symptoms typically present themselves.

9.190. RESPIRATORY SYNCYTIAL VIRUS (RSV) AWARENESS WEEK DESIGNATED FOR THE LAST WEEK OF OCTOBER. — The last full week in October is hereby designated as "Respiratory Syncytial Virus (RSV) Awareness Week" in the state of Missouri. The citizens of this state are encouraged to observe the week with appropriate activities and events.

Approved May 31, 2013

HB 103 [CCS SCS HB 103]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding transportation

AN ACT to repeal sections 174.700, 174.703, 174.706, 301.301, 301.449, 302.302, 302.341, 302.700, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 470, merged with conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, merged with conference committee substitute for house committee substitute for senate bill no. 568, ninety-sixth general assembly, second regular session, 302.720, 302.735, 302.740, 302.755, 304.013, 304.032, 304.120, 304.180, 304.820, 307.400, 407.300, and 544.157, RSMo, and to enact in lieu thereof thirty-two new sections relating to transportation, with penalty provisions and an emergency clause for a certain section.

SECTION

A. Enacting clause.
174.700. Board of regents and board of governors may appoint necessary police officers.
174.703. Police officers to take oath and be issued certificate of appointment — powers of arrest and other powers — training or experience requirements.
174.706. Boards may appoint guards or watchmen not having authority of police officers.
174.709. Vehicular traffic, control of, governing body may regulate — codification — violations, penalty.
174.712. Motor vehicles on campus subject to general motor vehicle laws of Missouri.
301.301. Stolen license plate tabs, replacement at no cost, when, procedure, limitation.
301.449. Colleges and universities emblems on licenses, procedure to use — contribution to institution — fee for special license plate.
302.302. Point system — assessment for violation — assessment of points stayed, when, procedure.
302.341. Moving traffic violation, failure to prepay fine or appear in court, license suspended, procedure — excessive revenue from fines to be distributed to schools — definition, state highways.
302.700. Citation of law — definitions.
302.720. Operation without license prohibited, exceptions — instruction permit, use, duration, fee — license, test required, contents, fee — director to promulgate rules and regulations for certification of third-party testers — certain persons prohibited from obtaining license, exceptions — third-party testers, when.
302.735. Application for commercial license, contents, expiration, duration, fees — new resident, application dates — falsification of information, ineligibility for license, when — nonresident commercial license issued, when.

302.740. License, manufacture of, requirements — driving information to be obtained prior to issue of license, notice to commercial driver license information system, when.
302.755. Violations, disqualification from driving, duration, penalties — reapplication procedure.
304.013. All-terrain vehicles, prohibited on highways, rivers or streams of this state, exceptions, operational requirements — special permits — prohibited uses — penalty.
304.032. Utility vehicles, operation on highway and in streams or rivers prohibited — exceptions — passengers prohibited — violations, penalty.
304.120. Municipal regulations — owner or lessor not liable for violations, when.
304.180. Regulations as to weight — axle load, tandem axle defined — idle reduction technology, increase in maximum gross weight permitted, amount — hauling livestock or milk, total gross weight permitted.
304.820. Text messaging while operating a motor vehicle prohibited — exceptions — definitions — violation, penalty.
304.890. Definitions.
304.892. Violations, penalties.
304.894. Offense of endangerment of an emergency responder, elements — penalties.
307.400. Commercial vehicles, equipment and operation, regulations, exceptions — violations, penalty — rulemaking authority.
407.300. Copper wire or cable, catalytic converters, collectors and dealers to keep register, information required — penalty — exempt transactions.
544.157. Law enforcement officers, conservation agents, capitol police, college or university police officers, and park rangers, arrest powers — fresh pursuit defined — policy of agency electing to institute vehicular pursuits.
1. Conveyance of property in Taney County to State Highways and Transportation Commission.
2. Conveyance of property in St. Clair County to State Highways and Transportation Commission.
3. Conveyance of property in Osage County to State Highways and Transportation Commission.
4. Conveyance of property in Madison County to State Highways and Transportation Commission.
5. Conveyance of property in Greene County to State Highways and Transportation Commission.
6. Conveyance of property in Andrew County to State Highways and Transportation Commission.
7. Conveyance of property in Ozark County to State Highways and Transportation Commission.
B. Emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 174.700, 174.703, 174.706, 301.301, 301.449, 302.302, 302.341, 302.700, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 470, merged with conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, merged with conference committee substitute for house committee substitute for senate bill no. 568, ninety-sixth general assembly, second regular session, 302.720, 302.735, 302.740, 302.755, 304.013, 304.032, 304.120, 304.180, 304.820, 307.400, 407.300, and 544.157, RSMo, are repealed and thirty-two new sections enacted in lieu thereof, to be known as sections 174.700, 174.703, 174.706, 174.709, 174.712, 301.301, 301.449, 302.302, 302.341, 302.700, 302.720, 302.735, 302.740, 302.755, 304.013, 304.032, 304.120, 304.180, 304.820, 304.890, 304.892, 304.894, 307.400, 407.300, 544.157, 1, 2, 3, 4, 5, 6, and 7, to read as follows:

174.700. BOARD OF REGENTS AND BOARD OF GOVERNORS MAY APPOINT NECESSARY POLICE OFFICERS. — The board of regents or board of governors of any state college or university may appoint and employ as many college or university police officers as it may deem necessary to **enforce regulations established under section 174.709 and general motor vehicle laws of this state in accordance with section 174.712,** protect persons, property, and to preserve peace and good order only in the public buildings, properties, grounds, and other facilities and locations over which it has charge or control and to respond to emergencies or natural disasters outside of the boundaries of university property and provide services if requested by the law enforcement agency with jurisdiction.

174.703. POLICE OFFICERS TO TAKE OATH AND BE ISSUED CERTIFICATE OF APPOINTMENT — POWERS OF ARREST AND OTHER POWERS — TRAINING OR EXPERIENCE

REQUIREMENTS. — **1.** The college or university police officers, before they enter upon their duties, shall take and subscribe an oath of office before some officer authorized to administer oaths, to faithfully and impartially discharge the duties thereof, which oath shall be filed in the office of the board, and the secretary of the board shall give each college police officer so appointed and qualified a certificate of appointment, under the seal of the board, which certificate shall empower him or her with the same authority to maintain order, preserve peace and make arrests as is now held by peace officers.

2. The college or university police officers shall have the authority to enforce the regulations established in section 174.709 and general motor vehicle laws in accordance with section 174.712 on the campus as prescribed in chapter 304. The college or university police officer may in addition expel from the public buildings, campuses, and grounds, persons violating the rules and regulations that may be prescribed by the board or others under the authority of the board.

3. Such officer or employee of the state college or university as may be designated by the board shall have immediate charge, control and supervision of police officers appointed by authority of this section. Such college or university police officers shall have satisfactorily completed before appointment a training course for police officers as prescribed by chapter 590 for state peace officers or, by virtue of previous experience or training, have met the requirements of chapter 590**, and have been certified under that chapter**.

174.706. BOARDS MAY APPOINT GUARDS OR WATCHMEN NOT HAVING AUTHORITY OF POLICE OFFICERS. — Nothing in sections 174.700 to **[**174.706**]** **174.712** shall be construed as denying the board the right to appoint guards or watchmen who shall not be given the authority and powers authorized by sections 174.700 to **[**174.706**]** **174.712**.

174.709. VEHICULAR TRAFFIC, CONTROL OF, GOVERNING BODY MAY REGULATE — CODIFICATION — VIOLATIONS, PENALTY. — 1. For the purpose of promoting public safety, health, and general welfare and to protect life and property, the board of regents or board of governors of any state college or university may establish regulations to control vehicular traffic, including speed regulations, on any thoroughfare owned or maintained by the state college or university and located within any of its campuses. Such regulations shall be consistent with the provisions of the general motor vehicle laws of this state. Upon adoption of such regulations, the state college or university shall have the authority to place official traffic control signals, as defined in section 300.010, on campus property.

2. The regulations established by the board of regents or board of governors of any state college or university under subsection 1 of this section shall be codified, printed, and distributed for public use. Adequate signs displaying the speed limit shall be posted along such thoroughfares.

3. Violations of any regulation established under this section shall have the same effect as a violation of municipal ordinances adopted under section 304.120, with penalty provisions as provided in section 304.570. Points assessed against any person under section 302.302 for a violation of this section shall be the same as provided for a violation of a county or municipal ordinance.

4. The provisions of this section shall apply only to moving violations.

174.712. MOTOR VEHICLES ON CAMPUS SUBJECT TO GENERAL MOTOR VEHICLE LAWS OF MISSOURI. — All motor vehicles operated upon any thoroughfare owned or maintained by a state college or university and located within any of its campuses shall be subject to the provisions of the general motor vehicle laws of this state, including chapters 301, 302, 303, 304, 307, and 577. Violations shall have the same effect as though such had occurred on public roads, streets, or highways of this state.

301.301. STOLEN LICENSE PLATE TABS, REPLACEMENT AT NO COST, WHEN, PROCEDURE, LIMITATION. — **[**1. Any person replacing a stolen license plate tab issued on or after January 1, 2009, may receive at no cost up to two sets of two license plate tabs per year when the application for the replacement tab is accompanied with a police report that is corresponding with the stolen license plate tab.

2.**]** Any person replacing a stolen license plate tab **[**issued prior to January 1, 2009,**]** may receive at no cost up to two sets of two license plate tabs per year when the application for the replacement tab is accompanied with a notarized affidavit verifying that such license plate tab or tabs were stolen.

301.449. COLLEGES AND UNIVERSITIES EMBLEMS ON LICENSES, PROCEDURE TO USE — CONTRIBUTION TO INSTITUTION — FEE FOR SPECIAL LICENSE PLATE. — **1.** Only a community college or four-year public or private institution of higher education, or a foundation or organization representing the college or institution, located in the state of Missouri may itself authorize or may by the director of revenue be authorized to use the school's official emblem to be affixed on multiyear personalized license plates as provided in this section.

2. Any contribution to such institution derived from this section, except reasonable administrative costs, shall be used for scholarship endowment or other academically related purposes. Any vehicle owner may annually apply to the institution for the use of the emblem. Upon annual application and payment of an emblem-use contribution to the institution, which shall be set by the governing body of the institution at an amount of at least twenty-five dollars, the institution shall issue to the vehicle owner, without further charge, an "emblem-use authorization statement", which shall be presented by the vehicle owner to the department of revenue at the time of registration. Upon presentation of the annual statement and payment of the fee required for personalized license plates in section 301.144, and other fees and documents which may be required by law, the department of revenue shall issue a personalized license plate, which shall bear the seal, emblem or logo of the institution, to the vehicle owner.

3. The license plate authorized by this section shall use the school colors of the institution, and those colors shall be constructed upon the license plate using a process to ensure that the school emblem shall be displayed upon the license plate in the clearest and most attractive manner possible. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. The license plate authorized by this section shall be issued with a design approved by both the institution of higher education and the advisory committee established in section 301.129.

4. A vehicle owner, who was previously issued a plate with an institutional emblem authorized by this section and does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the institutional emblem, as otherwise provided by law.

5. Notwithstanding the provisions of subsection 1 of this section or subsection 1 of section 301.3150, any community college or four-year public or private institution of higher education, or any foundation or organization representing the college or institution, located outside of the state of Missouri, which has authorized the use of its official emblem to be affixed on multiyear personalized license plates and has had its application for a specialty license plate approved by the joint committee on transportation oversight under section 301.3150 prior to August 28, 2012, may continue to authorize the use of its official emblem on such plates. Nothing in subsection 1 of this section shall be construed to prohibit the manufacture or renewal of multiyear personalized license plates bearing out-of-state university, college, or institution of private learning official emblems if such license plates were approved by the joint committee on transportation oversight under section 301.3150 prior to August 28, 2012.

6. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms including establishing a minimum number of license plates which can be issued with the authorized emblem of a participating institution.

302.302. POINT SYSTEM — ASSESSMENT FOR VIOLATION — ASSESSMENT OF POINTS STAYED, WHEN, PROCEDURE. — 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

(1) Any moving violation of a state law or county or municipal or federal traffic ordinance or regulation not listed in this section, other than a violation of vehicle equipment provisions or a court-ordered supervision as provided in section 302.303. . . . . 2 points
(except any violation of municipal stop sign
ordinance where no accident is involved. . . . . 1 point)

(2) Speeding
In violation of a state law. . . . . 3 points
In violation of a county or municipal ordinance. . . . . 2 points

(3) Leaving the scene of an accident
in violation of section 577.060. . . . . 12 points
In violation of any county or municipal ordinance. . . . . 6 points

(4) Careless and imprudent driving in violation of subsection 4 of section 304.016. . . . . 4 points
In violation of a county or municipal ordinance. . . . . 2 points

(5) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020:

(a) For the first conviction. . . . . 2 points
(b) For the second conviction. . . . . 4 points
(c) For the third conviction. . . . . 6 points

(6) Operating with a suspended or revoked license prior to restoration of
operating privileges. . . . . 12 points

(7) Obtaining a license by misrepresentation12 points

(8) For the first conviction of
driving while in an intoxicated condition or under the influence of controlled substances or drugs. . . . . 8 points

(9) For the second or subsequent conviction of any of the following offenses however combined: driving while in an intoxicated condition, driving under the influence of controlled substances or drugs or driving with a blood alcohol content of eight-hundredths of one percent or more by weight. . . . . 12 points

(10) For the first conviction for driving with blood alcohol content eight-hundredths of one percent or more by weight
In violation of state law. . . . . 8 points
In violation of a county or municipal
ordinance or federal law or regulation. . . . . 8 points

(11) Any felony involving the use of a motor vehicle. . . . . 12 points

(12) Knowingly permitting unlicensed operator to operate a motor vehicle. . . . 4 points

(13) For a conviction for failure to maintain financial responsibility pursuant to county or municipal ordinance or pursuant to section 303.025. . . . . 4 points

(14) Endangerment of a highway worker in violation of section 304.585. . . . . 4 points

(15) Aggravated endangerment of a highway worker in violation
of section 304.585. . . . . 12 points

(16) For a conviction of violating a municipal ordinance that prohibits tow truck operators from stopping at or proceeding to the scene of an accident unless they have been

requested to stop or proceed to such scene by a party involved in such accident or by an officer of a public safety agency. . . . . 4 points

(17) Endangerment of an emergency responder in violation of section 304.894. . . . . 4 points

(18) Aggravated endangerment of an emergency responder in violation of section 304.894. . . . . 12 points

2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section 302.020, when the director issues such operator a license or permit pursuant to the provisions of sections 302.010 to 302.340.

3. An additional two points shall be assessed when personal injury or property damage results from any violation listed in subdivisions (1) to (13) of subsection 1 of this section and if found to be warranted and certified by the reporting court.

4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this section constitutes both a violation of a state law and a violation of a county or municipal ordinance, points may be assessed for either violation but not for both. Notwithstanding that an offense arising out of the same occurrence could be construed to be a violation of subdivisions (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for offenses arising out of the same occurrence.

5. The director of revenue shall put into effect a system for staying the assessment of points against an operator. The system shall provide that the satisfactory completion of a driver-improvement program or, in the case of violations committed while operating a motorcycle, a motorcycle-rider training course approved by the state highways and transportation commission, by an operator, when so ordered and verified by any court having jurisdiction over any law of this state or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a commercial motor vehicle as defined in section 302.700 or a violation committed by an individual who has been issued a commercial driver's license or is required to obtain a commercial driver's license in this state or any other state, shall be accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2) or (4) of subsection 1 of this section or pursuant to subsection 3 of this section. A court using a centralized violation bureau established under section 476.385 may elect to have the bureau order and verify completion of a driver-improvement program or motorcycle-rider training course as prescribed by order of the court. For the purposes of this subsection, the driver-improvement program shall meet or exceed the standards of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which occurred during the operation of a motorcycle, the program shall meet the standards established by the state highways and transportation commission pursuant to sections 302.133 to 302.137. The completion of a driver-improvement program or a motorcycle-rider training course shall not be accepted in lieu of points more than one time in any thirty-six-month period and shall be completed within sixty days of the date of conviction in order to be accepted in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions of this subsection shall, within fifteen days after completion of the driver-improvement program or motorcycle-rider training course by an operator, forward a record of the completion to the director, all other provisions of the law to the contrary notwithstanding. The director shall establish procedures for record keeping and the administration of this subsection.

302.341. MOVING TRAFFIC VIOLATION, FAILURE TO PREPAY FINE OR APPEAR IN COURT, LICENSE SUSPENDED, PROCEDURE — EXCESSIVE REVENUE FROM FINES TO BE DISTRIBUTED TO SCHOOLS — DEFINITION, STATE HIGHWAYS. — 1. If a Missouri resident charged with a moving traffic violation of this state or any county or municipality of this state fails to dispose of the charges of which the resident is accused through authorized prepayment

of fine and court costs and fails to appear on the return date or at any subsequent date to which the case has been continued, or without good cause fails to pay any fine or court costs assessed against the resident for any such violation within the period of time specified or in such installments as approved by the court or as otherwise provided by law, any court having jurisdiction over the charges shall within ten days of the failure to comply inform the defendant by ordinary mail at the last address shown on the court records that the court will order the director of revenue to suspend the defendant's driving privileges if the charges are not disposed of and fully paid within thirty days from the date of mailing. Thereafter, if the defendant fails to timely act to dispose of the charges and fully pay any applicable fines and court costs, the court shall notify the director of revenue of such failure and of the pending charges against the defendant. Upon receipt of this notification, the director shall suspend the license of the driver, effective immediately, and provide notice of the suspension to the driver at the last address for the driver shown on the records of the department of revenue. Such suspension shall remain in effect until the court with the subject pending charge requests setting aside the noncompliance suspension pending final disposition, or satisfactory evidence of disposition of pending charges and payment of fine and court costs, if applicable, is furnished to the director by the individual. Upon proof of disposition of charges and payment of fine and court costs, if applicable, and payment of the reinstatement fee as set forth in section 302.304, the director shall return the license and remove the suspension from the individual's driving record if the individual was not operating a commercial motor vehicle or a commercial driver's license holder at the time of the offense. The filing of financial responsibility with the bureau of safety responsibility, department of revenue, shall not be required as a condition of reinstatement of a driver's license suspended solely under the provisions of this section.

2. If any city, town **[**or**] ,** village**, or county** receives more than **[**thirty-five**] thirty** percent of its annual general operating revenue from fines and court costs for traffic violations**, including amended charges from any traffic violation,** occurring **[**on state highways**] within the city, town, village, or county**, all revenues from such violations in excess of **[**thirty-five**] thirty** percent of the annual general operating revenue of the city, town **[**or**] ,** village**, or county** shall be sent to the director of the department of revenue and shall be distributed annually to the schools of the county in the same manner that proceeds of all penalties, forfeitures and fines collected for any breach of the penal laws of the state are distributed. **[**For the purpose of this section the words "state highways" shall mean any state or federal highway, including any such highway continuing through the boundaries of a city, town or village with a designated street name other than the state highway number.**]** The director of the department of revenue shall set forth by rule a procedure whereby excess revenues as set forth above shall be sent to the department of revenue. If any city, town, **[**or**]** village**, or county** disputes a determination that it has received excess revenues required to be sent to the department of revenue, such city, town, **[**or**] ,** village**, or county** may submit to an annual audit by the state auditor under the authority of article IV, section 13 of the Missouri Constitution. **An accounting of the percent of annual general operating revenue from fines and court costs for traffic violations, including amended charges from any charged traffic violation, occurring within the city, town, village, or county and charged in the municipal court of that city, town, village, or county shall be included in the comprehensive annual financial report submitted to the state auditor by the city, town, village, or county under section 105.145. Any city, town, village, or county which fails to make an accurate or timely report, or to send excess revenues from such violations to the director of the department of revenue by the date on which the report is due to the state auditor shall suffer an immediate loss of jurisdiction of the municipal court of said city, town, village, or county on all traffic-related charges until all requirements of this section are satisfied.** Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the

powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

302.700. CITATION OF LAW — DEFINITIONS. — 1. Sections 302.700 to 302.780 may be cited as the "Uniform Commercial Driver's License Act".

2. When used in sections 302.700 to 302.780, the following words and phrases mean:

(1) "Alcohol", any substance containing any form of alcohol, including, but not limited to, ethanol, methanol, propanol and isopropanol;

(2) "Alcohol concentration", the number of grams of alcohol per one hundred milliliters of blood or the number of grams of alcohol per two hundred ten liters of breath or the number of grams of alcohol per sixty-seven milliliters of urine;

(3) **"CDL driver", a person holding or required to hold a commercial driver's license (CDL);**

(4) "CDLIS driver record", the electronic record of the individual commercial driver's status and history stored by the state of record as part of the Commercial Driver's License Information System (CDLIS) established under 49 U.S.C. Section 31309, et seq.;

[(4)**]** **(5)** "CDLIS motor vehicle record (CDLIS MVR)", a report generated from the CDLIS driver record which meets the requirements for access to CDLIS information and is provided by states to users authorized in 49 CFR **[**Part**]** 384, subject to the provisions of the Driver Privacy Protection Act, 18 U.S.C. Sections 2721 to 2725, et seq.;

[(5)**]** **(6)** "Commercial driver's instruction permit", a **commercial learner's** permit issued **[**pursuant to section 302.720**]** **to an individual by a state or other jurisdiction of domicile in accordance with the standards contained in 49 CFR 383, which, when carried with a valid driver's license issued by the same state or jurisdiction, authorizes the individual to operate a class of commercial motor vehicle when accompanied by a holder of a valid commercial driver's license for purposes of behind-the-wheel training. When issued to a commercial driver's license holder, a commercial learner's permit serves as authorization for accompanied behind-the-wheel training in a commercial motor vehicle for which the holder's current commercial driver's license is not valid**;

[(6)**]** **(7)** "Commercial driver's license **(CDL)**", a license issued by this state **or other jurisdiction of domicile in accordance with 49 CFR 383 [**to an individual**]** which authorizes the individual to operate a **class of** commercial motor vehicle;

[(7)**]** **(8)** "Commercial driver's license downgrade", occurs when:

(a) A driver changes the self-certification to interstate, but operates exclusively in transportation or operation excepted from 49 CFR **[**Part**]** 391, as provided in 49 CFR **[**Part**]** 390.3(f), 391.2, 391.68, or 398.3;

(b) A driver changes the self-certification to intrastate only, if the driver qualifies under the state's physical qualification requirements for intrastate only;

(c) A driver changes the self-certification to intrastate, but operating exclusively in transportation or operations excepted from all or part of the state driver qualification requirements; or

(d) The state removes the commercial driver's license privilege from the driver's license;

[(8)**]** **(9)** "Commercial driver's license information system (CDLIS)", the information system established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers;

[(9)**]** **(10)** "Commercial motor vehicle", a motor vehicle **[**designed or used to**]** **or combination of motor vehicles used in commerce to** transport passengers or property:

(a) If the vehicle has a gross combination weight rating **or gross combination weight** of twenty-six thousand one or more pounds inclusive of a towed unit which has a gross vehicle

weight rating [of] **or gross vehicle weight of more than** ten thousand one pounds or more**, whichever is greater**;

(b) If the vehicle has a gross vehicle weight rating **or gross vehicle weight** of twenty-six thousand one or more pounds [or such lesser rating as determined by federal regulation] **, whichever is greater**;

(c) If the vehicle is designed to transport sixteen or more passengers, including the driver; or

(d) If the vehicle is transporting hazardous materials and is required to be placarded under the Hazardous Materials Transportation Act (46 U.S.C. **Section** 1801, et seq.);

[(10)] **(11)** "Controlled substance", any substance so classified under Section 102(6) of the Controlled Substances Act (21 U.S.C. **Section** 802(6)), and includes all substances listed in schedules I through V of 21 CFR [Part] 1308, as they may be revised from time to time;

[(11)] **(12)** "Conviction", an unvacated adjudication of guilt, including pleas of guilt and nolo contendere, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative proceeding, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended or prorated, including an offense for failure to appear or pay;

[(12)] **(13)** "Director", the director of revenue or his authorized representative;

[(13)] **(14)** "Disqualification", any of the following three actions:

(a) The suspension, revocation, or cancellation of a commercial driver's license **or commercial driver's instruction permit**;

(b) Any withdrawal of a person's privileges to drive a commercial motor vehicle by a state, Canada, or Mexico as the result of a violation of federal, state, county, municipal, or local law relating to motor vehicle traffic control or violations committed through the operation of motor vehicles, other than parking, vehicle weight, or vehicle defect violations;

(c) A determination by the Federal Motor Carrier Safety Administration that a person is not qualified to operate a commercial motor vehicle under 49 CFR [Part] 383.52 or [Part] 391;

[(14)] **(15)** "Drive", to drive, operate or be in physical control of a commercial motor vehicle;

[(15)] **(16)** "Driver", any person who drives, operates, or is in physical control of a motor vehicle, or who is required to hold a commercial driver's license;

[(16)] **(17)** "Driver applicant", an individual who applies to obtain, transfer, upgrade, or renew a commercial driver's license **or commercial driver's instruction permit** in this state;

[(17)] **(18)** "Driving under the influence of alcohol", the commission of any one or more of the following acts:

(a) Driving a commercial motor vehicle with the alcohol concentration of four one-hundredths of a percent or more as prescribed by the [secretary] **Secretary** or such other alcohol concentration as may be later determined by the [secretary] **Secretary** by regulation;

(b) Driving a commercial or noncommercial motor vehicle while intoxicated in violation of any federal or state law, or in violation of a county or municipal ordinance;

(c) Driving a commercial or noncommercial motor vehicle with excessive blood alcohol content in violation of any federal or state law, or in violation of a county or municipal ordinance;

(d) Refusing to submit to a chemical test in violation of section 577.041, section 302.750, any federal or state law, or a county or municipal ordinance; or

(e) Having any state, county or municipal alcohol-related enforcement contact, as defined in subsection 3 of section 302.525; provided that any suspension or revocation pursuant to section 302.505, committed in a noncommercial motor vehicle by an individual twenty-one years of age or older shall have been committed by the person with an alcohol concentration of at least eight-hundredths of one percent or more, or in the case of an individual who is less than twenty-one years of age, shall have been committed by the person with an alcohol concentration of at

least two-hundredths of one percent or more, and if committed in a commercial motor vehicle, a concentration of four-hundredths of one percent or more;

[(18)**]** **(19)** "Driving under the influence of a controlled substance", the commission of any one or more of the following acts in a commercial or noncommercial motor vehicle:

(a) Driving a commercial or noncommercial motor vehicle while under the influence of any substance so classified under Section 102(6) of the Controlled Substances Act (21 U.S.C. **Section** 802(6)), including any substance listed in schedules I through V of 21 CFR **[**Part**]** 1308, as they may be revised from time to time;

(b) Driving a commercial or noncommercial motor vehicle while in a drugged condition in violation of any federal or state law or in violation of a county or municipal ordinance; or

(c) Refusing to submit to a chemical test in violation of section 577.041, section 302.750, any federal or state law, or a county or municipal ordinance;

[(19)**]** **(20) "Electronic device", includes but is not limited to a cellular telephone, personal digital assistant, pager, computer, or any other device used to input, write, send, receive, or read text;**

(21) "Employer", any person, including the United States, a state, or a political subdivision of a state, who owns or leases a commercial motor vehicle or assigns a driver to operate such a vehicle;

[(20)**]** **(22)** "Endorsement", an authorization on an individual's commercial driver's license **[**permitting**]** **or commercial learner's permit required to permit** the individual to operate certain types of commercial motor vehicles;

[(21)**]** **(23)** "Farm vehicle", a commercial motor vehicle controlled and operated by a farmer used exclusively for the transportation of agricultural products, farm machinery, farm supplies, or a combination of these, within one hundred fifty miles of the farm, other than one which requires placarding for hazardous materials as defined in this section, or used in the operation of a common or contract motor carrier, except that a farm vehicle shall not be a commercial motor vehicle when the total combined gross weight rating does not exceed twenty-six thousand one pounds when transporting fertilizers as defined in subdivision **[**(27)**]** **(29)** of this subsection;

[(22)**]** **(24)** "Fatality", the death of a person as a result of a motor vehicle accident;

[(23)**]** **(25)** "Felony", any offense under state or federal law that is punishable by death or imprisonment for a term exceeding one year;

[(24)**]** **(26)** "Foreign", outside the fifty states of the United States and the District of Columbia;

[(25)**]** **(27)** "Gross combination weight rating" or "GCWR", the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon;

[(26)**]** **(28)** "Gross vehicle weight rating" or "GVWR", the value specified by the manufacturer as the loaded weight of a single vehicle;

[(27)**]** **(29)** "Hazardous materials", any material that has been designated as hazardous under 49 U.S.C. Section 5103 and is required to be placarded under subpart F of CFR **[**Part**]** 172 or any quantity of a material listed as a select agent or toxin in 42 CFR **[**Part**]** 73. Fertilizers, including but not limited to ammonium nitrate, phosphate, nitrogen, anhydrous ammonia, lime, potash, motor fuel or special fuel, shall not be considered hazardous materials when transported by a farm vehicle provided all other provisions of this definition are followed;

[(28)**]** **(30)** "Imminent hazard", the existence of a condition that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begins to lessen the risk of that death, illness, injury, or endangerment;

[(29)**]** **(31)** "Issuance", the initial licensure, license transfers, license renewals, and license upgrades;

[(30)**]** **(32) "Manual transmission" (also known as a stick shift, stick, straight drive or standard transmission), a transmission utilizing a driver-operated clutch that is activated by a pedal or lever and a gear-shift mechanism operated either by hand or foot. All other transmissions, whether semi-automatic or automatic, will be considered automatic for the purposes of the standardized restriction code;**

(33) "Medical examiner", a person who is licensed, certified, or registered, in accordance with applicable state laws and regulations, to perform physical examinations. The term includes, but is not limited to, doctors of medicine, doctors of osteopathy, physician assistants, advanced practice nurses, and doctors of chiropractic;

[(31)**]** **(34)** "Medical variance", when a driver has received one of the following that allows the driver to be issued a medical certificate:

(a) An exemption letter permitting operation of a commercial motor vehicle under 49 CFR **[**Part**]** 381, Subpart C or 49 CFR **[**Part**]** 391.64;

(b) A skill performance evaluation certificate permitting operation of a commercial motor vehicle under 49 CFR **[**Part**]** 391.49;

[(32)**]** **(35) "Mobile telephone", a mobile communication device that is classified as or uses any commercial mobile radio service, as defined in the regulations of the Federal Communications Commission, 47 CFR 20.3, but does not include two-way or citizens band radio services;**

(36) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks;

[(33)**]** **(37)** "Noncommercial motor vehicle", a motor vehicle or combination of motor vehicles not defined by the term "commercial motor vehicle" in this section;

[(34)**]** **(38)** "Out of service", a temporary prohibition against the operation of a commercial motor vehicle by a particular driver, or the operation of a particular commercial motor vehicle, or the operation of a particular motor carrier;

[(35)**]** **(39)** "Out-of-service order", a declaration by an authorized enforcement officer of a federal, state, Canadian, Mexican or any local jurisdiction, that a driver, or a commercial motor vehicle, or a motor carrier operation, is out of service under 49 CFR **[**Part**]** 386.72, 392.5, 392.9a, 395.13, or 396.9, or comparable laws, or the North American Standard Out-of-Service Criteria;

[(36)**]** **(40)** "School bus", a commercial motor vehicle used to transport preprimary, primary, or secondary school students from home to school, from school to home, or to and from school-sponsored events. School bus does not include a bus used as a common carrier as defined by the Secretary;

[(37)**]** **(41)** "Secretary", the Secretary of Transportation of the United States;

[(38)**]** **(42)** "Serious traffic violation", driving a commercial motor vehicle in such a manner that the driver receives a conviction for the following offenses or driving a noncommercial motor vehicle when the driver receives a conviction for the following offenses and the conviction results in the suspension or revocation of the driver's license or noncommercial motor vehicle driving privilege:

(a) Excessive speeding, as defined by the Secretary by regulation;

(b) Careless, reckless or imprudent driving which includes, but shall not be limited to, any violation of section 304.016, any violation of section 304.010, or any other violation of federal or state law, or any county or municipal ordinance while driving a commercial motor vehicle in a willful or wanton disregard for the safety of persons or property, or improper or erratic traffic lane changes, or following the vehicle ahead too closely, but shall not include careless and imprudent driving by excessive speed;

(c) A violation of any federal or state law or county or municipal ordinance regulating the operation of motor vehicles arising out of an accident or collision which resulted in death to any person, other than a parking violation;

(d) Driving a commercial motor vehicle without obtaining a commercial driver's license in violation of any federal or state or county or municipal ordinance;

(e) Driving a commercial motor vehicle without a commercial driver's license in the driver's possession in violation of any federal or state or county or municipal ordinance. Any individual who provides proof to the court which has jurisdiction over the issued citation that the individual held a valid commercial driver's license on the date that the citation was issued shall not be guilty of this offense;

(f) Driving a commercial motor vehicle without the proper commercial driver's license class or endorsement for the specific vehicle group being operated or for the passengers or type of cargo being transported in violation of any federal or state law or county or municipal ordinance; **[**or**]**

(g) **Violating a state or local law or ordinance on motor vehicle traffic control prohibiting texting while driving a commercial motor vehicle;**

(h) Violating a state or local law or ordinance on motor vehicle traffic control restricting or prohibiting the use of a hand-held mobile telephone while driving a commercial motor vehicle; or

(i) Any other violation of a federal or state law or county or municipal ordinance regulating the operation of motor vehicles, other than a parking violation, as prescribed by the **[**secretary**] Secretary** by regulation;

[(39)**] (43)** "State", a state of the United States**, including the District of Columbia**;

[(40)**] (44) "Tank vehicle", any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than one hundred nineteen gallons and an aggregate rated capacity of one thousand gallons or more that is either permanently or temporarily attached to the vehicle or the chassis. A commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of one thousand gallons or more, that is temporarily attached to a flatbed trailer is not considered a tank vehicle;**

(45) "Texting", manually entering alphanumeric text into, or reading text from, an electronic device. This action includes but is not limited to short message service, e-mailing, instant messaging, commanding or requesting access to a website, pressing more than a single button to initiate or terminate a voice communication using a mobile telephone, or engaging in any other form of electronic text retrieval or entry, for present or future communication. Texting does not include:

(a) Inputting, selecting, or reading information on a global positioning system or navigation system;

(b) Pressing a single button to initiate or terminate a voice communication using a mobile telephone; or

(c) Using a device capable of performing multiple functions (e.g., fleet management systems, dispatching devices, smart phones, citizens band radios, music players) for a purpose that is not otherwise prohibited in this part;

(46) "United States", the fifty states and the District of Columbia.

302.720. OPERATION WITHOUT LICENSE PROHIBITED, EXCEPTIONS — INSTRUCTION PERMIT, USE, DURATION, FEE — LICENSE, TEST REQUIRED, CONTENTS, FEE — DIRECTOR TO PROMULGATE RULES AND REGULATIONS FOR CERTIFICATION OF THIRD-PARTY TESTERS — CERTAIN PERSONS PROHIBITED FROM OBTAINING LICENSE, EXCEPTIONS — THIRD-PARTY TESTERS, WHEN. — 1. Except when operating under an instruction permit as described in this section, no person may drive a commercial motor vehicle unless the person has been issued a commercial driver's license with applicable endorsements valid for the type of vehicle being operated as specified in sections 302.700 to 302.780. A commercial driver's instruction permit shall allow the holder of a valid license to operate a commercial motor vehicle when

accompanied by the holder of a commercial driver's license valid for the vehicle being operated and who occupies a seat beside the individual, or reasonably near the individual in the case of buses, for the purpose of giving instruction in driving the commercial motor vehicle. **No person may be issued a commercial driver's instruction permit until he or she has passed written tests which comply with the minimum federal standards.** A commercial driver's instruction permit shall be valid for the vehicle being operated for a period of not more than six months, and shall not be issued until the permit holder has met all other requirements of sections 302.700 to 302.780, except for the driving test. A permit holder, unless otherwise disqualified, may be granted one six-month renewal within a one-year period. The fee for such permit or renewal shall be five dollars. In the alternative, a commercial driver's instruction permit shall be issued for a thirty-day period to allow the holder of a valid driver's license to operate a commercial motor vehicle if the applicant has completed all other requirements except the driving test. The permit may be renewed for one additional thirty-day period and the fee for the permit and for renewal shall be five dollars.

2. No person may be issued a commercial driver's license until he has passed written and driving tests for the operation of a commercial motor vehicle which complies with the minimum federal standards established by the Secretary and has satisfied all other requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570), as well as any other requirements imposed by state law. **All applicants for a commercial driver's license shall have maintained the appropriate class of commercial driver's instruction permit issued by this state or any other state for a minimum of fourteen calendar days prior to the date of taking the skills test.** Applicants for a hazardous materials endorsement must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as specified and required by regulations promulgated by the Secretary. Nothing contained in this subsection shall be construed as prohibiting the director from establishing alternate testing formats for those who are functionally illiterate; provided, however, that any such alternate test must comply with the minimum requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) as established by the Secretary.

(1) The written and driving tests shall be held at such times and in such places as the superintendent may designate. A twenty-five dollar examination fee shall be paid by the applicant upon completion of any written or driving test, except the examination fee shall be waived for applicants seventy years of age or older renewing a license with a school bus endorsement. The director shall delegate the power to conduct the examinations required under sections 302.700 to 302.780 to any member of the highway patrol or any person employed by the highway patrol qualified to give driving examinations. The written test shall only be administered in the English language. No translators shall be allowed for applicants taking the test.

(2) The director shall adopt and promulgate rules and regulations governing the certification of third-party testers by the department of revenue. Such rules and regulations shall substantially comply with the requirements of 49 CFR **[**Part**]** 383, Section 383.75. A certification to conduct third-party testing shall be valid for one year, and the department shall charge a fee of one hundred dollars to issue or renew the certification of any third-party tester.

(3) Beginning August 28, 2006, the director shall only issue or renew third-party tester certification to community colleges established under chapter 178 or to private companies who own, lease, or maintain their own fleet and administer in-house testing to their employees, or to school districts and their agents that administer in-house testing to the school district's or agent's employees. Any third-party tester who violates any of the rules and regulations adopted and promulgated pursuant to this section shall be subject to having his certification revoked by the department. The department shall provide written notice and an opportunity for the third-party tester to be heard in substantially the same manner as provided in chapter 536. If any applicant submits evidence that he has successfully completed a test administered by a third-party tester, the actual driving test for a commercial driver's license may then be waived.

(4) Every applicant for renewal of a commercial driver's license shall provide such certifications and information as required by the **[**secretary**]** **Secretary** and if such person transports a hazardous material must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as specified and required by regulations promulgated by the Secretary. Such person shall be required to take the written test for such endorsement. A twenty-five dollar examination fee shall be paid upon completion of such tests.

(5) The director shall have the authority to waive the driving skills test for any qualified military applicant for a commercial driver's license who is currently licensed at the time of application for a commercial driver's license. The director shall impose conditions and limitations to restrict the applicants from whom the department may accept alternative requirements for the skills test described in federal regulation 49 **[**C.F.R.**]** **CFR** 383.77. An applicant must certify that, during the two-year period immediately preceding application for a commercial driver's license, all of the following apply:

(a) The applicant has not had more than one license;

(b) The applicant has not had any license suspended, revoked, or cancelled;

(c) The applicant has not had any convictions for any type of motor vehicle for the disqualifying offenses contained in this chapter or federal rule 49 **[**C.F.R.**]** **CFR** 383.51(b);

(d) The applicant has not had more than one conviction for any type of motor vehicle for serious traffic violations;

(e) The applicant has not had any conviction for a violation of state or local law relating to motor vehicle traffic control, but not including any parking violation, arising in connection with any traffic accident, and has no record of an accident in which he or she was at fault;

(f) The applicant **[**is**]** **has been** regularly employed **[**in a job**]** **within the last ninety days in a military position** requiring operation of a commercial motor vehicle and has operated the vehicle for at least sixty days during the two years immediately preceding application for a commercial driver's license. The vehicle must be representative of the commercial motor vehicle the driver applicant operates or expects to operate;

(g) The applicant, if on active duty, must provide a notarized affidavit signed by a commanding officer as proof of driving experience as indicated in paragraph (f) of this subdivision;

(h) The applicant, if honorably discharged from military service, must provide a form-DD214 or other proof of military occupational specialty;

(i) The applicant must meet all federal and state qualifications to operate a commercial vehicle; and

(j) The applicant will be required to complete all applicable knowledge tests.

3. A commercial driver's license **or commercial driver's instruction permit** may not be issued to a person while the person is disqualified from driving a commercial motor vehicle, when a disqualification is pending in any state or while the person's driver's license is suspended, revoked, or **[**cancelled**]** **canceled** in any state; nor may a commercial driver's license be issued unless the person first surrenders in a manner prescribed by the director any commercial driver's license issued by another state, which license shall be returned to the issuing state for cancellation.

4. Beginning July 1, 2005, the director shall not issue an instruction permit under this section unless the director verifies that the applicant is lawfully present in the United States before accepting the application. The director may, by rule or regulation, establish procedures to verify the lawful presence of the applicant under this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536.

5. Notwithstanding the provisions of this section or any other law to the contrary, beginning August 28, 2008, the director of the department of revenue shall certify as a third-party tester any municipality that owns, leases, or maintains its own fleet that requires certain

employees as a condition of employment to hold a valid commercial driver's license; and that administered in-house testing to such employees prior to August 28, 2006.

302.735. APPLICATION FOR COMMERCIAL LICENSE, CONTENTS, EXPIRATION, DURATION, FEES — NEW RESIDENT, APPLICATION DATES — FALSIFICATION OF INFORMATION, INELIGIBILITY FOR LICENSE, WHEN — NONRESIDENT COMMERCIAL LICENSE ISSUED, WHEN. — 1. An application shall not be taken from a nonresident after September 30, 2005. The application for a commercial driver's license shall include, but not be limited to, the applicant's legal name, mailing and residence address, if different, a physical description of the person, including sex, height, weight and eye color, the person's Social Security number, date of birth and any other information deemed appropriate by the director. The application shall also require, beginning September 30, 2005, the applicant to provide the names of all states where the applicant has been previously licensed to drive any type of motor vehicle during the preceding ten years.

2. A commercial driver's license shall expire on the applicant's birthday in the sixth year after issuance, unless the license must be issued for a shorter period due to other requirements of law or for transition or staggering of work as determined by the director, and must be renewed on or before the date of expiration. When a person changes such person's name an application for a duplicate license shall be made to the director of revenue. When a person changes such person's mailing address or residence the applicant shall notify the director of revenue of said change, however, no application for a duplicate license is required. A commercial license issued pursuant to this section to an applicant less than twenty-one years of age and seventy years of age and older shall expire on the applicant's birthday in the third year after issuance, unless the license must be issued for a shorter period as determined by the director.

3. A commercial driver's license containing a hazardous materials endorsement issued to an applicant who is between the age of twenty-one and sixty-nine shall not be issued for a period exceeding five years from the approval date of the security threat assessment as determined by the Transportation Security Administration.

4. The director shall issue an annual commercial driver's license containing a school bus endorsement to an applicant who is seventy years of age or older. The fee for such license shall be seven dollars and fifty cents.

5. A commercial driver's license containing a hazardous materials endorsement issued to an applicant who is seventy years of age or older shall not be issued for a period exceeding three years. The director shall not require such drivers to obtain a security threat assessment more frequently than such assessment is required by the Transportation Security Administration under the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001.

(1) The state shall immediately revoke a hazardous materials endorsement upon receipt of an initial determination of threat assessment and immediate revocation from the Transportation Security Administration as defined by 49 CFR 1572.13(a).

(2) The state shall revoke or deny a hazardous materials endorsement within fifteen days of receipt of a final determination of threat assessment from the Transportation Security Administration as required by CFR 1572.13(a).

6. The fee for a commercial driver's license or renewal commercial driver's license issued for a period greater than three years shall be forty dollars.

7. The fee for a commercial driver's license or renewal commercial driver's license issued for a period of three years or less shall be twenty dollars.

8. The fee for a duplicate commercial driver's license shall be twenty dollars.

9. In order for the director to properly transition driver's license requirements under the Motor Carrier Safety Improvement Act of 1999 and the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA

PATRIOT ACT) of 2001, the director is authorized to stagger expiration dates and make adjustments for any fees, including driver examination fees that are incurred by the driver as a result of the initial issuance of a transitional license required to comply with such acts.

10. Within thirty days after moving to this state, the holder of a commercial driver's license shall apply for a commercial driver's license in this state. The applicant shall meet all other requirements of sections 302.700 to 302.780, except that the director may waive the driving test for a commercial driver's license as required in section 302.720 if the applicant for a commercial driver's license has a valid commercial driver's license from a state which has requirements for issuance of such license comparable to those in this state.

11. Any person who falsifies any information in an application or test for a commercial driver's license shall not be licensed to operate a commercial motor vehicle, or the person's commercial driver's license shall be **[**cancelled**]** **canceled**, for a period of one year after the director discovers such falsification.

12. Beginning July 1, 2005, the director shall not issue a commercial driver's license under this section unless the director verifies that the applicant is lawfully present in the United States before accepting the application. If lawful presence is granted for a temporary period, no commercial driver's license shall be issued. The director may, by rule or regulation, establish procedures to verify the lawful presence of the applicant and establish the duration of any commercial driver's license issued under this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536.

13. (1) Effective December 19, 2005, notwithstanding any provisions of subsections 1 and 5 of this section to the contrary, the director may issue a **[**nonresident**]** **nondomiciled** commercial driver's license **or commercial driver's instruction permit** to a resident of a foreign jurisdiction if the United States Secretary of Transportation has determined that the commercial motor vehicle testing and licensing standards in the foreign jurisdiction do not meet the testing standards established in 49 **[**C.F.R. Part**]** **CFR** 383.

(2) Any applicant for a **[**nonresident**]** **nondomiciled** commercial driver's license **or commercial driver's instruction permit** must present evidence satisfactory to the director that the applicant currently has employment with an employer in this state. The **[**nonresident**]** **nondomiciled** applicant must meet the same testing, driver record requirements, conditions, and is subject to the same disqualification and conviction reporting requirements applicable to resident commercial drivers.

(3) The **[**nonresident**]** **nondomiciled** commercial driver's license will expire on the same date that the documents establishing lawful presence for employment expire. The word **[**"nonresident"**]** **"nondomiciled"** shall appear on the face of the **[**nonresident**]** **nondomiciled** commercial driver's license. Any applicant for a Missouri **[**nonresident**]** **nondomiciled** commercial driver's license **or commercial driver's instruction permit** must first surrender any **[**nonresident**]** **nondomiciled** commercial driver's license issued by another state.

(4) The **[**nonresident**]** **nondomiciled** commercial driver's license applicant must pay the same fees as required for the issuance of a resident commercial driver's license **or commercial driver's instruction permit**.

14. Foreign jurisdiction for purposes of issuing a **[**nonresident**]** **nondomiciled** commercial driver's license **or commercial driver's instruction permit** under this section shall not include any of the fifty states of the United States or Canada or Mexico.

302.740. LICENSE, MANUFACTURE OF, REQUIREMENTS — DRIVING INFORMATION TO BE OBTAINED PRIOR TO ISSUE OF LICENSE, NOTICE TO COMMERCIAL DRIVER LICENSE INFORMATION SYSTEM, WHEN. — 1. The commercial driver's license shall be manufactured of materials and processes that will prohibit as nearly as possible the ability to reproduce, alter, counterfeit, forge, or duplicate any license without ready detection. Such license shall include, but not be limited to, the following information: a colored photograph of the person, the legal

name and address of the person, a physical description of the person, including sex, height, weight and eye color, the person's **[**Social Security number**]** **driver's license number** or such other number or identifier deemed appropriate by the director or the **[**secretary**]** **Secretary**, the date of birth, class or type of commercial motor vehicle or vehicles which the person is authorized to drive, the name of this state, and the words "COMMERCIAL DRIVER'S LICENSE" or "CDL", the dates of issuance and expiration, the person's signature and such other information as the director prescribes.

2. Before issuing a commercial driver's license, the director shall obtain driving record information from sources including, but not limited to, the national driver's register, the commercial driver's license information system, and any state driver's licensing system in which the person has been licensed; except that the director shall only be required to obtain the complete driving record from each state the person has ever been licensed in when such person is issued an initial commercial driver's license or renews his or her commercial driver's license for the first time. The director shall maintain a notation in the driving record system of the date when he or she has obtained the driving records from all other states which the person has been licensed.

3. Within ten days after issuing a commercial driver's license, the director shall notify the commercial driver's license information system of such fact, providing all information required to ensure identification of the person. For the purpose of this subsection, the date of issuance shall be the date the commercial driver's license is mailed to the applicant.

4. The commercial driver's license shall indicate the class of vehicle the person may drive and any applicable endorsements or restrictions. Commercial driver's license classifications, endorsements and restrictions shall be in compliance with the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) and those prescribed by the director. The commercial driver's license driving record shall contain a complete history of the driver, including information and convictions from previous states of licensure.

5. The commercial driver's instruction permit shall include but not be limited to the same data elements as a commercial driver's license and the words "CDL PERMIT" or "COMMERCIAL LEARNER PERMIT" and such other information as the director or Secretary prescribes.

302.755. VIOLATIONS, DISQUALIFICATION FROM DRIVING, DURATION, PENALTIES — REAPPLICATION PROCEDURE. — 1. A person is disqualified from driving a commercial motor vehicle for a period of not less than one year if convicted of a first violation of:

(1) Driving a motor vehicle under the influence of alcohol or a controlled substance, or of an alcohol-related enforcement contact as defined in subsection 3 of section 302.525;

(2) Driving a commercial motor vehicle which causes a fatality through the negligent operation of the commercial motor vehicle, including but not limited to the crimes of vehicular manslaughter, homicide by motor vehicle, and negligent homicide;

(3) Driving a commercial motor vehicle while revoked pursuant to section 302.727;

(4) Leaving the scene of an accident involving a commercial or noncommercial motor vehicle operated by the person;

(5) Using a commercial or noncommercial motor vehicle in the commission of any felony, as defined in section 302.700, except a felony as provided in subsection 4 of this section

2. If any of the violations described in subsection 1 of this section occur while transporting a hazardous material the person is disqualified for a period of not less than three years.

3. Any person is disqualified from operating a commercial motor vehicle for life if convicted of two or more violations of any of the offenses specified in subsection 1 of this section, or any combination of those offenses, arising from two or more separate incidents. The director may issue rules and regulations, in accordance with guidelines established by the **[**secretary**]** **Secretary**, under which a disqualification for life under this section may be reduced to a period of not less than ten years.

4. Any person is disqualified from driving a commercial motor vehicle for life who uses a commercial or noncommercial motor vehicle in the commission of any felony involving the manufacture, distribution, or dispensing of a controlled substance, or possession with intent to manufacture, distribute, or dispense a controlled substance.

5. Any person is disqualified from operating a commercial motor vehicle for a period of not less than sixty days if convicted of two serious traffic violations or one hundred twenty days if convicted of three serious traffic violations, arising from separate incidents occurring within a three-year period.

6. Any person found to be operating a commercial motor vehicle while having any measurable alcohol concentration shall immediately be issued a continuous twenty-four-hour out-of-service order by a law enforcement officer in this state.

7. Any person who is convicted of operating a commercial motor vehicle beginning at the time of issuance of the out-of-service order until its expiration is guilty of a class A misdemeanor.

8. Any person convicted for the first time of driving while out of service shall be disqualified from driving a commercial motor vehicle in the manner prescribed in 49 CFR **[**Part**]** 383, or as amended by the Secretary.

9. Any person convicted of driving while out of service on a second occasion during any ten-year period, involving separate incidents, shall be disqualified in the manner prescribed in 49 CFR **[**Part**]** 383, or as amended by the Secretary.

10. Any person convicted of driving while out of service on a third or subsequent occasion during any ten-year period, involving separate incidents, shall be disqualified for a period of three years.

11. Any person convicted of a first violation of an out-of-service order while transporting hazardous materials or while operating a motor vehicle designed to transport sixteen or more passengers, including the driver, is disqualified for a period of one hundred eighty days.

12. Any person convicted of any subsequent violation of an out-of-service order in a separate incident within ten years after a previous violation, while transporting hazardous materials or while operating a motor vehicle designed to transport fifteen passengers, including the driver, is disqualified for a period of three years.

13. Any person convicted of any other offense as specified by regulations promulgated by the Secretary of Transportation shall be disqualified in accordance with such regulations.

14. After suspending, revoking, **[**cancelling**]** **canceling,** or disqualifying a driver, the director shall update records to reflect such action and notify a nonresident's licensing authority and the commercial driver's license information system within ten days in the manner prescribed in 49 CFR **[**Part**]** 384, or as amended by the Secretary.

15. Any person disqualified from operating a commercial motor vehicle pursuant to subsection 1, 2, 3 or 4 of this section shall have such commercial driver's license **[**cancelled**]** **canceled**, and upon conclusion of the period of disqualification shall take the written and driving tests and meet all other requirements of sections 302.700 to 302.780. Such disqualification and cancellation shall not be withdrawn by the director until such person reapplies for a commercial driver's license in this or any other state after meeting all requirements of sections 302.700 to 302.780.

16. The director shall disqualify a driver upon receipt of notification that the Secretary has determined a driver to be an imminent hazard pursuant to 49 CFR**[**, Part**]** 383.52. Due process of a disqualification determined by the Secretary pursuant to this section shall be held in accordance with regulations promulgated by the Secretary. The period of disqualification determined by the Secretary pursuant to this section shall be served concurrently to any other period of disqualification which may be imposed by the director pursuant to this section. Both disqualifications shall appear on the driving record of the driver.

17. The director shall disqualify a commercial license holder or operator of a commercial **motor** vehicle from operation of any commercial motor vehicle upon receipt of a conviction for

an offense of failure to appear or pay, and such disqualification shall remain in effect until the director receives notice that the person has complied with the requirement to appear or pay.

18. The disqualification period must be in addition to any other previous periods of disqualification in the manner prescribed in 49 CFR 383, or as amended by the Secretary, except when the major or serious violations are a result of the same incident.

304.013. ALL-TERRAIN VEHICLES, PROHIBITED ON HIGHWAYS, RIVERS OR STREAMS OF THIS STATE, EXCEPTIONS, OPERATIONAL REQUIREMENTS — SPECIAL PERMITS — PROHIBITED USES — PENALTY. — 1. No person shall operate an all-terrain vehicle, as defined in section 301.010, upon the highways of this state, except as follows:

(1) All-terrain vehicles owned and operated by a governmental entity for official use;

(2) All-terrain vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation;

(3) All-terrain vehicles operated by handicapped persons for short distances occasionally only on the state's secondary roads when operated between the hours of sunrise and sunset;

(4) Governing bodies of cities may issue special permits to licensed drivers for special uses of all-terrain vehicles on highways within the city limits. Fees of fifteen dollars may be collected and retained by cities for such permits;

(5) Governing bodies of counties may issue special permits to licensed drivers for special uses of all-terrain vehicles on county roads within the county. Fees of fifteen dollars may be collected and retained by the counties for such permits**;**

(6) Municipalities may by resolution or ordinance allow all-terrain vehicle operation on streets or highways under the governing body's jurisdiction. Any person operating an all-terrain vehicle pursuant to a municipal resolution or ordinance shall maintain proof of financial responsibility in accordance with section 303.160 or maintain any other insurance policy providing equivalent liability coverage for an all-terrain vehicle.

2. No person shall operate an off-road vehicle within any stream or river in this state, except that off-road vehicles may be operated within waterways which flow within the boundaries of land which an off-road vehicle operator owns, or for agricultural purposes within the boundaries of land which an off-road vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this state at such road crossings as are customary or part of the highway system. All law enforcement officials or peace officers of this state and its political subdivisions or department of conservation agents or department of natural resources park rangers shall enforce the provisions of this subsection within the geographic area of their jurisdiction.

3. A person operating an all-terrain vehicle on a highway pursuant to an exception covered in this section shall have a valid operator's or chauffeur's license, except that a handicapped person operating such vehicle pursuant to subdivision (3) of subsection 1 of this section, but shall not be required to have passed an examination for the operation of a motorcycle, and the vehicle shall be operated at speeds of less than thirty miles per hour. When operated on a highway, an all-terrain vehicle shall have a bicycle safety flag, which extends not less than seven feet above the ground, attached to the rear of the vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty square inches and shall be day-glow in color.

4. No persons shall operate an all-terrain vehicle:

(1) In any careless way so as to endanger the person or property of another;

(2) While under the influence of alcohol or any controlled substance;

(3) Without a securely fastened safety helmet on the head of an individual who operates an all-terrain vehicle or who is being towed or otherwise propelled by an all-terrain vehicle, unless the individual is at least eighteen years of age.

5. No operator of an all-terrain vehicle shall carry a passenger, except for agricultural purposes. The provisions of this subsection shall not apply to any all-terrain vehicle in which the seat of such vehicle is designed to carry more than one person.

6. A violation of this section shall be a class C misdemeanor. In addition to other legal remedies, the attorney general or county prosecuting attorney may institute a civil action in a court of competent jurisdiction for injunctive relief to prevent such violation or future violations and for the assessment of a civil penalty not to exceed one thousand dollars per day of violation.

304.032. UTILITY VEHICLES, OPERATION ON HIGHWAY AND IN STREAMS OR RIVERS PROHIBITED — EXCEPTIONS — PASSENGERS PROHIBITED — VIOLATIONS, PENALTY. — 1. No person shall operate a utility vehicle, as defined in section 301.010, upon the highways of this state, except as follows:

(1) Utility vehicles owned and operated by a governmental entity for official use;

(2) Utility vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation, unless equipped with proper lighting;

(3) Utility vehicles operated by handicapped persons for short distances occasionally only on the state's secondary roads when operated between the hours of sunrise and sunset;

(4) Governing bodies of cities may issue special permits for utility vehicles to be used on highways within the city limits by licensed drivers. Fees of fifteen dollars may be collected and retained by cities for such permits;

(5) Governing bodies of counties may issue special permits for utility vehicles to be used on county roads within the county by licensed drivers. Fees of fifteen dollars may be collected and retained by the counties for such permits**;**

(6) Municipalities may by resolution or ordinance allow utility vehicle operation on streets or highways under the governing body's jurisdiction. Any person operating a utility vehicle pursuant to a municipal resolution or ordinance shall maintain proof of financial responsibility in accordance with section 303.160 or maintain any other insurance policy providing equivalent liability coverage for a utility vehicle.

2. No person shall operate a utility vehicle within any stream or river in this state, except that utility vehicles may be operated within waterways which flow within the boundaries of land which a utility vehicle operator owns, or for agricultural purposes within the boundaries of land which a utility vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this state at such road crossings as are customary or part of the highway system. All law enforcement officials or peace officers of this state and its political subdivisions or department of conservation agents or department of natural resources park rangers shall enforce the provisions of this subsection within the geographic area of their jurisdiction.

3. A person operating a utility vehicle on a highway pursuant to an exception covered in this section shall have a valid operator's or chauffeur's license, except that a handicapped person operating such vehicle under subdivision (3) of subsection 1 of this section, but shall not be required to have passed an examination for the operation of a motorcycle, and the vehicle shall be operated at speeds of less than forty-five miles per hour.

4. No persons shall operate a utility vehicle:

(1) In any careless way so as to endanger the person or property of another; or

(2) While under the influence of alcohol or any controlled substance.

5. No operator of a utility vehicle shall carry a passenger, except for agricultural purposes. The provisions of this subsection shall not apply to any utility vehicle in which the seat of such vehicle is designed to carry more than one person.

6. A violation of this section shall be a class C misdemeanor. In addition to other legal remedies, the attorney general or county prosecuting attorney may institute a civil action in a court of competent jurisdiction for injunctive relief to prevent such violation or future violations and for the assessment of a civil penalty not to exceed one thousand dollars per day of violation.

304.120. MUNICIPAL REGULATIONS — OWNER OR LESSOR NOT LIABLE FOR VIOLATIONS, WHEN. — 1. Municipalities, by ordinance, may establish reasonable speed regulations for motor vehicles within the limits of such municipalities. No person who is not a resident of such municipality and who has not been within the limits thereof for a continuous period of more than forty-eight hours shall be convicted of a violation of such ordinances, unless it is shown by competent evidence that there was posted at the place where the boundary of such municipality joins or crosses any highway a sign displaying in black letters not less than four inches high and one inch wide on a white background the speed fixed by such municipality so that such sign may be clearly seen by operators and drivers from their vehicles upon entering such municipality.

2. Municipalities, by ordinance, may:

(1) Make additional rules of the road or traffic regulations to meet their needs and traffic conditions;

(2) Establish one-way streets and provide for the regulation of vehicles thereon;

(3) Require vehicles to stop before crossing certain designated streets and boulevards;

(4) Limit the use of certain designated streets and boulevards to passenger vehicles, except that each municipality shall allow at least one route, with lawful traffic movement and access from both directions, to be available for use by commercial motor vehicles to access any roads in the state highway system. Under no circumstances shall the provisions of this subdivision be construed to authorize a municipality to limit the use of all routes in the municipality;

(5) Prohibit the use of certain designated streets to vehicles with metal tires, or solid rubber tires;

(6) Regulate the parking of vehicles on streets by the installation of parking meters for limiting the time of parking and exacting a fee therefor or by the adoption of any other regulatory method that is reasonable and practical, and prohibit or control left-hand turns of vehicles;

(7) Require the use of signaling devices on all motor vehicles; and

(8) Prohibit sound-producing warning devices, except horns directed forward.

3. No ordinance shall be valid which contains provisions contrary to or in conflict with this chapter, except as herein provided.

4. No ordinance shall impose liability on the owner-lessor of a motor vehicle when the vehicle is being permissively used by a lessee and is illegally parked or operated if the registered owner-lessor of such vehicle furnishes the name, address and operator's license number of the person renting or leasing the vehicle at the time the violation occurred to the proper municipal authority within three working days from the time of receipt of written request for such information. Any registered owner-lessor who fails or refuses to provide such information within the period required by this subsection shall be liable for the imposition of any fine established by municipal ordinance for the violation. Provided, however, if a leased motor vehicle is illegally parked due to a defect in such vehicle, which renders it inoperable, not caused by the fault or neglect of the lessee, then the lessor shall be liable on any violation for illegal parking of such vehicle.

5. No ordinance shall deny the use of commercial motor vehicles on all routes within the municipality. For purposes of this section, the term "route" shall mean any state road, county road, or public street, avenue, boulevard, or parkway.

6. No ordinance shall prohibit the operator of a motor vehicle from being in an intersection while a red signal is being displayed if the operator of the motor vehicle entered the intersection during a yellow signal interval. The provisions of this subsection shall supercede any local laws, ordinances, orders, rules, or regulations enacted by a county, municipality, or other political subdivision that are to the contrary.

304.180. REGULATIONS AS TO WEIGHT — AXLE LOAD, TANDEM AXLE DEFINED — IDLE REDUCTION TECHNOLOGY, INCREASE IN MAXIMUM GROSS WEIGHT PERMITTED, AMOUNT

— HAULING LIVESTOCK OR MILK, TOTAL GROSS WEIGHT PERMITTED. — 1. No vehicle or combination of vehicles shall be moved or operated on any highway in this state having a greater weight than twenty thousand pounds on one axle, no combination of vehicles operated by transporters of general freight over regular routes as defined in section 390.020 shall be moved or operated on any highway of this state having a greater weight than the vehicle manufacturer's rating on a steering axle with the maximum weight not to exceed twelve thousand pounds on a steering axle, and no vehicle shall be moved or operated on any state highway of this state having a greater weight than thirty-four thousand pounds on any tandem axle; the term "tandem axle" shall mean a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart.

2. An "axle load" is defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.

3. Subject to the limit upon the weight imposed upon a highway of this state through any one axle or on any tandem axle, the total gross weight with load imposed by any group of two or more consecutive axles of any vehicle or combination of vehicles shall not exceed the maximum load in pounds as set forth in the following table:

Distance in feet between the extremes of any group of two or more consecutive axles, measured to the nearest foot, except where indicated otherwise	Maximum load in pounds				
feet	2 axles	3 axles	4 axles	5 axles	6 axles
4	34,000				
5	34,000				
6	34,000				
7	34,000				
8	34,000	34,000			
More than 8	38,000	42,000			
9	39,000	42,500			
10	40,000	43,500			
11	40,000	44,000			
12	40,000	45,000	50,000		
13	40,000	45,500	50,500		
14	40,000	46,500	51,500		
15	40,000	47,000	52,000		
16	40,000	48,000	52,500	58,000	
17	40,000	48,500	53,500	58,500	
18	40,000	49,500	54,000	59,000	
19	40,000	50,000	54,500	60,000	
20	40,000	51,000	55,500	60,500	66,000
21	40,000	51,500	56,000	61,000	66,500
22	40,000	52,500	56,500	61,500	67,000
23	40,000	53,000	57,500	62,500	68,000
24	40,000	54,000	58,000	63,000	68,500
25	40,000	54,500	58,500	63,500	69,000
26	40,000	55,500	59,500	64,000	69,500
27	40,000	56,000	60,000	65,000	70,000

28	40,000	57,000	60,500	65,500	71,000
29	40,000	57,500	61,500	66,000	71,500
30	40,000	58,500	62,000	66,500	72,000
31	40,000	59,000	62,500	67,500	72,500
32	40,000	60,000	63,500	68,000	73,000
33	40,000	60,000	64,000	68,500	74,000
34	40,000	60,000	64,500	69,000	74,500
35	40,000	60,000	65,500	70,000	75,000
36		60,000	66,000	70,500	75,500
37		60,000	66,500	71,000	76,000
38		60,000	67,500	72,000	77,000
39		60,000	68,000	72,500	77,500
40		60,000	68,500	73,000	78,000
41		60,000	69,500	73,500	78,500
42		60,000	70,000	74,000	79,000
43		60,000	70,500	75,000	80,000
44		60,000	71,500	75,500	80,000
45		60,000	72,000	76,000	80,000
46		60,000	72,500	76,500	80,000
47		60,000	73,500	77,500	80,000
48		60,000	74,000	78,000	80,000
49		60,000	74,500	78,500	80,000
50		60,000	75,500	79,000	80,000
51		60,000	76,000	80,000	80,000
52		60,000	76,500	80,000	80,000
53		60,000	77,500	80,000	80,000
54		60,000	78,000	80,000	80,000
55		60,000	78,500	80,000	80,000
56		60,000	79,500	80,000	80,000
57		60,000	80,000	80,000	80,000

Notwithstanding the above table, two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each if the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

4. Whenever the state highways and transportation commission finds that any state highway bridge in the state is in such a condition that use of such bridge by vehicles of the weights specified in subsection 3 of this section will endanger the bridge, or the users of the bridge, the commission may establish maximum weight limits and speed limits for vehicles using such bridge. The governing body of any city or county may grant authority by act or ordinance to the state highways and transportation commission to enact the limitations established in this section on those roadways within the purview of such city or county. Notice of the weight limits and speed limits established by the commission shall be given by posting signs at a conspicuous place at each end of any such bridge.

5. Nothing in this section shall be construed as permitting lawful axle loads, tandem axle loads or gross loads in excess of those permitted under the provisions of Section 127 of Title 23 of the United States Code.

6. Notwithstanding the weight limitations contained in this section, any vehicle or combination of vehicles operating on highways other than the interstate highway system may exceed single axle, tandem axle and gross weight limitations in an amount not to exceed two thousand pounds. However, total gross weight shall not exceed eighty thousand pounds, except as provided in subsections 9 and 10 of this section.

7. Notwithstanding any provision of this section to the contrary, the department of transportation shall issue a single-use special permit, or upon request of the owner of the truck or equipment, shall issue an annual permit, for the transporting of any concrete pump truck or well-drillers' equipment. The department of transportation shall set fees for the issuance of permits pursuant to this subsection. Notwithstanding the provisions of section 301.133, concrete pump trucks or well-drillers' equipment may be operated on state-maintained roads and highways at any time on any day.

8. Notwithstanding the provision of this section to the contrary, the maximum gross vehicle limit and axle weight limit for any vehicle or combination of vehicles equipped with an idle reduction technology may be increased by a quantity necessary to compensate for the additional weight of the idle reduction system as provided for in 23 U.S.C. Section 127, as amended. In no case shall the additional weight increase allowed by this subsection be greater than **[**four**]** **five** hundred **fifty** pounds. Upon request by an appropriate law enforcement officer, the vehicle operator shall provide proof that the idle reduction technology is fully functional at all times and that the gross weight increase is not used for any purpose other than for the use of idle reduction technology.

9. Notwithstanding subsection 3 of this section or any other provision of law to the contrary, the total gross weight of any vehicle or combination of vehicles hauling livestock may be as much as, but shall not exceed, eighty-five thousand five hundred pounds while operating on U.S. Highway 36 from St. Joseph to U.S. Highway 63, on U.S. Highway 65 from the Iowa state line to U.S. Highway 36, and on U.S. Highway 63 from the Iowa state line to U.S. Highway 36, and on U.S. Highway 63 from U.S. Highway 36 to Missouri Route 17. The provisions of this subsection shall not apply to vehicles operated on the Dwight D. Eisenhower System of Interstate and Defense Highways.

10. Notwithstanding any provision of this section or any other law to the contrary, the total gross weight of any vehicle or combination of vehicles hauling milk from a farm to a processing facility may be as much as, but shall not exceed, eighty-five thousand five hundred pounds while operating on highways other than the interstate highway system. The provisions of this subsection shall not apply to vehicles operated and operating on the Dwight D. Eisenhower System of Interstate and Defense Highways.

304.820. TEXT MESSAGING WHILE OPERATING A MOTOR VEHICLE PROHIBITED — EXCEPTIONS — DEFINITIONS — VIOLATION, PENALTY. — 1. Except as otherwise provided in this section, no person twenty-one years of age or younger operating a moving motor vehicle upon the highways of this state shall, by means of a hand-held electronic wireless communications device, send, read, or write a text message or electronic message.

2. **Except as otherwise provided in this section, no person shall operate a commercial motor vehicle while using a hand-held mobile telephone.**

3. Except as otherwise provided in this section, no person shall operate a commercial motor vehicle while using a wireless communications device to send, read, or write a text message or electronic message.

4. The provisions of subsection 1 **through subsection 3** of this section shall not apply to a person operating:

(1) An authorized emergency vehicle; or

(2) A moving motor vehicle while using a hand-held electronic wireless communications device to:

(a) Report illegal activity;

(b) Summon medical or other emergency help;

(c) Prevent injury to a person or property; or

(d) Relay information between a transit or for-hire operator and that operator's dispatcher, in which the device is permanently affixed to the vehicle.

[3.**]** **5.** Nothing in this section shall be construed or interpreted as prohibiting a person from making or taking part in a telephone call, by means of a hand-held electronic wireless communications device, while operating a **noncommercial** motor vehicle upon the highways of this state.

[4.**]** **6.** As used in this section, "electronic message" means a self-contained piece of digital communication that is designed or intended to be transmitted between hand-held electronic wireless communication devices. "Electronic message" includes, but is not limited to, electronic mail, a text message, an instant message, or a command or request to access an internet site.

[5.**]** **7.** As used in this section, "hand-held electronic wireless communications device" includes any hand-held cellular phone, palm pilot, blackberry, or other mobile electronic device used to communicate verbally or by text or electronic messaging, but shall not apply to any device that is permanently embedded into the architecture and design of the motor vehicle.

[6.**]** **8.** As used in this section, "making or taking part in a telephone call" means listening to or engaging in verbal communication through a hand-held electronic wireless communication device.

[7.**]** **9.** As used in this section, "send, read, or write a text message or electronic message" means using a hand-held electronic wireless telecommunications device to manually communicate with any person by using an electronic message. Sending, reading, or writing a text message or electronic message does not include reading, selecting, or entering a phone number or name into a hand-held electronic wireless communications device for the purpose of making a telephone call.

[8.**]** **10.** A violation of this section shall be deemed an infraction and shall be deemed a moving violation for purposes of point assessment under section 302.302.

[9.**]** **11.** The state preempts the field of regulating the use of hand-held electronic wireless communications devices in motor vehicles, and the provisions of this section shall supercede any local laws, ordinances, orders, rules, or regulations enacted by a county, municipality, or other political subdivision to regulate the use of hand-held electronic wireless communication devices by the operator of a motor vehicle.

[10.**]** **12.** The provisions of this section shall not apply to:

(1) The operator of a vehicle that is lawfully parked or stopped;

(2) Any of the following while in the performance of their official duties: a law enforcement officer; a member of a fire department; or the operator of a public or private ambulance;

(3) The use of factory-installed or aftermarket global positioning systems (GPS) or wireless communications devices used to transmit or receive data as part of a digital dispatch system;

(4) The use of voice-operated technology;

(5) The use of two-way radio transmitters or receivers by a licensee of the Federal Communications Commission in the Amateur Radio Service.

304.890. DEFINITIONS. — As used in sections 304.890 to 304.894, the following terms shall mean:

(1) "Active emergency", any incident occurring on a highway, as the term "highway" is defined in section 302.010, that requires emergency services from any emergency responder;

(2) "Active emergency zone", any area upon or around any highway, which is visibly marked by emergency responders performing work for the purpose of emergency response, and where an active emergency, or incident removal, is temporarily occurring. This area includes the lanes of highway leading up to an active emergency or incident removal, beginning within three hundred feet of visual sighting of:

(a) Appropriate signs or traffic control devices posted or placed by emergency responders; or

(b) An emergency vehicle displaying active emergency lights or signals;

(3) "Emergency responder", any law enforcement officer, paid or volunteer firefighter, first responder, emergency medical worker, tow truck operator, or other emergency personnel responding to an emergency on a highway.

304.892. VIOLATIONS, PENALTIES. — 1. Upon the first conviction, finding of guilt, or plea of guilty by any person for a moving violation, as the term "moving violation" is defined in section 302.010, or any offense listed in section 302.302, other than a violation described in subsection 2 of this section, when the violation or offense occurs within an active emergency zone, the court shall assess a fine of thirty-five dollars in addition to any other fine authorized by law. Upon a second or subsequent conviction, finding of guilt, or plea of guilty, the court shall assess a fine of seventy-five dollars in addition to any other fine authorized by law.

2. Upon the first conviction, finding of guilt, or plea of guilty by any person for a speeding violation under either section 304.009 or 304.010, or a passing violation under subsection 3 of this section, when the violation or offense occurs within an active emergency zone and emergency responders were present in such zone at the time of the offense or violation, the court shall assess a fine of two hundred fifty dollars in addition to any other fine authorized by law. Upon a second or subsequent conviction, finding of guilt, or plea of guilty, the court shall assess a fine of three hundred dollars in addition to any other fine authorized by law. However, no person assessed an additional fine under this subsection shall also be assessed an additional fine under subsection 1 of this section.

3. The driver of a motor vehicle shall not overtake or pass another motor vehicle within an active emergency zone. Violation of this subsection is a class C misdemeanor.

4. The additional fines imposed by this section shall not be construed to enhance the assessment of court costs or the assessment of points under section 302.302.

304.894. OFFENSE OF ENDANGERMENT OF AN EMERGENCY RESPONDER, ELEMENTS — PENALTIES. — 1. A person commits the offense of endangerment of an emergency responder for any of the following offenses when the offense occurs within an active emergency zone:

(1) Exceeding the posted speed limit by fifteen miles per hour or more;

(2) Passing in violation of subsection 3 of section 304.892;

(3) Failure to stop for an active emergency zone flagman or emergency responder, or failure to obey traffic control devices erected, or personnel posted, in the active emergency zone for purposes of controlling the flow of motor vehicles through the zone;

(4) Driving through or around an active emergency zone via any lane not clearly designated for motorists to control the flow of traffic through or around the active emergency zone;

(5) Physically assaulting, attempting to assault, or threatening to assault an emergency responder with a motor vehicle or other instrument; or

(6) Intentionally striking, moving, or altering barrels, barriers, signs, or other devices erected to control the flow of traffic to protect emergency responders and motorists unless the action was necessary to avoid an obstacle, an emergency, or to protect the health and safety of an occupant of the motor vehicle or of another person.

2. Upon a finding of guilt or a plea of guilty for committing the offense of endangerment of an emergency responder under subsection 1 of this section, if no injury or death to an emergency responder resulted from the offense, the court shall assess a fine of not more than one thousand dollars, and four points shall be assessed to the operator's license pursuant to section 302.302.

3. A person commits the offense of aggravated endangerment of an emergency responder upon a finding of guilt or a plea of guilty for any offense under subsection 1 of

this section when such offense results in the injury or death of an emergency responder. Upon a finding of guilt or a plea of guilty for committing the offense of aggravated endangerment of an emergency responder, in addition to any other penalty authorized by law, the court shall assess a fine of not more than five thousand dollars if the offense resulted in injury to an emergency responder, and ten thousand dollars if the offense resulted in the death of an emergency responder. In addition, twelve points shall be assessed to the operator's license pursuant to section 302.302 upon conviction.

4. Except for the offense established under subdivision (6) of subsection 1 of this section, no person shall be deemed to have committed the offense of endangerment of an emergency responder except when the act or omission constituting the offense occurred when one or more emergency responders were responding to an active emergency.

5. No person shall be cited for, or found guilty of, endangerment of an emergency responder or aggravated endangerment of an emergency responder for any act or omission otherwise constituting an offense under subsection 1 of this section if such act or omission resulted in whole or in part from mechanical failure of the person's vehicle, or from the negligence of another person or emergency responder.

307.400. COMMERCIAL VEHICLES, EQUIPMENT AND OPERATION, REGULATIONS, EXCEPTIONS — VIOLATIONS, PENALTY — RULEMAKING AUTHORITY. — 1. It is unlawful for any person to operate any commercial motor vehicle as defined in Title 49, Code of Federal Regulations, Part 390.5, either singly or in combination with a trailer, as both vehicles are defined in Title 49, Code of Federal Regulations, Part 390.5, unless such vehicles are equipped and operated as required by Parts 390 through 397, Title 49, Code of Federal Regulations, as such regulations have been and may periodically be amended, whether intrastate transportation or interstate transportation. Members of the Missouri state highway patrol are authorized to enter the cargo area of a commercial motor vehicle or trailer to inspect the contents when reasonable grounds exist to cause belief that the vehicle is transporting hazardous materials as defined by Title 49 of the Code of Federal Regulations. The director of the department of public safety is hereby authorized to further regulate the safety of commercial motor vehicles and trailers as he deems necessary to govern and control their operation on the public highways of this state by promulgating and publishing rules and regulations consistent with this chapter. Any such rules shall, in addition to any other provisions deemed necessary by the director, require:

(1) Every commercial motor vehicle and trailer and all parts thereof to be maintained in a safe condition at all times;

(2) Accidents arising from or in connection with the operation of commercial motor vehicles and trailers to be reported to the department of public safety in such detail and in such manner as the director may require. Except for the provisions of subdivisions (1) and (2) of this subsection, the provisions of this section shall not apply to any commercial motor vehicle operated in intrastate commerce and licensed for a gross weight of sixty thousand pounds or less when used exclusively for the transportation of solid waste or forty-two thousand pounds or less when the license plate has been designated for farm use by the letter "F" as authorized by the Revised Statutes of Missouri, unless such vehicle is transporting hazardous materials as defined in Title 49, Code of Federal Regulations.

2. Notwithstanding the provisions of subsection 1 of this section to the contrary, Part 391, Subpart E, Title 49, Code of Federal Regulations, relating to the physical requirements of drivers shall not be applicable to drivers in intrastate commerce, provided such drivers were licensed by this state as chauffeurs to operate commercial motor vehicles on May 13, 1988. Persons who are otherwise qualified and licensed to operate a commercial motor vehicle in this state may operate such vehicle intrastate at the age of eighteen years or older, except that any person transporting hazardous material must be at least twenty-one years of age.

3. Commercial motor vehicles and drivers of such vehicles may be placed out of service if the vehicles are not equipped and operated according to the requirements of this section.

Criteria used for placing vehicles and drivers out of service are the North American Uniform Out-of-Service Criteria adopted by the Commercial Vehicle Safety Alliance and the United States Department of Transportation, as such criteria have been and may periodically be amended.

4. Notwithstanding the provisions of subsection 1 of this section to the contrary, Part 395, Title 49, Code of Federal Regulations, relating to the hours of drivers, shall not apply to any vehicle owned or operated by any public utility, rural electric cooperative or other public service organization, or to the driver of such vehicle, while providing restoration of essential utility services during emergencies and operating intrastate. For the purposes of this subsection, the term "essential utility services" means electric, gas, water, telephone and sewer services.

5. **[**Part 395, Title 49, Code of Federal Regulations, relating to the hours of drivers, shall not apply to drivers transporting agricultural commodities or farm supplies for agricultural purposes in this state if such transportation:

(1) Is limited to an area within a one hundred air-mile radius from the source of the commodities or the distribution point for the farm supplies; and

(2) Is conducted during the planting and harvesting season within this state, as defined by the department of public safety by regulation.

6. The provisions of Part 395.8, Title 49, Code of Federal Regulations, relating to recording of a driver's duty status, shall not apply to drivers engaged in agricultural operations referred to in subsection 5 of this section, if the motor carrier who employs the driver maintains and retains for a period of six months accurate and true records showing:

(1) The total number of hours the driver is on duty each day; and

(2) The time at which the driver reports for, and is released from, duty each day.

7.**]** Notwithstanding the provisions of subsection 1 of this section to the contrary, Parts 390 through 397, Title 49, Code of Federal Regulations shall not apply to commercial motor vehicles operated in intrastate commerce to transport property, which have a gross vehicle weight rating or gross combination weight rating of twenty-six thousand pounds or less. The exception provided by this subsection shall not apply to**:**

(1) Vehicles transporting hazardous materials **[**or to**]** **and which are not covered farm vehicles as provided in subdivision (3) of this subsection;**

(2) Vehicles designed to transport sixteen or more passengers including the driver as defined by Title 49 of the Code of Federal Regulations**; or**

(3) Vehicles which are defined as covered farm vehicles pursuant to federal laws and regulations and are transporting hazardous materials that require a placard as required by 49 CFR 100-180. Nothing in this subsection shall be construed to prohibit persons designated by the department of public safety from inspecting vehicles defined in this subsection.

[8.**]** **6.** Violation of any provision of this section or any rule promulgated as authorized therein is a class B misdemeanor.

[9.**]** **7.** Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

407.300. COPPER WIRE OR CABLE, CATALYTIC CONVERTERS, COLLECTORS AND DEALERS TO KEEP REGISTER, INFORMATION REQUIRED — PENALTY — EXEMPT TRANSACTIONS. — 1. Every purchaser or collector of, or dealer in, junk, scrap metal, or any secondhand property shall keep a register containing a written or electronic record for each

purchase or trade in which each type of metal subject to the provisions of this section is obtained for value. There shall be a separate record for each transaction involving any:

(1) Copper, brass, or bronze;

(2) Aluminum wire, cable, pipe, tubing, bar, ingot, rod, fitting, or fastener; **[**or**]**

(3) Material containing copper or aluminum that is knowingly used for farming purposes as farming is defined in section 350.010; **or**

(4) Catalytic converter;

whatever may be the condition or length of such metal. The record shall contain the following data: a copy of the driver's license or photo identification issued by the state or by the United States government or agency thereof to the person from whom the material is obtained, which shall contain a current address of the person from whom the material is obtained, and the date, time, and place of and a full description of each such purchase or trade including the quantity by weight thereof.

2. The records required under this section shall be maintained for a minimum of twenty-four months from when such material is obtained and shall be available for inspection by any law enforcement officer.

3. Anyone convicted of violating this section shall be guilty of a class A misdemeanor.

4. This section shall not apply to any of the following transactions:

(1) Any transaction for which the total amount paid for all regulated scrap metal purchased or sold does not exceed fifty dollars**, unless the scrap metal is a catalytic converter**;

(2) Any transaction for which the seller, including a farm or farmer, has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business; or

(3) Any transaction for which the type of metal subject to subsection 1 of this section is a minor part of a larger item, except for equipment used in the generation and transmission of electrical power or telecommunications.

544.157. LAW ENFORCEMENT OFFICERS, CONSERVATION AGENTS, CAPITOL POLICE, COLLEGE OR UNIVERSITY POLICE OFFICERS, AND PARK RANGERS, ARREST POWERS — FRESH PURSUIT DEFINED — POLICY OF AGENCY ELECTING TO INSTITUTE VEHICULAR PURSUITS. — 1. Any law enforcement officer certified pursuant to chapter 590 of any political subdivision of this state, any authorized agent of the department of conservation, any commissioned member of the Missouri capitol police**, any college or university police officer,** and any commissioned member of the Missouri state park rangers in fresh pursuit of a person who is reasonably believed by such officer to have committed a felony in this state or who has committed, or attempted to commit, in the presence of such officer or agent, any criminal offense or violation of a municipal or county ordinance, or for whom such officer holds a warrant of arrest for a criminal offense, shall have the authority to arrest and hold in custody such person anywhere in this state. Fresh pursuit may only be initiated from within the pursuing peace officer's, conservation agent's, capitol police officer's**, college or university police officer's,** or state park ranger's jurisdiction and shall be terminated once the pursuing peace officer is outside of such officer's jurisdiction and has lost contact with the person being pursued. If the offense is a traffic violation, the uniform traffic ticket shall be used as if the violator had been apprehended in the municipality or county in which the offense occurred.

2. If such an arrest is made in obedience to a warrant, the disposition of the prisoner shall be made as in other cases of arrest under a warrant; if the violator is served with a uniform traffic ticket, the violator shall be directed to appear before a court having jurisdiction to try the offense; if the arrest is without a warrant, the prisoner shall be taken forthwith before a judge of a court with original criminal jurisdiction in the county wherein such arrest was made or before a

municipal judge thereof having original jurisdiction to try such offense, who may release the person as provided in section 544.455, conditioned upon such person's appearance before the court having jurisdiction to try the offense. The person so arrested need not be taken before a judge as herein set out if given a summons by the arresting officer.

3. The term "fresh pursuit", as used in this section, shall include hot or fresh pursuit as defined by the common law and also the pursuit of a person who has committed a felony or is reasonably suspected of having committed a felony in this state, or who has committed or attempted to commit in this state a criminal offense or violation of municipal or county ordinance in the presence of the arresting officer referred to in subsection 1 of this section or for whom such officer holds a warrant of arrest for a criminal offense. It shall include also the pursuit of a person suspected of having committed a supposed felony in this state, though no felony has actually been committed, if there is reasonable ground for so believing. "Fresh pursuit" as used herein shall imply instant pursuit.

4. A public agency electing to institute vehicular pursuits shall adopt a policy for the safe conduct of vehicular pursuits by peace officers. Such policy shall meet the following minimum standards:

(1) There shall be supervisory control of the pursuit;

(2) There shall be procedures for designating the primary pursuit vehicle and for determining the total number of vehicles to be permitted to participate at one time in the pursuit;

(3) There shall be procedures for coordinating operation with other jurisdictions; and

(4) There shall be guidelines for determining when the interests of public safety and effective law enforcement justify a vehicular pursuit and when a vehicular pursuit should not be initiated or should be terminated.

SECTION 1. CONVEYANCE OF PROPERTY IN TANEY COUNTY TO STATE HIGHWAYS AND TRANSPORTATION COMMISSION. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located in Taney County to the state highways and transportation commission. The property to be conveyed is more particularly described as follows:

Tract One

Right of way for a Federal road 80 feet wide, except as noted.

That part of the SE¼ of the NW¼ and also of the NE¼ of SW¼ and also of the NW¼ of SE¼ and also of the SW¼ of SE¼ and also of the SE¼ of SW¼ all in Sec. 6, and also the NE¼ of NW¼ and also of the NW¼ of NE¼ in Sec. 7, all in T21N, R21W lying within a strip of land 80 feet wide, except as noted, 40 feet thereof, except as noted, being on each side of, parallel to and measured from a surveyed center line which is described as follows:

Beginning on the north line of and 720 feet east of the north west corner of the SE¼ of NW¼ of Sec. 6, T21N, R21W; thence south easterly on a curve to the right with 1146.3 feet radius, the tangent to which bears S 31° 56'E, 243 feet; thence S 19°47'E a distance of 391 feet; thence continuing S 19°47'E with 40 feet on the right side and 55 feet on the left side of the said center line, a distance of 200 feet; thence continuing S 19°47'E with 40 feet on each side of the said center line, a distance of 240 feet; thence continuing S 19°47'E with 60 feet on the right side of and 40 feet on the left side of the said center line, a distance of 110 feet; thence continuing S 19°47'E with 40 feet on both sides of the center line, a distance of 1405.4 feet; thence on a curve to the right with 819 feet radius, a distance of 534.8 feet; thence S 17°39'W a distance of 683.5 feet; thence on a curve to the left with 637.8 feet radius, a distance of 421.1 feet; thence S 20°15'E a distance of 560.3 feet; thence on a curve to the left with 955.4 feet radius, a distance of 366.7 feet; thence S 42°15'E with 40 feet on the right side of and 60

feet on the left side of the said center line, a distance of 118.3 feet; thence S 42°15'E with 40 feet on each side of the said center line, a distance of 230 feet, to the south line of and 270 feet more or less east of the south west corner of the said NW¼ of NE¼ of Sec. 7.

Containing right of way old 4.60 acres, more or less
new 5.68 " "
total 10.28 " "

Tract Two

Right of way for a Federal road 80 feet wide, except as noted.

That part of the SW¼ of NE¼ of Sec. 7, T21N, R21W lying on the west side of the present road and included within a tract of land 80 feet wide, except as noted, 40 feet of which, except as noted, is on each side of, parallel to and measured from a surveyed center line which is described as follows:

Beginning on the north line of and 270 feet east of the north west corner of the SW¼ of NE¼ of Sec. 7, T21N, R21W; thence S 42° 15'E a distance of 245 feet; thence continuing S 42°15'E with 40 feet on the right side of and 55 feet on the left side of the said center line, a distance of 48.8 feet; thence on a curve to the right with 716.8 feet radius and continuing 40 feet on the right side of and 55 feet on the left side of the said center line, a distance of 76.2 feet; thence continuing on the same curve with 40 feet on both sides of the said center line, a distance of 250 feet to the property line between W.R. Carey and C.N. McElfresh, being approximately 540 feet south of and 570 feet east of the north west corner of the said SW¼ of NE¼ of Sec. 7.

Containing right of way old 0.16 acres, more or less
new 0.03 " "
total 0.21 " "

Tract Three

Right of way for a Federal road 80 feet wide, except as noted.

That part of the SW¼ of NE¼ of Sec. 7, T21N, R21W lying on the east side of the present road, and included within a tract of land 80 feet wide, except as noted, 40 feet of which, except as noted, is on each side of, parallel to and measured from a surveyed center line, which is described as follows:

Beginning on the north line of and 270 feet east of the north west corner of the SW¼ of NE¼ of Sec. 7, T21N, R21W; thence S 42°15'E a distance of 245 feet; thence continuing S 42°15'E with 40 feet on the right side of and 55 feet on the left side of the said center line a distance of 25 feet to a point on the property line between V.T. Jones and C.N. McElfreh, being about 210 feet south of and 420 feet east of the northwest corner of the said SW¼ of NE¼ of Sec. 7.

Containing right of way old 0.09 acres, more or less
new 0.30 " "
total 0.39 " "

Tract Four

Right of way for a Federal road 80 feet wide, except as noted.

That part of the SW¼ of NE¼ of Sec. 7, T21N, R21W lying within a tract of land 80 feet wide, except as noted, 40 feet of which, except as noted, is on each side of, parallel to and measured from a surveyed center line. Said tract is bounded and described as follows:

Beginning 210 feet south of and 420 feet east of the north west corner of the SW¼ of NE¼ of Sec. 7, T21N, R21W at survey station 1133+00; thence N 55°30'E on the property line between C.N. McElfresh and V.T. Jones, a distance of 57 feet; thence S 42°15'E a distance of 23.8 feet; thence on a curve to the right with 771.8 feet radius, parallel to and 55 feet from the said center line, a distance

of 95 feet; thence S 53°51'W a distance of 15 feet; thence south eastward on a curve to the right with 756.8 feet radius, the tangent to which bears S 36°09'E a distance of 550 feet; thence S 6°08'W a distance of 171.4 feet; thence S 83°52'E a distance of 10 feet; thence S 6°08'W a distance of 250 feet; thence N 83°52'W a distance of 10 feet; thence S 6°08'W a distance of 100 feet, more or less to the south line of the said SW¼ of NE¼; thence west on said south line a distance of 82 feet; thence N 6°08'E parallel to and 40 feet from the said center line, a distance of 530 feet; thence on a curve to the left with 676.8 feet radius, a distance of 260 feet, to the property line between C.N. McElfresh and W.R. Cary; thence eastward on said property line, a distance of 37 feet to the center of the present road; thence north westerly along said present road a distance of 360 feet; thence N 55°30'E a distance of 25 feet more or less to the beginning place.

Containing right of way old 0.66 acres, more or less
new 1.45 " "
total 2.11 " "

Tract Five

Right of way for Federal road 80 feet wide, except as noted.

That part of NW¼ of SE¼ of Sec. 7 and also of the NE¼ of NE¼ of Sec. 18, all in T21N, R21W lying within tracts of land 80 feet wide, except as noted, 40 feet of which, except as noted is on each side of, parallel to and measured from a surveyed center line which is described as follows:

(1) Beginning on the north line of and 470 feet east of the north west corner of the NW¼ of SE¼ of Sec. 7, T21N, R21W; thence S 6°08'W with 40 feet on both sides of the said center line, a distance of 512.1 feet; thence on a curve to the left with 1432.7 feet radius, a distance of 418.7 feet; thence S 10°37'E a distance of 70 feet; thence continuing S 10°37'E with 40 feet on the right side of and 50 feet on the left side of the said center line, a distance of 150 feet; thence continuing S 10°37'E with 40 feet on each side of the said center line, a distance of 150 feet, to the south line of and 956 feet west of the south east corner of the said NW¼ of SE¼ of Sec. 7

Containing right of way old 1.00 acres, more or less
new 1.42 " "
total 2.42 " "

(2) Beginning on the west line of and 460 feet south of the north west corner of the NE¼ of NE¼ of Sec. 18, T21N, R21W; thence S 44°10'E a distance of 155.9 feet; thence on a curve to the left with 1432.7 feet radius, a distance of 517.5 feet; thence S 64°52'E a distance of 166.9 feet; thence on a curve to the right with 637.3 feet radius, a distance of 414.7 feet, to the south line of and 890 feet east of the south west corner of the said NE¼ of NE¼ of Sec. 18.

Containing right of way old 0.14 acres, more or less
new 2.13 " "
total 2.27 " "

2. The commissioner of administration shall set the terms and conditions for the sale as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the sale.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 2. CONVEYANCE OF PROPERTY IN ST. CLAIR COUNTY TO STATE HIGHWAYS AND TRANSPORTATION COMMISSION. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release, and forever quitclaim all interest of the state of Missouri in real property located in St. Clair County, Appleton City,

to the state highways and transportation commission. The property to be conveyed is more particularly described as follows:

All of Lots Nine (9), ten (10), eleven (11), twelve (12), Thirteen (13), Fourteen (14), fifteen (15) and Sixteen (16), Block two (2); also Lots three (3), four (4), five (5), six (6), seven (7), eight (8), twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16) and seventeen (17), Block three (3), Grantley's Addition to Appleton City, Missouri.

2. The commissioner of administration shall set the terms and conditions for the sale as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the sale.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 3. CONVEYANCE OF PROPERTY IN OSAGE COUNTY TO STATE HIGHWAYS AND TRANSPORTATION COMMISSION. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release, and forever quitclaim all interest of the state of Missouri in real property located in Osage County to the state highways and transportation commission. The property to be conveyed is more particularly described as follows:

A strip of land 95 ft. wide being 40 ft. wide on the left or north side of, and 55 ft. wide on the right or south side of, parallel to and adjoining the centerline of State Highway Route U.S. 50, leading from Kansas City to St. Louis, Missouri beginning at the west property line of said first party or Sta. 503+50 and continuing to Sta. 512+00, a distance of 830.8 ft. thence widening to a strip of land 100 ft. wide being 45 ft. wide on the left or north side of and 55 ft. wide on the right or south side of said centerline from Sta. 512+00 to Sta. 516+00, a distance of 400 ft. thence narrowing to a strip of land 80 ft. wide being 40 ft. wide on each side of said centerline from Sta. 516+00 to the south property line of said first party or Sta. 520+00 being a distance of 400 ft., also a strip of land 50 ft. wide for connection of said highway and the present road, said strip of land extending a distance of 75 ft. more or less in an easterly direction from said left or north right-of-way line at or near Sta. 520+ and as shown on the plans for said highway, as surveyed, located and platted by the State Highway Department thru the S.½ of N.W.¼ of Sec. 7 T 43 N-R 8 W; as shown by a plat of said survey now on file with the Clerk of the County Court of Osage County, Missouri.

2. The commissioner of administration shall set the terms and conditions for the sale as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the sale.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 4. CONVEYANCE OF PROPERTY IN MADISON COUNTY TO STATE HIGHWAYS AND TRANSPORTATION COMMISSION. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release, and forever quitclaim all in Madison County to the state highways and transportation commission. The property to be conveyed is more particularly described as follows:

Beginning at a point 114.7 feet south 82 ½° east of the southwest corner of U.S.P.S. 350, Township 33 north, Range 7 east, and on the centerline of the survey made by the State Highway Commission for Route 67, Madison County, and shown on the plan thereof a copy of which is on file with the Clerk of the County Court of Madison County the said point being known as Station 250+74 and on the arc of a 0° 30' curve to the right; the tangent of which bears north 0° 18' east at this point, thence along the said arc 2041.6 feet thence north

10° 30' east, 1458.4 feet to a point on the said centerline known as Station 215+74 and there terminating.

A strip of land lying on each side of, and adjacent to the above described centerline as follows:

Station	to	Station	Distance	Width Right (East)	Width Left (West)
250+74		235+00	1574 Feet	50 Feet	
235+00		230+00	500 "	65 "	50 Feet
230+00		228+80	120 "	80 "	50 "
228+80		224+50	430 "	80 "	80 "
224+50		224+00	50 "	80 "	50 "
224+00		215+74	826 "	50 "	50 "

and all of U.S.P.S. 350 lying west of the said centerline from Station 250+74 to Station 235+00.

Also strips of land 10 feet wide lying on each side of and adjacent to the above described right-of-way being on the right (east) side from Station 224+00 to Station 217+00 and on the left (west) side from Station 220+50 to Station 218+00, upon which the parties of the first part grant_, convey_ and warrant_ for themselves, and their heirs, successors and assigns, unto the State, its agents, successors or assigns, the right, easement and privilege to construct and maintain on the land described in this paragraph all such extensions of any slopes from roadbed cuts or fills which may be necessary to taper out such slopes; only the above rights in, and not the fee title to, such land is hereby conveyed, and the grantors shall have the unrestricted right to fence, use and control such land in any way they desire, so long as the same does not interfere with the rights hereby granted.

Also 0.20 acre being a tract or parcel of land lying on the right (east) side of and adjacent to the right-of-way described above being 70 feet wide from Station 226+50 to Station 225+25, upon which the party of the second part is granted only the right to enter for the purpose of constructing and opening a channel and using the excavation therefrom in grading the State Highway. The said party of the second part is also granted the right to enter upon the said land of the parties of the first part as often as may be necessary for the purpose of maintaining and keeping open the said channel, the parties of the first part or their successors otherwise to have the free, uninterrupted and absolute use of said land.

All lying in U.S.P.S. 350, Township 33 north, Range 7 east of the 5th P.M. in Madison County, Missouri and containing 10.15 acres.

2. The commissioner of administration shall set the terms and conditions for the sale as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the sale.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 5. Conveyance of property in Greene County to State Highways and Transportation Commission. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located in Greene County to the state highways and transportation commission. The property to be conveyed is more particularly described as follows:

Right of way for State Highway Route 60.

That part of the NE ¼ of SW ¼ and NW ¼ of SE ¼ of Sec. 10, Twp. 28N, R23W, south and east of the Frisco Railroad right of way and southwest of State Highway Route M, being in a tract of land 172 feet wide, except as noted, 57 feet

of which, except as noted, is on the left or northwesterly side, and 115 feet, except as noted, on the right or southeasterly side of, adjacent to, parallel with and measured from the surveyed center line of the survey of the Missouri State Highway Department for said Route 60, which surveyed center line is described as follows:

1. Beginning at a point approximately 47 feet south and 16 feet east of the southwest corner of the said NW ¼ of SE ¼ of Sec. 10, at survey station 178+50, thence N 56°14'E 1635 feet to station 194+85, which station is approximately 462 feet south and 30 feet east of the northeast corner of said NW ¼ of SE ¼ of Sec. 10.

Containing 5.74 acres, more or less, new right of way.

2. Also beginning on the left side of item 1, opposite station 191+28.3, thence N 4°02'E 255 feet, thence S 85°43'W approximately 77.5 feet to the southeasterly boundary of the railroad right of way, thence in a southwesterly direction with said boundary to the south side of the said NE ¼ of SE ¼ of said Sec. 10, thence east approximately 20 feet to item 1, thence N 56°14'E with item 1, 1375 feet to the point of beginning.

Containing 3.04 acres, more or less, new right of way.

3. Also a tract beginning on the left side of item 1, opposite station 193+28.3, thence northerly to the southwesterly right of way boundary of said Route M as it is now located and established, 30 feet from and opposite station 3+98.7 of said route, thence southeasterly with Route M to the east boundary of the property, thence south with said east property boundary to item 1, thence southwesterly with item 1 to the point of beginning.

Containing 0.28 acre, more or less, new right of way.

4. Also a tract beginning on the right side of item 1, opposite station 193+28.3, thence easterly approximately 35 feet to the east property boundary, thence north approximately 26 feet to item 1, thence southwesterly with item 1 approximately 40 feet to the point of beginning.

Containing 0.01 acre, more or less, new right of way.

Items 1, 2, 3 and 4 contain a total of 9.07 acres, more or less, new right of way.

2. The commissioner of administration shall set the terms and conditions for the sale as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the sale.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 6. CONVEYANCE OF PROPERTY IN ANDREW COUNTY TO STATE HIGHWAYS AND TRANSPORTATION COMMISSION. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located in Andrew County to the state highways and transportation commission. The property to be conveyed is more particularly described as follows:

Tract 1

A parcel of land bounded by a line beginning at a point on the centerline of the surveyed State highway at Station 195+98, said point also being two hundred thirty-five (235) feet north of the northeast corner of the southeast quarter of the southwest quarter of Section thirty-five (35), Township sixty-one (61) north, Range thirty-five (35) west, thence south fifty (50) feet, thence northeasterly on a curve having a radius of one thousand one hundred eight-six and twenty-eight hundredths (1186.28) feet, and extending two hundred twenty-eight (228) feet, thence north 47° 19' east one thousand twenty-nine and two tenths (1029.2) feet, thence easterly on a curve having a radius of one thousand one hundred six and

twenty-eight hundredths (1106.28) feet, and extending eight hundred forty-eight and sixty-seven hundredths (848.67) feet, thence easterly twenty-five and thirteen hundredths (25.13) feet, thence north forty (40) feet, thence west three hundred fifty (350) feet, thence southwesterly on a curve having a radius of one thousand one hundred eighty-six and twenty-eight hundredths (1186.28) feet, and extending two hundred seventy (270) feet, thence northwesterly five (5) feet, thence southeasterly on a curve having a radius of one thousand one hundred ninety-one and twenty-eight hundredths (1191.28) feet, and extending two hundred ninety (290) feet, thence south 47 o 19' west a distance of forty-five (45) feet, thence southeasterly five (5) feet, thence south 47 o19' west four hundred eighty (480) feet, thence westerly twenty-four (24) feet thence south fifteen (15) feet, thence easterly ten (10) feet, thence south 47 o19' west a distance of four hundred fifty-three (453) feet thence southwesterly on a curve having a radius of one thousand one hundred six and twenty-eight hundredths (1106.28) feet a distance of one-hundred seventy (170) feet, thence south fifty (50) feet to the point of beginning.

Said parcel of land being in and a part of the north one-half of the southeast quarter of Section thirty-five (35), Township sixty-one (61) north, Range thirty-five (35) west and comprising three and ninety hundredths (3.90) acres.

Tract 2

A parcel of land bounded by a line beginning at a point on the centerline of the surveyed State highway at Station 217+00, said point being eight hundred ninety-seven and forty-nine hundredths (897.49) feet west of the quarter section corner east side of Section thirty-five (35), Township sixty-one (61) north, Range thirty-five (35) west, thence west three hundred fifty (350) feet to the north right of way line of the surveyed State highway, thence northeasterly along the said north right of way line on a curve having a radius of one thousand one hundred eighty-six and twenty-eight hundredths (1186.28) feet and extending three hundred twenty-eight (328) feet, thence east twenty-five (25) feet, thence south forty (40) feet to the point of beginning.

Said parcel of land being in and a part of the southeast quarter of the northeast quarter of Section thirty-five (35), Township sixty-one (61) north, Range thirty-five (35) west and comprising sixteen hundredths (0.16) of an acre.

Tract 3

That part of the northeast quarter of Section thirty-four (34), Township sixty-one (61) north, Range thirty-five (35) west and being more particularly described as follows: Bounded by a line beginning at a point, said point being one thousand two hundred twenty-two (1222) feet east of the quarter section corner center of said Section thirty-four (34), thence north three hundred seventy (370) feet, to the south bank of 102 River, thence easterly along the south bank of said River forty (40) feet, thence south 17°30' east three hundred fifty (350) feet, thence west one hundred forty (140) feet to the point of beginning and comprising fifty-nine hundredths (0.59) of an acre.

Tract 4

That part of the southeast quarter of Section thirty-five (35), Township sixty-one (61) north, Range thirty-five (35) west, more particularly described as

Tract #1, being bounded by a line beginning at a point on the centerline of State Highway Route 48 at Station 212+71.2, which is approximately one thousand three hundred fifty-seven and six tenths (1357.6) feet west of the northeast corner of the southeast quarter of said Section thirty-five (35), thence west fifty-four and five tenths (54.5) feet to this westerly right of way line of said State Highway Route 48, thence south 47° 11' west along said westerly right of way line three

hundred (300) feet, thence northeasterly to the right on the arc of a curve having a radius of one thousand one hundred ninety-one and twenty-eight hundredths (1191.28) feet, and extending a distance of one hundred eighty (180) feet, thence southeasterly and at right angles a distance of five (5) feet, thence northeasterly to right on the arc of a curve having a radius of one thousand one hundred eight-six and twenty-eight hundredths (1186.28) feet and extending a distance of two hundred seventy (270) feet to a point on the north line of the southeast quarter of said Section thirty-five (35), thence west to said point of beginning. Said tract is for right of way and contains thirty-three hundredths (0.33) of an acre.

Tract 5

That part of the northeast quarter of Section thirty-five (35), Township sixty-one (61), Range thirty-five (35) west, found by

Starting at a point on the centerline of State Highway Route 48, at Station 212+71.2, which is approximately one thousand three hundred fifty-seven and six tenths (1357.6) feet west of the southeast corner of the northeast quarter of said section thirty-five (35), thence following said centerline north 47° 11' east one thousand twenty-eight and seven tenths (1028.7) feet to Station 222+99.9, a P.C., thence northerly to the left on the arc of a 5° 00' curve seven hundred sixty-two (762) feet to Station 250+61.9, a P.T. , thence north 9° 05' east one thousand two hundred ninety-seven and one tenth (1297.1) feet to Station 245+59, which is on defendants' north property line, and is approximately forty (40) feet west of the northeast corner of said Section thirty-five (35).

Tract #1, being all of defendants' land lying within forty (40) feet to each side of the above described centerline from said Station 212+71.2 to Station 219+00, thence continuing with sixty (60) feet to left and widening uniformly to fifty (50) feet to right of said centerline at Station 220+00, thence continuing with sixty (60) feet to left and fifty (50) feet to right of said centerline to Station 220+50, thence continuing with forty (40) feet to left and narrowing uniformly to forty (40) feet to right of said centerline at Station 221+50, thence continuing with forty (40) feet to each side of said centerline to said Station 245+59, Said tract is for right of way and contains five and seventy-seven hundredths (5.77) acres.

Tract #2, being thirty (30) feet wide by one hundred (100) feet long to left of the above described right of way (or Tract #1) from opposite Station 235+00 to opposite Station 254+00, at an angle of 90° from said centerline. Said tract contains seven hundredths (0.07) of an acre, and is for changing the channel of a stream and providing for drainage ditches necessary for the proper construction and maintenance of said State Highway. Plaintiff only seeks the right to enter upon said tract of land for the purpose of constructing and opening said drainage ditches and channel change, using the excavation therefrom in grading said highway and for filling portions of the old channel; also the right to enter upon said parcel of land when necessary to maintain and keep open said ditches; the defendants, their successors or assigns to otherwise have the free, uninterrupted and absolute use of said Tract #2.

2. The commissioner of administration shall set the terms and conditions for the sale as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the sale.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 7. CONVEYANCE OF PROPERTY IN OZARK COUNTY TO STATE HIGHWAYS AND TRANSPORTATION COMMISSION. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located in Ozark County to the state

highways and transportation commission. The property to be conveyed is more particularly described as follows:

Tract 1

All that part of the following tract:
Northwest quarter of the southeast quarter (NW¼ SE¼)
Of Section 15, Township 22 North, Range 16 West
Which lies within a distance of 40 feet on each side of the centerline of State highway designated as Route SC, leading from Route 5, west of Gainesville, westerly to the Ozark-Taney County line, as the same was located, surveyed and platted by the State Highway Department, as shown on plans duly approved by the State Highway Commission, a copy of which is now on file with the Clerk of the County Court in and for Ozark County.
Said centerline being described as follows:
Beginning at a point on the west boundary of said tract, distant 650 feet, more or less, north of the southwest corner thereof, at or near Station 201+60; thence run north 49° 14' east, 526.9 feet; thence deflect to the right on a 4° curve, (delta angle 40° 22') 1009.2 feet; thence on tangent to said curve north 89° 36' east, 18.9 feet, more or less, to a point on the east boundary of said tract, distant 5 feet, more or less, south of the northeast corner thereof, and there terminating at or near Station 217+15.
Containing 2.86 acres, more or less.
2. Also the following parcel of land adjoining the above described right of way tract, extending between the stations indicated to the widths shown below:
Left: Station 202+01 to 202+27, 26 feet long by 30 feet wide on a 40§ skew to the right
3. Also all that part of said tract lying northerly of the above described strip, and easterly of a line described as follows:
Beginning at a point on the left or northerly line of said above described strip, opposite Station 211+00; thence run northwesterly normal to said centerline to its intersection with the northerly boundary of said tract, and there terminating.
Item 2 has an area of 0.02 acre, more or less, and is for the purpose of a ditch outlet, to which the State Highway Department only seeks the right to enter upon land of said owners for the purpose of constructing and opening said ditch, using excavation therefrom in grading said highway, and entering upon the said parcel of land as often as may be necessary to maintain and keep open said ditch; providing the owners shall otherwise have the free, absolute and uninterrupted use of said land.
Item 3 has an area of 0.29 acre, more or less, and is for the purpose of permanent right of way.

Tract 2

All that part of the following tract:
South half of the northeast quarter (S½ NE¼)
Of Section 15, Township 22 North, Range 16 West
Which lies within a distance of 40 feet on the northerly side of the centerline of State highway designated as Route SC, leading from Route 5, west of Gainesville, westerly to the Ozark-Taney County line, as the same was located, surveyed and platted by the State Highway Department, as shown on plans duly approved by the State Highway Commission, a copy of which is now on file with the Clerk of the County Court in and for Ozark County.
Said centerline being described as follows:
Beginning at a point distant 38 feet, more or less, south and 330 feet, more or less, west of the southeast corner of the southwest quarter of the northeast

quarter of said Section 15, at or near Station 213+80; thence from a tangent bearing north 76° 58' east, deflect to the right on a 4° curve, 316.1 feet; thence on tangent to said curve north 89° 36' east, 1368.9 feet, more or less, to a point on the extended east boundary of the southeast quarter of the northeast quarter of said Section 15, distant 10 feet, more or less, south of the southeast corner thereof, and there terminating at or near Station 230+65
Containing 0.25 acre, more or less, new right of way
and 0.99 acre, more or less, old right of way
(There is excepted from the above described strip, a strip of land 10 feet in width, lying adjacent to and southerly of the northerly line of said strip, and extending from Station 227+00 to the east boundary of the property).
2. Also the following parcel of land adjoining the above described right of way tract, extending between the stations indicated to the widths shown below:
Left: Station 222+50 to 225+50, 300 feet long by 5 feet wide
Item 2 has an area of 0.03 acre, more or less, and is for the purpose of permanent right of way.

2. The commissioner of administration shall set the terms and conditions for the sale as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the sale.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION B. EMERGENCY CLAUSE. — Because of the need to ensure that motorists who were issued valid special license plates are legally registered within the state of Missouri and because of the need to avoid unnecessary administrative license plate recalls, the repeal and reenactment of section 301.449 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 301.449 of this act shall be in full force and effect upon its passage and approval.

Approved July 10, 2013

HB 116 [SS#2 SCS HB 116]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding audits

AN ACT to repeal sections 21.760, 29.090, 29.180, 29.190, 29.200, 29.210, 29.230, 29.235, 29.250, 29.260, 29.270, 29.275, 29.340, 33.300, 37.850, 50.055, 50.057, 50.622, 50.1030, 56.809, 70.605, 86.200, 86.257, 86.263, 86.900, 86.990, 86.1000, 86.1010, 86.1030, 86.1100, 86.1110, 86.1150, 86.1180, 86.1210, 86.1220, 86.1230, 86.1240, 86.1250, 86.1270, 86.1310, 86.1380, 86.1420, 86.1500, 86.1530, 86.1540, 86.1580, 86.1590, 86.1610, 86.1630, 103.025, 104.190, 104.480, 169.020, and 238.272, RSMo, and to enact in lieu thereof fifty-seven new sections relating to public accounts, with penalty provisions and an emergency clause for a certain section.

SECTION
A. Enacting clause.
29.005. Definitions.
29.185. Conducting of audits, requirements.
29.190. To prescribe uniform method and plan of publishing the financial statements for counties.

29.200. Audits to be conducted at discretion of auditor or request of governor — auditor's duties.
29.210. To audit state transportation department — expenses of, how paid.
29.216. Public employee retirement and health care systems, audit of, when.
29.221. Reports of improper governmental activities, auditor's duties.
29.230. To audit county offices, when — political subdivisions by petition, requirements, costs — petition audit revolving trust fund created, administration.
29.235. Authority of auditor and authorized agents.
29.250. False, misleading, or unfounded reports, penalty — failure to comply with chapter, penalty — report of violations.
29.260. Officers to have recourse to law.
29.351. Audit of state auditor's office, when — procedure — cost, how paid.
33.087. Grant of federal funds of one million dollars or more, certain information to be made available to public — rulemaking authority.
33.300. Board of fund commissioners — members — officers — duties.
37.850. Portal to be maintained — database, contents, updating.
50.055. Accounts of county may be audited (counties of the second classification).
50.057. Audit, when, by whom (certain counties of the first classification).
50.622. Amendment of annual budget by any county during fiscal year receiving additional funds, procedure — decrease permitted, when.
50.1030. Board of directors, election, appointment by the governor, term, powers, duties — chairman, secretary, meetings — advisors — audits — compensation, costs — record — annual review.
56.809. Board established, trustees, terms, selection of — actuaries, advisors, counsel — audits — tables, rates, records — hearings, appeal — surety bonds — rules — powers of trustees — delegation of authority to advisors — records.
70.605. Missouri local government employees' retirement system created — jurisdiction, Cole County — board of trustees, composition, terms — annual meeting — vacancies, how created — oath — appointment of actuary, attorney and investment counselor — mortality tables to be adopted — record of proceedings — hearings, notice — surety bonds — annual audits — expenses of board — rules and regulations, adoption.
86.200. Definitions.
86.257. Disability retirement allowance granted, when — periodic medical examinations required, when — cessation of disability benefit, when.
86.263. Service-connected accidental disability retirement for active service members, requirements — periodic examinations required, when — cessation of benefits, when.
86.900. Definitions.
86.990. Board to certify amount to be paid by city, when.
86.1000. Contributions to pension fund by city — board to certify to board of police commissioners amount required.
86.1010. Members' retirement contributions, amount, how determined.
86.1030. Benefits and administrative expenses to be paid by retirement system funds — commencement of base pension — death of a member, effect of.
86.1100. Creditable service, board to fix and determine by rule.
86.1110. Military leave of absence, effect of — service credit for military service, when.
86.1150. Retirement age — base pension amount.
86.1151. Tier II members, retire when — benefits, how computed.
86.1180. Permanent disability caused by performance of duty, retirement by board of police commissioners permitted — base pension amount — certification of disability.
86.1210. Partial lump sum option plan distribution authorized.
86.1220. Cost-of-living adjustments in addition to base pension.
86.1230. Supplemental retirement benefits, Tier I members, amount — member to be special consultant, compensation.
86.1231. Supplemental retirement benefits, Tier II members, amount — member to be a special consultant, compensation.
86.1240. Pensions of spouses of deceased members — surviving spouse to be appointed as consultant to board, when.
86.1250. Pensions of children of deceased members.
86.1270. Retirement plan deemed qualified plan under federal law — board to administer plan as a qualified plan — vesting of benefits — distributions — definitions.
86.1310. Definitions.
86.1380. Certification by the board to the city for amount to be paid to the retirement system.
86.1420. Benefits and administrative expenses to be paid by system funds — commencement of base pension, when — death of member, effect of.
86.1500. Military service, effect on creditable service — election to purchase creditable service, when — service credit for military service, when.
86.1530. Normal retirement dates.

86.1540. Normal pension, amount — early retirement option, when — election for optional benefit for spouse — pension after five years of creditable service — felony conviction, effect of.
86.1580. Optional distribution under partial lump-sum option plan, when — death before retirement, effect of.
86.1590. Cost-of-living adjustments — base pension defined.
86.1610. Death of member in service, benefit to be received — death of member after retirement, benefit to be received — surviving spouse benefits.
86.1630. Tax-exempt status of plan to be maintained — assets of system to be held in trust — member benefits vested, when — distribution of benefits.
103.025. Annual audit of records and accounts by CPA.
104.190. Records of board — report — office at Jefferson City — seal — audit of accounts, requirements.
104.480. Records of board — financial report — office at Jefferson City — seal — audit of accounts, requirements.
169.020. System created, what districts included — trustees, appointment, terms, qualifications, election, duties — venue — audit, when — interest.
208.1050. Fund created, use of moneys.
238.272. Audit authorized, when — costs, payment of.
29.090. Examiners not to accept free transportation.
29.180. Establish uniform accounting systems.
29.270. Reports — to whom.
29.275. Fees to be paid — receipt.
29.340. Violation of provisions of chapter — penalty.
B. Emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — 21.760, 29.090, 29.180, 29.190, 29.200, 29.210, 29.230, 29.235, 29.250, 29.260, 29.270, 29.275, 29.340, 33.300, 37.850, 50.055, 50.057, 50.622, 50.1030, 56.809, 70.605, 86.200, 86.257, 86.263, 86.900, 86.990, 86.1000, 86.1010, 86.1030, 86.1100, 86.1110, 86.1150, 86.1180, 86.1210, 86.1220, 86.1230, 86.1240, 86.1250, 86.1270, 86.1310, 86.1380, 86.1420, 86.1500, 86.1530, 86.1540, 86.1580, 86.1590, 86.1610, 86.1630, 103.025, 104.190, 104.480, 169.020, and 238.272, RSMo, is repealed and fifty-seven new sections enacted in lieu thereof, to be known as sections 29.005, 29.185, 29.190, 29.200, 29.210, 29.216, 29.221, 29.230, 29.235, 29.250, 29.260, 29.351, 33.087, 33.300, 37.850, 50.055, 50.057, 50.622, 50.1030, 56.809, 70.605, 86.200, 86.257, 86.263, 86.900, 86.990, 86.1000, 86.1010, 86.1030, 86.1100, 86.1110, 86.1150, 86.1151, 86.1180, 86.1210, 86.1220, 86.1230, 86.1231, 86.1240, 86.1250, 86.1270, 86.1310, 86.1380, 86.1420, 86.1500, 86.1530, 86.1540, 86.1580, 86.1590, 86.1610, 86.1630, 103.025, 104.190, 104.480, 169.020, 208.1050, and 238.272, to read as follows:

29.005. DEFINITIONS. — As used in this chapter, the following terms mean:

(1) "Accounting system", the total structure of records and procedures which discover, record, classify, and report information on the financial position and operating results of a governmental unit or any of its funds, balanced account groups, and organizational components;

(2) "Audit", an independent, objective assessment of the stewardship, performance, or cost of government policies, programs, or operations, depending upon the type and scope of the audit. All audits shall conform to the standards established by the comptroller general of the United States for audits of government entities, organizations, programs, activities, and functions as presented in the publication Government Auditing Standards;

(3) "Federal agency", any department, agency, or instrumentality of the federal government and any federally owned or controlled corporation;

(4) "Financial audits", audits providing an independent assessment of whether an entity's reported financial information is presented fairly in accordance with recognized criteria. Financial audits shall consist of the following:

(a) Financial statement audits that shall:

a. Provide or disclaim an opinion about whether an entity's financial statements are presented fairly in all material respects in conformity with accounting principles generally accepted in the United States or with another applicable financial reporting framework; or

b. Report on internal control deficiencies and on compliance with provisions of laws, regulations, contracts, and grant agreements, as those controls and provisions relate to financial transactions, systems, and processes; or

(b) Other financial audits of various scopes which may include, but not be limited to:

a. Reporting on specified elements, accounts, or items of a financial statement; and

b. Auditing compliance with requirements related to federal award expenditures and other governmental financial assistance in conjunction with a financial statement audit;

(5) "Internal control", the plans, policies, methods, and procedures used to meet an entity's or organization's mission, goals, and objectives. Internal control shall include the processes and procedures for planning, organizing, directing, and controlling operations, as well as management's system for measuring, reporting, and monitoring performance;

(6) "Performance audits", audits that provide findings or conclusions based on an evaluation of sufficient, appropriate evidence against identified criteria. Performance audit objectives shall include, but not be limited to, the following:

(a) Effectiveness and results. This objective may measure the extent to which an entity, organization, activity, program, or function is achieving its goals and objectives;

(b) Economy and efficiency. This objective shall assess the costs and resources used to achieve results of an entity, organization, activity, program, or function;

(c) Internal control. This objective shall assess one or more components of an entity's internal control system, which is designed to provide reasonable assurance of achieving effective and efficient operations, reliable financial and performance reporting, or compliance with applicable legal requirements; and

(d) Compliance. This objective shall assess compliance with criteria established by provisions of laws, regulations, contracts, and grant agreements or by other requirements that could affect the acquisition, protection, use, and disposition of an entity's resources and the quantity, quality, timeliness, and cost of services the entity produces and delivers;

(7) "State agency", any department, institution, board, commission, committee, division, bureau, officer, or official which shall include any institution of higher education, mental or specialty hospital, community college, or circuit court and divisions of the circuit court.

29.185. CONDUCTING OF AUDITS, REQUIREMENTS. — When conducting an audit under this chapter, the audit objectives as defined in the standards established by the comptroller general of the United States shall determine the type of audit to be conducted which may include financial and performance audits. Neither the audit type nor the audit objectives shall be mutually exclusive. An audit may include either financial or performance audit objectives or one or more objectives from both types of audits. A performance audit may include one primary objective, such as economy and efficiency, or a combination of objectives, such as internal control and compliance.

29.190. TO PRESCRIBE UNIFORM METHOD AND PLAN OF PUBLISHING THE FINANCIAL STATEMENTS FOR COUNTIES. — The state auditor shall **[**prescribe the form of books, receipts, vouchers and documents required to separate and verify each transaction, and forms of reports and statements required for the administration of such officer, or for the information of the public. He shall also**]** prescribe a uniform method and plan of publishing the county financial

statement each year for the information of the public. Such statement or statements shall set forth the true financial condition of the county, the revenues and receipts, expenditures and disbursements for the year as compared with the budget for the year, the bonded debt and other liabilities at the close of the year, the total salaries, fees and all other emoluments received by all county officers, and such other information as shall be prescribed by the state auditor. The form of such statements shall follow the recognized governmental reporting practices.

29.200. AUDITS TO BE CONDUCTED AT DISCRETION OF AUDITOR OR REQUEST OF GOVERNOR — AUDITOR'S DUTIES. — [The state auditor shall postaudit the accounts of all state agencies and audit the treasury at least once annually. Once every two years, and when he deems it necessary, proper or expedient, the state auditor shall examine and postaudit the accounts of all appointive officers of the state and of institutions supported in whole or in part by the state. He shall audit any executive department or agency of the state upon the request of the governor.] **1. Except as provided under subsection 2 of this section, all audits conducted under this chapter may be made at the discretion of the auditor without advance notice to the organization being audited. An audit also shall be conducted upon the request of the governor as provided under section 26.060, and the expenses for any such audit conducted upon the request of the governor shall be paid as provided in section 26.090.**

2. The auditor, on his or her initiative and as often as he or she deems necessary, to the extent deemed practicable and consistent with the overall responsibility as contained in this chapter, shall make or cause to be made audits of all or any part of the activities of the state agencies.

3. The auditor shall make, or cause to be made, audits of all or any parts of political subdivisions and other entities as authorized in this chapter or any other law of this state.

4. In selecting audit areas and in evaluating current audit activity, the auditor may, at his or her discretion, consider and utilize, in whole or in part, the relevant audit coverage and applicable reports of the audit staffs of the various state agencies, independent contractors, and federal agencies.

5. The auditor shall be authorized to contract with federal audit agencies, or any governmental agency, on a cost reimbursement basis, to perform audits of federal grant programs administered by the state departments and institutions in accordance with agreements negotiated between the auditor and the contracting federal audit agencies or any governmental agency. In instances where the grantee state agency shall subgrant such federal funds to local governments, regional councils of government, other local groups, or private or semiprivate institutions or agencies, the auditor shall have the authority to examine the books and records of these subgrantees to the extent necessary to determine eligibility and proper use in accordance with state and federal laws and regulations. The auditor shall charge and collect from the contracting federal audit agencies, or any governmental agencies, the actual cost of all the audits of the grants and programs that are conducted by the auditor under the contract. Amounts collected under these arrangements shall be deposited into the state treasury and be credited to the state auditor-federal fund and shall be available to hire sufficient personnel to perform these contracted audits and to pay for related travel, supplies, and other necessary expenses.

6. In the auditor's reports of audits and reports of special investigations, the auditor shall make any comments, suggestions, or recommendations deemed appropriate concerning any aspect of such agency's activities and operations.

7. The auditor shall audit the state treasury at least once annually.

8. The auditor may examine the banking accounts and records of the state treasurer, state agency, or any political subdivision at any bank or financial institution provided that the bank or financial institution shall not be required to produce the requested accounts or records until the auditor, treasurer, state agency, or political

subdivision reimburses the reasonable document production costs of the bank or financial institution.

9. The auditor may, as often as the auditor deems necessary, conduct a detailed review of the bookkeeping and accounting systems in use in the various state agencies that are supported partially or entirely by state funds. Such examinations shall be for the purpose of evaluating the adequacy of systems in use by such agencies. In instances where the auditor determines that existing systems are outmoded, inefficient, or otherwise inadequate, the auditor shall recommend changes to the state agency and notify the general assembly of the recommended changes.

10. The auditor shall, through appropriate tests, determine the propriety of the data presented in the state comprehensive annual financial report, and shall express the auditor's opinion in accordance with generally accepted government auditing standards.

11. The auditor shall provide a report to the governor, attorney general, and other appropriate officials of facts in the auditor's possession which pertain to the apparent violation of penal statutes or apparent instances of malfeasance, misfeasance, or nonfeasance by an officer or employee.

12. At the conclusion of an audit, the auditor or the auditor's designated representative shall supply a copy of a draft report of the audit to, and discuss such draft with, the official, or that official's designated representative, whose office is subject to audit. On any audit of a state agency or political subdivision of the state, the auditee shall provide responses to any recommendations contained in the draft report within thirty days from the receipt of the draft report.

13. The auditor shall notify the general assembly, the governor, the director of each agency audited, and other persons as the auditor deems appropriate that an audit report has been published, its subject and title, and the locations, including state libraries, at which the report is available. The auditor then shall distribute copies of the report only to those who request a report. The copies shall be available in written form or available on the official website of the auditor. The auditor may charge a reasonable fee for providing a written copy of an audit report. The auditor also shall file a copy of the audit report in the auditor's office; this copy shall be a permanent public record. Nothing in this subsection shall be construed to authorize or permit the publication of information that is otherwise prohibited by law from being disclosed.

14. Nothing in this chapter shall be construed to infringe upon or deprive the legislative, executive, or judicial branches of state government of any rights, powers, or duties vested in or imposed upon them by statute or the constitution of this state.

15. Nothing in this chapter shall be construed by the courts of this state in a manner inconsistent with Article II of the Constitution of Missouri.

16. The auditor shall be responsible for receiving reports of allegations of improper governmental activities as provided in section 29.221. The auditor shall adopt policies and procedures necessary to provide for the investigation or referral of such allegations.

17. In accordance with the state's records retention schedule, the auditor shall maintain a complete file of all audit reports and reports of other examinations, investigations, surveys, and reviews issued under the auditor's authority. Audit work papers and other evidence and related supportive material directly pertaining to the work of the auditor's office shall be retained according to an agreement between the auditor and the state archives. To promote intergovernmental cooperation and avoid unnecessary duplication of audit effort, pertinent work papers and other supportive material related to issued audit reports may be, at the discretion of the auditor and unless otherwise prohibited by law, made available for inspection by duly authorized representatives of the state and federal government who desire access to, and inspection of, such records in connection with a matter officially before them, including criminal investigations. Except as provided in this section, audit work papers and related supportive material shall be

kept confidential, including any interpretations, advisory opinions, or other information or materials used and relied on in performing the audit.

29.210. TO AUDIT STATE TRANSPORTATION DEPARTMENT — EXPENSES OF, HOW PAID. — **[**In the year 1949 and every two years thereafter, it shall be the duty of**]** **Whenever** the state auditor **[**to**]** **conducts an** audit **of** the state highways and transportation commission and the state transportation department**[**.**]** **,** salaries of auditors, examiners, clerks, stenographers and other employees of the state auditor making such audit and all expenses incurred in making such audit shall be paid monthly by the state highways and transportation commission and the state transportation department out of moneys appropriated to the state highways and transportation commission and the state transportation department **[**for that purpose**]**, when such payrolls and expense accounts for such purposes are certified to the state highways and transportation commission and the state transportation department by the state auditor.

29.216. PUBLIC EMPLOYEE RETIREMENT AND HEALTH CARE SYSTEMS, AUDIT OF, WHEN. — The state auditor may make, or cause to be made, audits of any public employee retirement or public employee health care system operating within the state, which shall include but not be limited to a public employee retirement or public employee health care system established under sections 70.600 to 70.755 and chapters 50, 56, 103, 104, and 169.

29.221. REPORTS OF IMPROPER GOVERNMENTAL ACTIVITIES, AUDITOR'S DUTIES. — 1. The auditor shall provide various means to receive reports of allegations of improper governmental activities, which shall include a telephone hotline, electronic mail, and internet access. The auditor shall periodically publicize the hotline telephone number, electronic mail address, internet website address, and any other means by which the auditor may receive reports of allegations of improper governmental activities. Individuals who make a report under this section may choose to remain anonymous until the individual affirmatively consents to having the individual's identity disclosed.

2. The auditor shall receive and initially review reports of allegations of improper governmental activities of state agencies, political subdivisions, or state or political subdivision officers or employees within the scope of authority set forth in this section, including misappropriation, mismanagement, waste of resources, fraud, or violations of state or federal law, rule or regulation. After conducting an initial review, the auditor may investigate those allegations the auditor deems to be credible. When the auditor believes that an allegation of improper governmental activity is outside the authority set forth in this section, the auditor shall refer the allegation to the appropriate state agency responsible for the enforcement or administration of the matter for investigation. When the auditor believes that an allegation of improper governmental activity involves matters set forth in this subsection, those matters shall be referred as follows:

(1) Allegations of criminal misconduct to either the attorney general or the prosecuting attorney for the county where the alleged misconduct occurred;

(2) Allegations of violations of sections 105.450 to 105.496 to the Missouri ethics commission;

(3) Allegations of violations of chapter 115 to the appropriate election authority or the secretary of state.

29.230. TO AUDIT COUNTY OFFICES, WHEN — POLITICAL SUBDIVISIONS BY PETITION, REQUIREMENTS, COSTS — PETITION AUDIT REVOLVING TRUST FUND CREATED, ADMINISTRATION. — 1. In every county which does not elect a county auditor, the state auditor shall audit, without cost to the county, at least once during the term for which any county officer is chosen, the accounts of the various county officers supported in whole or in part by public

moneys. **[**The audit shall be made as near the expiration of the term of office as the auditing force of the state auditor will permit.**]**

2. The state auditor shall audit any political subdivision of the state, including counties having a county auditor, if requested to do so by a petition signed by the requisite percent of the qualified voters of the political subdivision. The requisite percent of qualified voters to cause such an audit to be conducted shall be determined as follows:

(1) If the number of qualified voters of the political subdivision determined on the basis of the votes cast in the last gubernatorial election held prior to the filing of the petition is less than one thousand, twenty-five percent of the qualified voters of the political subdivision determined on the basis of the registered voters eligible to vote at the last gubernatorial election held prior to the filing of the petition;

(2) If the number of qualified voters of the political subdivision determined on the basis of the votes cast in the last gubernatorial election held prior to the filing of the petition is one thousand or more but less than five thousand, fifteen percent of the qualified voters of the political subdivision determined on the basis of the votes cast in the last gubernatorial election held prior to the filing of the petition, provided that the number of qualified voters signing such petition is not less than two hundred;

(3) If the number of qualified voters of the political subdivision determined on the basis of the votes cast in the last gubernatorial election held prior to the filing of the petition is five thousand or more but less than fifty thousand, ten percent of the qualified voters of the political subdivision determined on the basis of the votes cast in the last gubernatorial election held prior to the filing of the petition, provided that the number of qualified voters signing such petition is not less than seven hundred fifty;

(4) If the number of qualified voters of the political subdivision determined on the basis of the votes cast in the last gubernatorial election held prior to the filing of the petition is fifty thousand or more, five percent of the qualified voters of the political subdivision determined on the basis of the votes cast in the last gubernatorial election held prior to the filing of the petition, provided that the number of qualified voters signing such petition is not less than five thousand. The political subdivision shall pay the actual cost of audit. The petition that requests an audit of a political subdivision shall state on its face the estimated cost of the audit and that it will be paid by the political subdivision being audited. The estimated cost of the audit shall be provided by the state auditor within sixty days of such request. The costs of the audit may be billed and paid on an interim basis with individual billing periods to be set at the state auditor's discretion. Moneys held by the state on behalf of a political subdivision may be used to offset unpaid billings for audit costs of the political subdivision. All moneys received by the state in payment of the costs of petition audits shall be deposited in the state treasury and credited to the "Petition Audit Revolving Trust Fund" which is hereby created with the state treasurer as custodian. The general assembly may appropriate additional moneys to the fund as it deems necessary. The state auditor shall administer the fund and approve all disbursements, upon appropriation, from the fund to apply to the costs of performing petition audits. The provisions of section 33.080 to the contrary notwithstanding, money in the fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of any biennium exceeds one million dollars. The amount in the fund which shall lapse is the amount which exceeds one million dollars. No political subdivision shall be audited by petition more than once in any three calendar or fiscal years.

29.235. AUTHORITY OF AUDITOR AND AUTHORIZED AGENTS. — 1. **[**All audits shall conform to the standards for auditing of governmental organizations, programs, activities and functions established by the comptroller general of the United States. The audit objectives as defined in the standards shall determine the type of audit to be conducted.

2. The state auditor and any person appointed by him for that purpose may administer oaths and cause to be summoned before them any person whose testimony is desired or

necessary in any examination, and may require the person to produce necessary papers, documents and writings.**] The auditor and the auditor's authorized agents are authorized to:**

(1) Examine all books, accounts, records, reports, vouchers, of any state agency, or entity subject to audit, insofar as they are necessary to conduct an audit under this chapter, provided that the auditor complies with state and federal financial privacy requirements prior to accessing financial records including provisions presented in chapter 408 and provided that the auditor or other public entity reimburses the reasonable documentation and production costs relating to compliance with examination by the auditor or auditor's authorized agents that pertain to:

(a) Amounts received under a grant or contract from the federal government or the state or its political subdivisions;

(b) Amounts received, disbursed, or otherwise handled on behalf of the federal government or the state;

(2) Examine and inspect all property, equipment, and facilities in the possession of any state agency, political subdivision, or quasi-governmental entity that were furnished or otherwise provided through grant, contract, or any other type of funding by the state of Missouri or the federal government; and

(3) Review state tax returns, except such review shall be limited to matters of official business, and the auditor's report shall not violate the confidentiality provisions of tax laws. Notwithstanding confidentiality provisions of tax laws to the contrary, the auditor may use or disclose information related to overdue tax debts in support of the auditor's statutory mission.

2. All contracts or agreements entered into as a result of the award of a grant by state agencies or political subdivisions shall include, as a necessary part, a clause describing the auditor's access as provided under this section.

3. The auditor may obtain the services of certified public accountants, qualified management consultants, or other professional persons and experts as the auditor deems necessary or desirable to carry out the duties and functions assigned under this chapter. Unless otherwise authorized by law, no state agency shall enter into any contract for auditing services without consultation with, and the prior written approval of, the auditor.

4. (1) Insofar as necessary to conduct an audit under this chapter, the auditor or the auditor's authorized representatives shall have the power to subpoena witnesses, to take testimony under oath, to cause the deposition of witnesses residing within or without the state to be taken in a manner prescribed by law, and to assemble records and documents, by subpoena or otherwise. The subpoena power granted by this section shall be exercised only at the specific written direction of the auditor or the auditor's chief deputy.

(2) If any person refuses to comply with a subpoena, the auditor shall seek to enforce the subpoena before a court of competent jurisdiction to require the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, contracts, agreements, and other records. Such court may issue an order requiring such person to appear before the auditor or officers designated by the auditor to produce records or to give testimony relating to the matter under investigation or in question. Any failure to comply with such order of the court may be punished by such court as contempt.

29.250. FALSE, MISLEADING, OR UNFOUNDED REPORTS, PENALTY — FAILURE TO COMPLY WITH CHAPTER, PENALTY — REPORT OF VIOLATIONS. — **[**If any such officer or officers shall refuse**] 1. Any person who willfully makes or causes to be made, to the state auditor or the auditor's designated representatives, any false, misleading, or unfounded report for the purpose of interfering with the performance of any audit, special review,**

or investigation, or to hinder or obstruct the auditor or the auditor's designated representatives in the performance of duties, shall be guilty of a class A misdemeanor.

2. Any person or entity affected by this chapter who shall refuse or fail to comply with the provisions of this chapter shall be deemed guilty of a class A misdemeanor. Refusing or failing to comply with the provisions of this chapter shall include but not be limited to any person or entity failing to submit their books, papers and concerns to the inspection of the state auditor, or any of **[**his**]** **the auditor's** examiners, or if anyone connected with the official duties of the state, county, institution, or political subdivision of the state, shall refuse to submit to be examined upon oath**[**, touching the officers of such county or political subdivision,**]** **.**

3. The state auditor shall report **[**the fact**]** **any violation of subsection 1 or 2 of this section** to the prosecuting attorney, who shall institute such action or proceedings against such **[**officer or officers**]** **person or entity** as **[**he**]** **the prosecutor** may deem proper.

29.260. OFFICERS TO HAVE RECOURSE TO LAW. — **[**Nothing done in sections 29.010 to 29.360**]** **The provisions of this chapter** shall **not** preclude any officer or officers in charge of the offices and institutions mentioned in **[**said sections**]** **this chapter** from having proper recourse in the courts of law in this state.

[21.760.] 29.351. AUDIT OF STATE AUDITOR'S OFFICE, WHEN — PROCEDURE — COST, HOW PAID. — 1. During the regular legislative session which convenes in an odd-numbered year, the general assembly shall, by concurrent resolution, employ an independent certified public accountant or certified public accounting firm to conduct an audit examination of the accounts, functions, programs, and management of the state auditor's office. The audit examination shall be made in accordance with generally accepted auditing standards, including such reviews and inspections of books, records and other underlying data and documents as are necessary to enable the independent certified public accountant performing the audit to reach an informed opinion on the condition and performance of the accounts, functions, programs, and management of the state auditor's office. Upon completion of the audit, the independent certified public accountant shall make a written report of his findings and conclusions, and shall supply each member of the general assembly, the governor, and the state auditor with a copy of the report. The cost of the audit and report shall be paid out of the joint contingent fund of the general assembly.

2. The commissioner of administration shall bid these services, at the direction of the general assembly, pursuant to state purchasing laws.

33.087. GRANT OF FEDERAL FUNDS OF ONE MILLION DOLLARS OR MORE, CERTAIN INFORMATION TO BE MADE AVAILABLE TO PUBLIC — RULEMAKING AUTHORITY. — 1. Every department and division of the state that receives any grant of federal funds of one million dollars or more shall document and make the following information easily available to the public on the Missouri accountability portal established in section 37.850:

(1) Any amount of funds it receives from the federal government;

(2) The name of the federal agency disbursing the funds;

(3) The purpose for which the funds are being received;

(4) The name of any state agency to which any portion of the funds are transferred by the initial receiving department or division, the amount transferred, and the purpose for which those funds are transferred; and

(5) The information provided to the department or division pursuant to subsection 2 of this section.

2. If a department or division receives a grant of federal funds and transfers a portion of such funds to another department or division, the department or division receiving the transferred funds shall report to the department or division from which the

funds were transferred, an accounting of how the transferred funds were used and any statistical impact that can be discerned as a result of such usage.

3. All information referred to in subsection 1 of this section shall be updated within thirty days of any receipt or transferal of funds.

4. The office of administration shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this act, shall be invalid and void.

33.300. BOARD OF FUND COMMISSIONERS — MEMBERS — OFFICERS — DUTIES. — The governor, lieutenant governor, attorney general, **[**state auditor,**]** state treasurer, and commissioner of administration constitute the board of fund commissioners, of which the governor is president and the state treasurer, secretary. The board shall direct the payment of interest on the state debt, the redemption, issue and cancellation of bonds of the state, and perform all acts required of it by law.

37.850. PORTAL TO BE MAINTAINED — DATABASE, CONTENTS, UPDATING. — 1. The commissioner of administration shall maintain the Missouri accountability portal established in executive order 07-24 as a free, Internet-based tool allowing citizens to demand fiscal discipline and responsibility.

2. The Missouri accountability portal shall consist of an easy-to-search database of financial transactions related to the purchase of goods and services and the distribution of funds for state programs**; all bonds issued by any public institution of higher education or political subdivision of this state or its designated authority after August 28, 2013, all obligations issued or incurred pursuant to section 99.820 by any political subdivision of this state or its designated authority, and the revenue stream pledged to repay such bonds or obligations; and all debt incurred by any public charter school.**

3. The Missouri accountability portal shall be updated each state business day and maintained as the primary source of information about the activity of Missouri's government.

4. Upon the conducting of a withholding or a release of funds, the governor shall submit a report stating all amounts withheld from the state's operating budget for the current fiscal year, as authorized by article IV, section 27 of the Missouri Constitution which shall be:

(1) Conspicuously posted on the accountability portal website;

(2) Searchable by the amounts withheld or released from each individual fund; and

(3) Searchable by the total amount withheld or released from the operating budget.

5. Every political subdivision of the state, including public institutions of higher education but excluding school districts, shall supply all information described in subsection 2 of this section to the office of administration within seven days of issuing or incurring such corresponding bond or obligation. For all such bonds or obligations issued or incurred prior to the effective date of this act, every such political subdivision and public institution of higher education shall have ninety days to supply such information to the office of administration.

6. Every school district and public charter school shall supply all information described in subsection 2 of this section to the department of elementary and secondary education within seven days of issuing such bond, or incurring such debt. The department of elementary and secondary education shall have forty-eight hours to deliver

such information to the office of administration. For all such bonds issued or debt incurred prior to the effective date of this act, every school district and public charter school shall have ninety days to supply such information to the department of elementary and secondary education. The department of elementary and secondary education shall have forty-eight hours to deliver such information to the office of administration.

50.055. ACCOUNTS OF COUNTY MAY BE AUDITED (COUNTIES OF THE SECOND CLASSIFICATION). — The accounts of **[**counties**] any county** of the second class**, or the accounts of any officer or office of such county,** may be audited **at any time**, if the county commission determines such an audit desirable or necessary,**[** every odd-numbered year within six months after the determination of the preceding fiscal year,**]** either by a certified public accountant employed by the county commission or by the state auditor, as the county commission may determine. If the audit is to be made by the state auditor, the state auditor shall be requested by the county commission to make the audit, as provided by law. **Unless the audit is requested for a particular officer or office,** the audit **[**herein provided shall**] may** also review the records of the receipts and disbursements and the property inventory of every officer or office of the county which receives or disburses money on behalf of the county or which holds property belonging to the county. Upon the completion of the investigation, the certified public accountant or the state auditor, as the case may be, shall render a report to the county commission **[**together with a statement showing, under appropriate classifications, the receipts and disbursements of the county during the period of the audit. The first audit, as provided by this section, may be made following the fiscal year of 1946, and such audit may be made every two years thereafter**]**. The county commission shall provide for the expense of such audit if made by a certified public accountant employed by the county commission. **For audits performed by the state auditor, all expenses incurred in performing the audit, including salaries of auditors, examiners, clerks, and other employees of the state auditor, shall be paid by the county or county commission and the monies are to be deposited in the petition audit revolving trust fund pursuant to section 29.230.**

50.057. AUDIT, WHEN, BY WHOM (CERTAIN COUNTIES OF THE FIRST CLASSIFICATION). — The accounts of any county of the first class not having a charter form of government, or the accounts of any officer or office of such county, may be audited at any time, if the county commission determines such an audit desirable or necessary, either by a certified public accountant employed by the county commission or by the state auditor, as the county commission may determine. If the audit is to be made by the state auditor, the state auditor shall be requested by the county commission to make the audit, as provided by law. Unless the audit is requested only for a particular officer or office, the audit shall also review the records of the receipts and disbursements and the property inventory of every officer or office of the county which receives or disburses money on behalf of the county or which holds property belonging to the county. Upon completion of the investigation, the certified public accountant or the state auditor, as the case may be, shall render a report to the county commission together with a statement showing under appropriate classifications the receipts and disbursements of the county or of the particular officer or office of the county for which the audit was requested, as the case may be, during the period covered by the audit. **For audits performed by the state auditor, all expenses incurred in performing the audit, including salaries of auditors, examiners, clerks, and other employees of the state auditor, shall be paid by the county or county commission and the monies are to be deposited in the petition audit revolving trust fund pursuant to section 29.230.**

50.622. AMENDMENT OF ANNUAL BUDGET BY ANY COUNTY DURING FISCAL YEAR RECEIVING ADDITIONAL FUNDS, PROCEDURE — DECREASE PERMITTED, WHEN. — 1. Any county may amend the annual budget during any fiscal year in which the county receives

additional funds, and such amount or source, including but not limited to, federal or state grants or private donations, could not be estimated when the budget was adopted. The county shall follow the same procedures as required in sections 50.525 to 50.745 for adoption of the annual budget to amend its budget during a fiscal year.

2. Any county may decrease the annual budget twice during any fiscal year in which the county experiences a verifiable decline in funds of two percent or more, and such amount could not be estimated or anticipated when the budget was adopted, provided that any decrease in appropriations shall not unduly affect any one officeholder. Before any reduction affecting an independently elected officeholder can occur, negotiations shall take place with all officeholders who receive funds from the affected category of funds in an attempt to cover the shortfall. The county shall follow the same procedures as required in sections 50.525 to 50.745 to decrease the annual budget, except that the notice provided for in section 50.600 shall be extended to thirty days for purposes of this subsection. Such notice shall include a published summary of the proposed reductions and an explanation of the shortfall.

3. Any decrease in an appropriation authorized under subsection 2 of this section shall not impact any dedicated fund otherwise provided by law.

4. County commissioners may reduce budgets of departments under their direct supervision and responsibility at any time without the restrictions imposed by this section.

5. Subsections 2, 3, and 4 of this section shall expire on July 1, 2016.

6. Notwithstanding the provisions of this section, no charter county shall be restricted from amending its budget pursuant to the terms of its charter.

50.1030. BOARD OF DIRECTORS, ELECTION, APPOINTMENT BY THE GOVERNOR, TERM, POWERS, DUTIES — CHAIRMAN, SECRETARY, MEETINGS — ADVISORS — AUDITS — COMPENSATION, COSTS — RECORD — ANNUAL REVIEW. — 1. The general administration and the responsibility for the proper operation of the fund and the system and the investment of the funds of the system are vested in a board of directors of eleven persons. Nine directors shall be elected by a secret ballot vote of the county employee members of this state. Two directors, who have no beneficiary interest in the system, shall be appointed by the governor with the advice and consent of the senate. No more than one director at any one time shall be employed by the same elected county office. Directors shall be chosen for terms of four years from the first day of January next following their election. It shall be the responsibility of the board to establish procedures for the conduct of future elections of directors and such procedures shall be approved by a majority vote by secret ballot by members of the system. The board shall have all powers and duties that are necessary and proper to enable it, its officers, employees and agents to fully and effectively carry out all the purposes of sections 50.1000 to 50.1300.

2. The board of directors shall elect one of their number as chairman and one of their number as vice chairman and may employ an administrator who shall serve as secretary to the board. The board shall hold regular meetings at least once each quarter. Board meetings shall be held in Jefferson City. Other meetings may be called as necessary by the chairman. Notice of such meetings shall be given in accordance with chapter 610.

3. The board of directors shall retain an actuary as technical advisor to the board.

4. The board of directors shall retain investment counsel to be an investment advisor to the board.

5. The **[**state auditor**]** **board** shall **[**provide for biennial**]** **arrange for annual** audits of the Missouri county employees' retirement system and the operations of the board**[**, to be paid for out of the funds of the system**]** **by a certified public accountant or by a firm of certified public accountants**.

6. The board of directors shall serve without compensation for their services, but each director shall be paid out of the funds of the system for any actual and necessary expenses incurred in the performance of duties authorized by the board.

7. The board of directors shall be allowed administrative costs for the operation of the system to be paid out of the funds of the system.

8. The board shall keep a record of its proceedings which shall be open to public inspection. It shall annually prepare a report showing the financial condition of the system. The report shall contain, but not be limited to, an auditor's opinion, financial statements prepared in accordance with generally accepted accounting principles, an actuary's certification along with actuarial assumptions and financial solvency tests.

9. The board shall conduct an annual review, to determine if, among other things, the following actions are actuarially feasible:

(1) An adjustment to the formula described in section 50.1060, subject to the limitations of subsection 4 of section 50.1060;

(2) An adjustment in the flat dollar pension benefit credit described in subsection 1 of section 50.1060;

(3) The cost-of-living increase as described in section 50.1070;

(4) An adjustment in the matching contribution described in section 50.1230;

(5) An adjustment in the twenty-five year service cap on creditable service;

(6) An adjustment to the target replacement ratio; or

(7) An additional benefit or enhancement which will improve the quality of life of future retirees. Based upon the findings of the actuarial review, the board may vote to change none, one, or more than one of the above items, subject to the actuarial guidelines outlined in section 50.1031.

56.809. BOARD ESTABLISHED, TRUSTEES, TERMS, SELECTION OF — ACTUARIES, ADVISORS, COUNSEL — AUDITS — TABLES, RATES, RECORDS — HEARINGS, APPEAL — SURETY BONDS — RULES — POWERS OF TRUSTEES — DELEGATION OF AUTHORITY TO ADVISORS — RECORDS. — 1. The general administration and the responsibility for the proper operation of the fund are vested in a board of trustees of five persons. Trustees shall be elected by a secret ballot vote of the prosecuting attorneys and circuit attorneys of this state. Trustees shall be chosen for terms of four years from the first day of January next following their election except that the members of the first board shall be appointed by the governor by and with the consent of the senate after notification in writing, respectively, by the prosecuting attorneys and circuit attorneys of eighty percent of the counties in the state, including a city not within a county, that the prosecuting attorney or circuit attorney has elected to come under the provisions of sections 56.800 to 56.840. It shall be the responsibility of the initial board to establish procedures for the conduct of future elections of trustees and such procedures shall be approved by a majority vote by secret ballot of the prosecuting attorneys and circuit attorneys in this state. The board shall have all powers and duties that are necessary and proper to enable it, its officers, employees and agents to fully and effectively carry out all the purposes of sections 56.800 to 56.840.

2. The board of trustees shall elect one of their number as chairman and one of their number as vice chairman and may employ an administrator who shall serve as executive secretary to the board. The Missouri office of prosecution services, sections 56.750 to 56.775, may, in the discretion of the board of trustees, act as administrative employees to carry out all of the purposes of sections 56.800 to 56.840. In addition, the board of trustees may appoint such other employees as may be required. The board shall hold regular meetings at least once each quarter. Other meetings may be called as necessary by the chairman or by any three members of the board. Notice of such meetings shall be given in accordance with chapter 610.

3. The board of trustees shall appoint an actuary or firm of actuaries as technical advisor to the board of trustees.

4. The board of trustees shall retain investment advisors to be investment advisors to the board.

5. The board of trustees may retain legal counsel to advise the board and represent the system in legal proceedings.

6. The board shall arrange for annual audits of the records and accounts of the system by a certified public accountant or by a firm of certified public accountants. **[**The state auditor shall examine such audits at least once every three years and report to the board of trustees and to the governor.**]**

7. The board of trustees shall serve without compensation for their services as such; except that each trustee shall be paid from the system's funds for any necessary expenses incurred in the performance of duties authorized by the board.

8. The board of trustees shall be authorized to appropriate funds from the system for administrative costs in the operation of the system.

9. The board of trustees shall, from time to time, after receiving the advice of its actuary, adopt such mortality and other tables of experience, and a rate or rates of regular interest, as shall be necessary for the actuarial requirements of the system, and shall require its executive secretary to keep in convenient form such data as shall be necessary for actuarial investigations of the experience of the system, and such data as shall be necessary for the annual actuarial valuations of the system.

10. The board of trustees shall, after reasonable notice to all interested parties, hear and decide questions arising from the administration of sections 56.800 to **[**56.835**]** **56.840**; except that within thirty days after a decision or order, any member, retirant, beneficiary or political subdivision adversely affected by that determination or order may make an appeal under the provisions of chapter 536.

11. The board of trustees shall arrange for adequate surety bonds covering the executive secretary and any other custodian of funds or investments of the board. When approved by the board, such bonds shall be deposited in the office of the Missouri secretary of state.

12. Subject to the limitations of sections 56.800 to **[**56.835**]** **56.840**, the board of trustees shall formulate and adopt rules and regulations for the government of its own proceedings and for the administration of the retirement system.

13. The board of trustees shall be the trustees of the funds of the system. Subject to the provisions of any applicable federal or state laws, the board of trustees shall have full power to invest and reinvest the moneys of the system, and to hold, purchase, sell, assign, transfer or dispose of any of the securities and investments in which such moneys shall have been invested, as well as the proceeds of such investments and such moneys.

14. Notwithstanding any other provision of the law to the contrary, the board of trustees may delegate to its duly appointed investment advisors authority to act in place of the board of trustees in the investment and reinvestment of all or part of the moneys of the system, and may also delegate to such advisors the authority to act in place of the board of trustees in the holding, purchasing, selling, assigning, transferring or disposing of any or all of the securities and investments in which such moneys shall have been invested, as well as the proceeds of such investments and such moneys. Such investment counselor shall be registered as an investment advisor with the United States Securities and Exchange Commission. In exercising or delegating its investment powers and authority, members of the board of trustees shall exercise ordinary business care and prudence under the facts and circumstances prevailing at the time of the action or decision. In so doing, the board of trustees shall consider the long-term and short-term needs of the system in carrying out its purposes, the system's present and anticipated financial requirements, the expected total return on the system's investment, the general economic conditions, income, growth, long-term net appreciation, and probable safety of funds. No member of the board of trustees shall be liable for any action taken or omitted with respect to the exercise of or delegation of these powers and authority if such member shall have discharged the duties of his or her position in good faith and with that degree of diligence, care and skill which prudent men and women would ordinarily exercise under similar circumstances in a like position.

15. The board shall keep a record of its proceedings which shall be open to public inspection. It shall annually prepare a report showing the financial condition of the system. The report shall contain, but not be limited to, an auditor's opinion, financial statements prepared in accordance with generally accepted accounting principles, an actuary's certification along with actuarial assumptions and financial solvency tests.

70.605. MISSOURI LOCAL GOVERNMENT EMPLOYEES' RETIREMENT SYSTEM CREATED — JURISDICTION, COLE COUNTY — BOARD OF TRUSTEES, COMPOSITION, TERMS — ANNUAL MEETING — VACANCIES, HOW CREATED — OATH — APPOINTMENT OF ACTUARY, ATTORNEY AND INVESTMENT COUNSELOR — MORTALITY TABLES TO BE ADOPTED — RECORD OF PROCEEDINGS — HEARINGS, NOTICE — SURETY BONDS — ANNUAL AUDITS — EXPENSES OF BOARD — RULES AND REGULATIONS, ADOPTION. — 1. For the purpose of providing for the retirement or pensioning of the officers and employees and the widows and children of deceased officers and employees of any political subdivision of the state, there is hereby created and established a retirement system which shall be a body corporate, which shall be under the management of a board of trustees herein described, and shall be known as the "Missouri Local Government Employees' Retirement System". Such system may sue and be sued, transact business, invest funds, and hold cash, securities, and other property. All suits or proceedings directly or indirectly against the system shall be brought in Cole County. The system shall begin operations on the first day of the calendar month next following sixty days after the date the board of trustees has received certification from ten political subdivisions that they have elected to become employers.

2. The general administration and the responsibility for the proper operation of the system is vested in a board of trustees of seven persons: three persons to be elected as trustees by the members of the system; three persons to be elected trustees by the governing bodies of employers; and one person, to be appointed by the governor, who is not a member, retirant, or beneficiary of the system and who is not a member of the governing body of any political subdivision.

3. Trustees shall be chosen for terms of four years from the first day of January next following their election or appointment, except that of the first board shall all be appointed by the governor by and with the consent of the senate, as follows:

(1) Three persons who are officers or officials of political subdivisions, one for a term of three years, one for a term of two years, and one for a term of one year; and

(2) Three persons who are employees of political subdivisions and who would, if the subdivision by which they are employed becomes an employer, be eligible as members, one for a term of three years, one for a term of two years, and one for a term of one year; and

(3) That person appointed by the governor under the provisions of subsection 2 of this section. All the members of the first board shall take office as soon as appointed by the governor, but their terms shall be computed from the first day of January next following their appointment, and only one member may be from any political subdivision or be a policeman or fireman.

4. Successor trustees elected or appointed as member trustees shall be members of the retirement system; provided, that not more than one member trustee shall be employed by any one employer, and not more than one member trustee shall be a policeman, and not more than one member trustee shall be a fireman.

5. Successor trustees elected as employer trustees shall be elected or appointed officials of employers and shall not be members of the retirement system; provided, that not more than one employer trustee shall be from any one employer.

6. An annual meeting of the retirement system shall be called by the board in the last calendar quarter of each year in Jefferson City, or at such place as the board shall determine, for the purpose of electing trustees and to transact such other business as may be required for the proper operation of the system. Notice of such meeting shall be sent by registered mail to the

clerk or secretary of each employer not less than thirty days prior to the date of such meeting. The governing body of each employer shall certify to the board the name of one delegate who shall be an officer of the employer, and the members of the employer shall certify to the board a member of the employer to represent such employer at such meeting. The delegate certified as member delegate shall be elected by secret ballot by the members of such employer, and the clerk or secretary of each employer shall be charged with the duty of conducting such election in a manner which will permit each member to vote in such election. Under such rules and regulations as the board shall adopt, approved by the delegates, the member delegates shall elect a member trustee for each such position on the board to be filled, and the officer delegates shall elect an employer trustee for each such position on the board to be filled.

7. In the event any member trustee ceases to be a member of the retirement system, or any employer trustee ceases to be an appointed or elected official of an employer, or becomes a member of the retirement system, or if the trustee appointed by the governor becomes a member of the retirement system or an elected or appointed official of a political subdivision, or if any trustee fails to attend three consecutive meetings of the board, unless in each case excused for cause by the remaining trustees attending such meeting or meetings, he or she shall be considered as having resigned from the board and the board shall, by resolution, declare his or her office of trustee vacated. If a vacancy occurs in the office of trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled; provided, however, that the remaining trustees may fill employer and member trustee vacancies on the board until the next annual meeting.

8. Each trustee shall be commissioned by the governor, and before entering upon the duties of his office, shall take and subscribe to an oath or affirmation to support the Constitution of the United States, and of the state of Missouri, and to demean himself faithfully in his or her office. Such oath as subscribed to shall be filed in the office of the secretary of state of this state.

9. Each trustee shall be entitled to one vote in the board of trustees. Four votes shall be necessary for a decision by the trustees at any meeting of the board of trustees. Four trustees, of whom at least two shall be member trustees and at least two shall be employer trustees, shall constitute a quorum at any meeting of the board. Unless otherwise expressly provided herein, a meeting need not be called or held to make any decision on a matter before the board. Each member must be sent by the executive secretary a copy of the matter to be decided with full information from the files of the board. The concurring decisions of four trustees may decide the issue by signing a document declaring their decision and sending the written instrument to the executive secretary, provided that no other trustee shall send a dissenting decision to the executive secretary within fifteen days after the document and information was mailed to him or her. If any trustee is not in agreement with the four trustees, the matter is to be passed on at a regular board meeting or a special meeting called for that purpose. The board shall hold regular meetings at least once each quarter, the dates of these meetings to be designated in the rules and regulations adopted by the board. Other meetings as deemed necessary may be called by the chairman or by any four trustees acting jointly.

10. The board of trustees shall elect one of their number as chairman, and one of their number as vice chairman, and shall employ an executive secretary, not one of their number, who shall be the executive officer of the board. Other employees of the board shall be chosen only upon the recommendation of the executive secretary.

11. The board shall appoint an actuary or a firm of actuaries as technical advisor to the board on matters regarding the operation of the system on an actuarial basis. The actuary or actuaries shall perform such duties as are required of him or her under sections 70.600 to 70.755, and as are from time to time required by the board.

12. The board may appoint an attorney-at-law or firm of attorneys-at-law to be the legal advisor of the board and to represent the board in all legal proceedings.

13. The board may appoint an investment counselor to be the investment advisor of the board.

14. The board shall from time to time, after receiving the advice of its actuary, adopt such mortality and other tables of experience, and a rate or rates of regular interest, as shall be necessary for the actuarial requirements of the system, and shall require its executive secretary to keep in convenient form such data as shall be necessary for actuarial investigations of the experience of the system, and such data as shall be necessary for the annual actuarial valuations of the system.

15. The board shall keep a record of its proceedings, which shall be open to public inspection. It shall prepare annually and render to each employer a report showing the financial condition of the system as of the preceding June thirtieth. The report shall contain, but shall not be limited to, a financial balance sheet; a statement of income and disbursements; a detailed statement of investments acquired and disposed of during the year, together with a detailed statement of the annual rates of investment income from all assets and from each type of investment; an actuarial balance sheet prepared by means of the last valuation of the system, and such other data as the board shall deem necessary or desirable for a proper understanding of the condition of the system.

16. The board of trustees shall, after reasonable notice to all interested parties, conduct administrative hearings to hear and decide questions arising from the administration of sections 70.600 to 70.755; except, that such hearings may be conducted by a hearing officer who shall be appointed by the board. The hearing officer shall preside at the hearing and hear all evidence and rule on the admissibility of evidence. The hearing officer shall make recommended findings of fact and may make recommended conclusions of law to the board. All final orders or determinations or other final actions by the board shall be approved in writing by at least four members of the board. Any board member approving in writing any final order, determination or other final action, who did not attend the hearing, shall do so only after certifying that he or she reviewed all exhibits and read the entire transcript of the hearing. Within thirty days after a decision or order or final action of the board, any member, retirant, beneficiary or political subdivision adversely affected by that determination or order or final action may take an appeal under the provisions of chapter 536. Jurisdiction over any dispute regarding the interpretation of sections 70.600 to 70.755 and the determinations required thereunder shall lie in the circuit court of Cole County.

17. The board shall arrange for adequate surety bonds covering the executive secretary and any other custodian of the funds or investments of the board. When approved by the board, said bonds shall be deposited in the office of the secretary of state.

18. The board shall arrange for annual audits of the records and accounts of the system by a certified public accountant or by a firm of certified public accountants. **[**The state auditor shall examine such audits at least once every three years and report to the board and the governor.**]**

19. The headquarters of the retirement system shall be in Jefferson City.

20. The board of trustees shall serve as trustees without compensation for their services as such; except that each trustee shall be paid for any necessary expenses incurred in attending meetings of the board or in the performance of other duties authorized by the board.

21. Subject to the limitations of sections 70.600 to 70.755, the board shall formulate and adopt rules and regulations for the government of its own proceedings and for the administration of the retirement system.

86.200. DEFINITIONS. — The following words and phrases as used in sections 86.200 to 86.366, unless a different meaning is plainly required by the context, shall have the following meanings:

(1) "Accumulated contributions", the sum of all mandatory contributions deducted from the compensation of a member and credited to the member's individual account, together with members' interest thereon;

(2) "Actuarial equivalent", a benefit of equal value when computed upon the basis of mortality tables and interest assumptions adopted by the board of trustees;

(3) "Average final compensation":

(a) With respect to a member who earns no creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last three years of creditable service as a police officer, or if the member has had less than three years of creditable service, the average earnable compensation of the member's entire period of creditable service;

(b) With respect to a member who is not participating in the DROP pursuant to section 86.251 on October 1, 2001, who did not participate in the DROP at any time before such date, and who earns any creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last two years of creditable service as a policeman, or if the member has had less than two years of creditable service, then the average earnable compensation of the member's entire period of creditable service;

(c) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and who terminates employment as a police officer for reasons other than death or disability before earning at least two years of creditable service after such return, the portion of the member's benefit attributable to creditable service earned before DROP entry shall be determined using average final compensation as defined in paragraph (a) of this subdivision; and the portion of the member's benefit attributable to creditable service earned after return to active participation in the system shall be determined using average final compensation as defined in paragraph (b) of this subdivision;

(d) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in the DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and who terminates employment as a police officer after earning at least two years of creditable service after such return, the member's benefit attributable to all of such member's creditable service shall be determined using the member's average final compensation as defined in paragraph (b) of this subdivision;

(e) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and whose employment as a police officer terminates due to death or disability after such return, the member's benefit attributable to all of such member's creditable service shall be determined using the member's average final compensation as defined in paragraph (b) of this subdivision; and

(f) With respect to the surviving spouse or surviving dependent child of a member who earns any creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last two years of creditable service as a police officer or, if the member has had less than two years of creditable service, the average earnable compensation of the member's entire period of creditable service;

(4) "Beneficiary", any person in receipt of a retirement allowance or other benefit;

(5) "Board of police commissioners", any board of police commissioners, police commissioners and any other officials or boards now or hereafter authorized by law to employ and manage a permanent police force in such cities;

(6) "Board of trustees", the board provided in sections 86.200 to 86.366 to administer the retirement system;

(7) "Creditable service", prior service plus membership service as provided in sections 86.200 to 86.366;

(8) "DROP", the deferred retirement option plan provided for in section 86.251;

(9) "Earnable compensation", the annual salary **established under section 84.160** which a member would earn during one year on the basis of the member's rank or position **[**as specified in the applicable salary matrix**]** plus any additional compensation for academic work and shift differential that may be provided by any official or board now or hereafter authorized by law to employ and manage a permanent police force in such cities. Such amount shall include the member's deferrals to a deferred compensation plan pursuant to Section 457 of the Internal

Revenue Code or to a cafeteria plan pursuant to Section 125 of the Internal Revenue Code or, effective October 1, 2001, to a transportation fringe benefit program pursuant to Section 132(f)(4) of the Internal Revenue Code. Earnable compensation shall not include a member's additional compensation for overtime, standby time, court time, nonuniform time or unused vacation time. Notwithstanding the foregoing, the earnable compensation taken into account under the plan established pursuant to sections 86.200 to 86.366 with respect to a member who is a noneligible participant, as defined in this subdivision, for any plan year beginning on or after October 1, 1996, shall not exceed the amount of compensation that may be taken into account under Section 401(a)(17) of the Internal Revenue Code, as adjusted for increases in the cost of living, for such plan year. For purposes of this subdivision, a "noneligible participant" is an individual who first becomes a member on or after the first day of the first plan year beginning after the earlier of:

(a) The last day of the plan year that includes August 28, 1995; or

(b) December 31, 1995;

(10) "Internal Revenue Code", the federal Internal Revenue Code of 1986, as amended;

(11) "Mandatory contributions", the contributions required to be deducted from the salary of each member who is not participating in DROP in accordance with section 86.320;

(12) **"Medical board", the board of three physicians of different disciplines appointed by the trustees of the police retirement board and responsible for arranging and passing upon all medical examinations required under the provisions of sections 86.200 to 86.366, which board shall investigate all essential statements and certificates made by or on behalf of a member in connection with an application for disability retirement and shall report in writing to the board of trustees its conclusions and recommendations, which can be based upon the opinion of a single member or that of an outside specialist if one is appointed, upon all the matters referred to such medical board;**

(13) "Member", a member of the retirement system as defined by sections 86.200 to 86.366;

[(13)**] (14)** "Members' interest", interest on accumulated contributions at such rate as may be set from time to time by the board of trustees;

[(14)**] (15)** "Membership service", service as a policeman rendered since last becoming a member, except in the case of a member who has served in the armed forces of the United States and has subsequently been reinstated as a policeman, in which case "membership service" means service as a policeman rendered since last becoming a member prior to entering such armed service;

[(15)**] (16)** "Plan year" or "limitation year", the twelve consecutive-month period beginning each October first and ending each September thirtieth;

[(16)**] (17)** "Policeman" or "police officer", any member of the police force of such cities who holds a rank in such police force;

[(17)**] (18)** "Prior service", all service as a policeman rendered prior to the date the system becomes operative or prior to membership service which is creditable in accordance with the provisions of sections 86.200 to 86.366;

[(18)**] (19)** "Reserve officer", any member of the police reserve force of such cities, armed or unarmed, who works less than full time, without compensation, and who, by his or her assigned function or as implied by his or her uniform, performs duties associated with those of a police officer and who currently receives a service retirement as provided by sections 86.200 to 86.366;

[(19)**] (20)** "Retirement allowance", annual payments for life as provided by sections 86.200 to 86.366 which shall be payable in equal monthly installments or any benefits in lieu thereof granted to a member upon termination of employment as a police officer and actual retirement;

[(20)**] (21)** "Retirement system", the police retirement system of the cities as defined in sections 86.200 to 86.366;

[(21)**] (22)** "Surviving spouse", the surviving spouse of a member who was the member's spouse at the time of the member's death.

86.257. DISABILITY RETIREMENT ALLOWANCE GRANTED, WHEN — PERIODIC MEDICAL EXAMINATIONS REQUIRED, WHEN — CESSATION OF DISABILITY BENEFIT, WHEN. — 1. Upon the application of **[**a member in service or of**]** the board of police commissioners **or any successor body**, any member who has completed ten or more years of creditable service **or upon the police retirement system created by sections 86.200 to 86.366 first attaining, after the effective date of this act, a funded ratio, as defined in section 105.660 and as determined by the system's annual actuarial valuation, of at least eighty percent, a member who has completed five or more years of creditable service** and who has become permanently unable to perform the duties of a police officer as the result of an injury or illness not exclusively caused or induced by the actual performance of his or her official duties or by his or her own negligence shall be retired by the board of **[**trustees of the police retirement system**] police commissioners or any successor body** upon certification by the medical **[**director**] board** of the police retirement system and approval by the board of trustees of the police retirement system that the member is mentally or physically unable to perform the duties of a police officer, that the inability is permanent or likely to become permanent, and that the member should be retired.

2. Once each year during the first five years following such member's retirement, and at least once in every three-year period thereafter, the board of trustees may, and upon the member's application shall, require any nonduty disability beneficiary who has not yet attained sixty years of age to undergo a medical examination at a place designated by the medical **[**director**] board** or such physicians as the medical **[**director**] board** appoints. If any nonduty disability beneficiary who has not attained sixty years of age refuses to submit to a medical examination, his or her nonduty disability pension may be discontinued until his or her withdrawal of such refusal, and if his or her refusal continues for one year, all rights in and to such pension may be revoked by the board of trustees.

3. If the medical **[**director**] board** certifies to the board of trustees that a nonduty disability beneficiary is able to perform the duties of a police officer, and if the board of trustees concurs on the report, then such beneficiary's nonduty disability pension shall cease.

4. If upon cessation of a disability pension under subsection 3 of this section, the former disability beneficiary is restored to active service, he or she shall again become a member, and he or she shall contribute thereafter at the same rate as other members. Upon his or her subsequent retirement, he or she shall be credited with all of his or her active retirement, but not including any time during which the former disability beneficiary received a disability pension under this section.

86.263. SERVICE-CONNECTED ACCIDENTAL DISABILITY RETIREMENT FOR ACTIVE SERVICE MEMBERS, REQUIREMENTS — PERIODIC EXAMINATIONS REQUIRED, WHEN — CESSATION OF BENEFITS, WHEN. — 1. Any member **in active service** who is permanently unable to perform the **full and unrestricted** duties of a police officer as the natural, proximate, and exclusive result of an accident occurring within the actual performance of duty at some definite time and place, through no negligence on the member's part, shall**[**, upon application,**]** be retired **by the board of police commissioners or any successor body** upon certification by **[**the medical director of the police retirement system and approval by the board of trustees of the police retirement system**] one or more physicians of the medical board** that the member is mentally or physically unable to perform the **full and unrestricted** duties of a police officer **[**and**] ,** that the inability is permanent or **[**reasonably**]** likely to become permanent**, and that the member should be retired. The inability to perform the "full and unrestricted duties of a police officer" means the member is unable to perform all the essential job functions for**

the position of police officer as established by the board of police commissioners or any successor body.

2. No member shall be approved for retirement under the provisions of subsection 1 of this section unless the application was made and submitted to the board of **[**trustees of the police retirement system**]** **police commissioners or any successor body** no later than five years following the date of accident, provided, that if the accident was reported within five years of the date of the accident and an examination made of the member within thirty days of the date of accident by a health care provider whose services were provided through the board of police commissioners with subsequent examinations made as requested, then an application made more than five years following the date of the accident shall be considered timely.

3. Once each year during the first five years following a member's retirement, and at least once in every three-year period thereafter, the board of trustees may require any disability beneficiary who has not yet attained sixty years of age to undergo a medical examination or medical examinations at a place designated by the medical **[**director**]** **board** or such physicians as the medical **[**director**]** **board** appoints. If any disability beneficiary who has not attained sixty years of age refuses to submit to a medical examination, his or her disability pension may be discontinued **by the board of trustees of the police retirement system** until his or her withdrawal of such refusal, and if his or her refusal continues for one year, all rights in and to such pension may be revoked by the board of trustees.

4. If the medical **[**director**]** **board** certifies to the board of trustees that a disability beneficiary is able to perform the duties of a police officer, **[**and if the board of trustees concurs with the medical director's determination,**]** then such beneficiary's disability pension shall cease.

5. If upon cessation of a disability pension under subsection 4 of this section, the former disability beneficiary is restored to active service, he or she shall again become a member, and he or she shall contribute thereafter at the same rate as other members. Upon his or her subsequent retirement, he or she shall be credited with all of his or her active service time as a member including the service time prior to receiving disability retirement, but not including any time during which the former disability beneficiary received a disability pension under this section.

6. If upon cessation of a disability pension under subsection 4 of this section, the former disability beneficiary is not restored to active service, such former disability beneficiary shall be entitled to the retirement benefit to which such former disability beneficiary would have been entitled if such former disability beneficiary had terminated service for any reason other than dishonesty or being convicted of a felony at the time of such cessation of such former disability beneficiary's disability pension. For purposes of such retirement benefits, such former disability beneficiary shall be credited with all of the former disability beneficiary's active service time as a member, but not including any time during which the former disability beneficiary received a disability beneficiary pension under this section."

86.900. DEFINITIONS. — The following words and phrases as used in sections 86.900 to 86.1280 shall have the following meanings unless a different meaning is plainly required by the context:

(1) "Accumulated contributions", the sum of all amounts deducted from the compensation of a member and paid to the retirement board, together with all amounts paid to the retirement board by a member or by a member's beneficiary, for the purchase of prior service credits or any other purpose permitted under sections 86.900 to 86.1280;

(2) "Actuarial cost", the present value of a future payment or series of payments as calculated by applying the actuarial assumptions established according to subsection 8 of section 86.1270;

(3) "Beneficiary", any person entitled, either currently or conditionally, to receive pension or other benefits provided in sections 86.900 to 86.1280;

(4) "Board of police commissioners", the board composed of police commissioners authorized by law to employ and manage an organized police force in the cities;

(5) "City" or "cities", any city which now has or may hereafter have a population of more than three hundred thousand and less than seven hundred thousand inhabitants, or any city that has made an election under section 86.910 to continue a police retirement system maintained under sections 86.900 to 86.1280;

(6) "Compensation", the basic wage or salary paid a member for any period on the basis of the member's rank and position, excluding bonuses, overtime pay, expense allowances, and other extraordinary compensation; except that, notwithstanding such provision, compensation for any year for any member shall not exceed the amount permitted to be taken into account under Section 401(a)(17) of the Internal Revenue Code as applicable to such year;

(7) "Consultant", unless otherwise specifically defined, a person retained by the retirement system as a special consultant on the problems of retirement, aging and related matters who, upon request of the retirement board, shall give opinions and be available to give opinions in writing or orally in response to such requests, as may be needed by the board;

(8) "Creditable service", service qualifying as a determinant of a member's pension or other benefit under sections 86.900 to 86.1280 by meeting the requirements specified in said sections or section 105.691;

(9) "Final compensation"**:**

(a) For a Tier I member as described in subdivision (13) of this section, the average annual compensation of a member during the member's service if less than two years, or the twenty-four months of service for which the member received the highest salary whether consecutive or otherwise. In computing the average annual compensation of a member, **[**no compensation for service after the thirtieth full year of membership service shall be included.**] compensation shall only be included for the periods in which the member made contributions as provided under section 86.1010 except as provided in subsection 3 of section 86.110;**

(b) For a Tier II member as described in subdivision (13) of this section, the average annual compensation of a member during the member's service if less than three years, or the thirty-six months of service for which the member received the highest salary whether consecutive or otherwise. In computing the average annual compensation of a member, compensation shall only be included for the periods in which the member made contributions as provided under section 86.1010 except as provided in subsection 3 of section 86.110;

(c) For any period of time when a member is paid on a frequency other than monthly, the member's salary for such period shall be deemed to be the monthly equivalent of the member's annual rate of compensation for such period;

(10) "Fiscal year", for the retirement system, the fiscal year of the cities;

(11) "Internal Revenue Code", the United States Internal Revenue Code of 1986, as amended;

(12) "Medical board", not less than one nor more than three physicians appointed by the retirement board to arrange for and conduct medical examinations as directed by the retirement board;

(13) "Member", a member of the police retirement system as described in section 86.1090**[**;**]** **:**

(a) "Tier I member", any person who became a member prior to August 28, 2013, and who remains a member on August 28, 2013, shall remain a Tier I member until such member's membership is terminated as described in section 86.1130;

(b) "Tier I surviving spouse", the surviving spouse of a Tier I member;

(c) "Tier II member", any person who became a member on or after August 28, 2013;

(d) "Tier II surviving spouse", the surviving spouse of a Tier II member;

(e) Any person whose membership is terminated as described in section 86.1130 and who re-enters membership on or after August 28, 2013, shall become a member under paragraph (c) of this subdivision;

(14) "Pension", annual payments for life, payable monthly, at the times described in section 86.1030;

(15) "Pension fund", the fund resulting from contributions made thereto by the cities affected by sections 86.900 to 86.1280 and by the members of the police retirement system;

(16) "Police officer", an officer or member of the police department of the cities employed for compensation by the boards of police commissioners of the cities for police duty who holds a rank or position for which an annual salary range is provided in section 84.480 or 84.510; in case of dispute as to whether any person is a police officer qualified for membership in the retirement system, the decision of the board of police commissioners shall be final;

(17) "Retirement board" or "board", the board provided in section 86.920 to administer the retirement system;

(18) "Retirement system", the police retirement system of the cities as defined in section 86.910;

(19) "Surviving spouse", when determining whether a person is entitled to benefits under sections 86.900 to 86.1280 by reason of surviving a member, shall include only:

(a) A person who was married to a member at the time of the member's death in the line of duty or from an occupational disease arising out of and in the course of the member's employment and who had not, after the member's death and prior to August 28, 2000, remarried;

(b) With respect to a member who retired or died prior to August 28, 1997, a spouse who survives such member, whose marriage to such member occurred at least two years before the member's retirement or at least two years before the member's death while in service, and who had not remarried anyone other than the member prior to August 28, 2000;

(c) With respect to a member who retired or died while in service after August 28, 1997, and before August 28, 2000, a spouse who survives such member, was married to such member at the time of such member's retirement or of such member's death while in service, and had not, after the member's death and prior to August 28, 2000, remarried; and

(d) With respect to a member who retires or dies in service after August 28, 2000, a spouse who survives a member and was married to such member at the time of such member's retirement or death while in service.

86.990. BOARD TO CERTIFY AMOUNT TO BE PAID BY CITY, WHEN. — The retirement board shall before **[**January tenth**]** **October fifteenth** of each year certify to the chief financial officer of such city the amount to be paid by the city under the retirement pension system for the succeeding fiscal year, as otherwise provided by sections 86.900 to 86.1280.

86.1000. CONTRIBUTIONS TO PENSION FUND BY CITY — BOARD TO CERTIFY TO BOARD OF POLICE COMMISSIONERS AMOUNT REQUIRED. — 1. The city shall contribute to the pension fund quarter-annually or at such lesser intervals as may be agreed upon by the city and the retirement board. Such contribution shall be in addition to and separate from the appropriations made by the city for the operation of the police department. For each fiscal year of the operation of the pension system, the city's contribution to the pension fund shall be a percentage of the compensation paid to members of the pension system from which a member's deduction has been made under section 86.1010. The city's contribution shall be **[**such percentage as shall be agreed upon by the board of police commissioners and the city, but in no event shall such contribution be less than twelve percent**]** **the total of the following amounts:**

(1) Such amounts as may be necessary to meet the requirements for the annual actuarial required contributions as determined by a qualified professional actuary selected by the retirement board;

(2) An amount of two-hundred dollars per month for every member entitled to receive a supplemental benefit under section 86.1230 or section 86.1231.

Such total of said amounts shall be certified by the retirement board to the chief financial officer of said city as provided in section 86.990.

2. On or before **[**the tenth day of January**]** **October fifteenth** of each year the retirement board shall certify to the board of police commissioners the amount of money that will **[**likely**]** be required to comply with the provisions of this section during the next succeeding fiscal year including administration expenses. The amounts so certified shall be included by the board of police commissioners in their annual budget estimate, and shall be appropriated by the cities and transferred to the pension fund during the ensuing fiscal year.

86.1010. MEMBERS' RETIREMENT CONTRIBUTIONS, AMOUNT, HOW DETERMINED. — Except as provided in subsection 5 of section 86.1100, the board of police commissioners shall cause to be deducted from the compensation of each member **[**until retirement**]** **who is accruing creditable service** a percentage of such member's compensation**[**, which shall not be less than six percent,**]** as determined by the retirement board, as such member's contribution to the pension fund. The sum so deducted shall be paid by the board of police commissioners promptly after each payroll to the retirement board to be credited to the member's account. Every member shall be deemed to consent to the deductions made and provided for herein. The board of police commissioners shall certify to the retirement board on every payroll the amount deducted, and such amounts shall be paid into the pension fund and shall be credited to the individual pension account of the member from whose compensation such deduction was made.

86.1030. BENEFITS AND ADMINISTRATIVE EXPENSES TO BE PAID BY RETIREMENT SYSTEM FUNDS — COMMENCEMENT OF BASE PENSION — DEATH OF A MEMBER, EFFECT OF. — 1. All benefits and all necessary administrative expenses of the retirement system shall be paid from the funds of the retirement system.

2. The base pension of a member who, after August 28, 2011, retires from or otherwise terminates active service with entitlement to a base pension under sections 86.900 to 86.1280 shall commence as of the first day of the month next following such retirement or termination with no proration of such pension for the month in which such retirement or termination occurs. The supplemental retirement benefits of a member who, after August 28, 2011, retires from or otherwise terminates active service with entitlement to a supplemental retirement benefit provided in subsection 1 of section 86.1230 **or as provided in section 86.1231** shall commence as of the first day of the month next following such retirement or termination with no proration of such supplemental retirement benefit for the month in which such retirement or termination occurs.

3. Upon the death of a member who is receiving a base pension under sections 86.900 to 86.1280 leaving a surviving spouse, as defined in section 86.900, entitled to benefits, payment of the member's base pension including all cost-of-living adjustments thereto, prorated for that portion of the month of such death in which such member was living, shall be made to such surviving spouse, and the benefit for which such spouse is entitled under section 86.1240 **or subdivision (1) of subsection 2 of section 86.1151** shall be prorated and paid to such spouse for the remainder of such month.

4. Upon the death of a member who is receiving a base pension under sections 86.900 to 86.1280 leaving no surviving spouse, as defined in section 86.900, entitled to benefits, payment of the member's base pension including all cost-of-living adjustments thereto, prorated for that portion of the month of such death in which such member was living, shall be made in equal shares to or for the benefit of the children, if any, of such member as are entitled to share in spousal benefits as described in subsection 2 of section 86.1250. If no such children shall survive such member, such prorated benefit for the month of such member's death shall be paid to the beneficiary named by such member in a writing filed with the retirement system prior to

the member's death for the purpose of receiving such benefit. If no beneficiary is named, then no payment shall be made of such prorated benefit for the month of such member's death.

5. Upon the death of a surviving spouse who is receiving a base pension under section 86.1240 **or subdivision (1) of subsection 2 of section 86.1151**, payment of such spouse's base pension including all cost-of-living adjustments thereto, prorated for that portion of the month of such death in which such spouse was living, shall be made in equal shares to or for the benefit of the children, if any, of the member of whom such spouse is the surviving spouse as are entitled to share in spousal benefits described in subsection 2 of section 86.1250. If no such children shall survive such spouse, such prorated benefit for the month of such spouse's death shall be paid to the beneficiary named by such surviving spouse in a writing filed with the retirement system prior to such spouse's death for the purpose of receiving such benefit. If no beneficiary is named, then no payment shall be made of such prorated benefit for the month of such spouse's death.

6. Upon the death of a **Tier I** member who is receiving a supplemental benefit under section 86.1230 **or upon the death of a Tier II member who is receiving a supplemental benefit under section 86.1231** and who leaves a surviving spouse, as defined in section 86.900, entitled to benefits, the entire supplemental benefit for the month of such death shall be paid to such surviving spouse without proration, and the surviving spouse shall receive no additional supplemental benefit for such month.

7. Upon the death of a **Tier I** member who is receiving a supplemental benefit under section 86.1230 **or upon the death of a Tier II member who is receiving a supplemental benefit under section 86.1231** and who leaves no surviving spouse, as defined in section 86.900, entitled to benefits, or upon the death of a surviving spouse who is receiving a supplemental benefit under section 86.1230 **or section 86.1231**, such supplemental benefit shall terminate upon such death. No benefit shall be payable for any period after the most recent monthly payment of such benefit prior to such death.

8. Upon the death of a member in service who leaves a surviving spouse, as defined in section 86.900, entitled to benefits, the base pension of such surviving spouse shall commence as of the first day of the month next following such death with no proration of such pension for the month in which such death occurs.

9. Upon the death of a member in service who leaves no surviving spouse, as defined in section 86.900, entitled to benefits, any benefit payable to surviving children of such member under subsection 2 of section 86.1250 shall commence as of the first day of the month next following such death with no proration of such benefit for the month in which such death occurs. If there are no such surviving children entitled to such benefit, then such member's accumulated contributions shall be paid to the beneficiary named by such member in a writing filed with the retirement system prior to the member's death for the purpose of receiving such benefit, or if no beneficiary is named, then to such member's estate.

10. Upon the death of a member in service or after retirement, any benefit payable to the surviving children of such member under subsection 1 of section 86.1250 shall commence as of the first day of the month next following such death with no proration of such benefit for the month in which such death occurs.

11. All payments of any benefit shall be paid on the last business day of each month for that month. For any benefit under sections 86.900 to 86.1280, the retirement system shall withhold payment of such benefit until all requisite documentation has been filed with the retirement system evidencing the entitlement of payee to such payment.

12. If no benefits are otherwise payable to a surviving spouse or child of a deceased member or otherwise as provided in this section, the member's accumulated contributions, to any extent not fully paid to such member prior to the member's death or to the surviving spouse or child of such member or otherwise as provided in this section, shall be paid in one lump sum to the member's beneficiary named by such member in a writing filed with the retirement system prior to the member's death for the purpose of receiving such benefit, or if no beneficiary is

named, then to such member's estate. Such payment shall constitute full and final payment of any and all claims for benefits under the retirement system.

86.1100. CREDITABLE SERVICE, BOARD TO FIX AND DETERMINE BY RULE. — 1. The retirement board shall fix and determine by proper rules and regulations how much service in any year is equivalent to one year of service. In no case shall more than one year of service be creditable for all service rendered in one calendar year. The retirement board shall not allow credit as service for any period during which the member was absent without compensation, except as provided in sections 86.1110 and 86.1140.

2. Except as provided in subsection 3 of section 86.1110 **or subsection 2 of section 86.1140**, creditable service at retirement on which the retirement allowance of a member is based consists of the membership service rendered by such member since such member last became a member **provided that no creditable service shall be allowed for any period of time when a member was not making contributions**.

3. Creditable service also includes any prior service credit to which a member may be entitled by virtue of an authorized purchase of such credit or as otherwise provided in sections 86.900 to 86.1280.

4. Creditable service shall not include any time a member was suspended from service without compensation. No contribution is required from either the member under section 86.1010 or from the city under section 86.1000 for such time.

5. Any member **[**who has completed thirty years of creditable service may continue in service by permission of the board of police commissioners**] in active service with the police department on or after August 28, 2013, may accrue up to a maximum of thirty-two years of creditable service**. Contributions shall not be required of, and no service shall be credited to, any member for more than **[**thirty**] thirty-two** years of service.

86.1110. MILITARY LEAVE OF ABSENCE, EFFECT OF — SERVICE CREDIT FOR MILITARY SERVICE, WHEN. — 1. Whenever a member is given a leave of absence for military service and returns to employment after discharge from the service, such member shall be entitled to creditable service for the years of employment prior to the leave of absence.

2. Except as provided in subsection 3 of this section, a member who served on active duty in the Armed Forces of the United States and who became a member, or returned to membership, after discharge under honorable conditions, may elect prior to retirement to purchase creditable service equivalent to such service in the Armed Forces, not to exceed two years, provided the member is not receiving and is not eligible to receive retirement credits or benefits from any other public or private retirement plan for the service to be purchased, other than a United States military service retirement system or United States Social Security benefits attributable to such military service, and an affidavit so stating is filed by the member with the retirement system. A member electing to make such purchase shall pay to the retirement system an amount equal to the actuarial cost of the additional benefits attributable to the additional service credit to be purchased, as of the date the member elects to make such purchase. Payment in full of the amount due from a member electing to purchase creditable service under this subsection shall be made over a period not to exceed five years, measured from the date of election, or prior to the commencement date for payment of benefits to the member from the retirement system, whichever is earlier, including interest on unpaid balances compounded annually at the interest rate assumed from time to time for actuarial valuations of the retirement system. If payment in full including interest is not made within the prescribed period, any partial payments made by the member shall be refunded, and no creditable service attributable to such election, or as a result of any such partial payments, shall be allowed; provided that if a benefit commencement date occurs because of the death or disability of a member who has made an election under this subsection and if the member is current in payments under an approved installment plan at the time of the death or disability, such election shall be valid if the member,

the surviving spouse, or other person entitled to benefit payments pays the entire balance of the remaining amount due, including interest to the date of such payment, within sixty days after the member's death or disability. The time of a disability shall be deemed to be the time when such member is retired by the board of police commissioners for reason of disability as provided in sections 86.900 to 86.1280.

3. Notwithstanding any other provision of sections 86.900 to 86.1280, a member who is on leave of absence for military service during any portion of which leave the United States is in a state of declared war, or a compulsory draft is in effect for any of the military branches of the United States, or any units of the military reserves of the United States, including the National Guard, are mobilized for combat military operations, and who becomes entitled to reemployment rights and other employment benefits under Title 38, Chapter 43 of the U.S. Code, relating to employment and reemployment rights of members of the uniformed services by meeting the requirements for such rights and benefits under Section 4312 of said chapter, or the corresponding provisions of any subsequent applicable federal statute, shall be entitled to service credit for the time spent in such military service for all purposes of sections 86.900 to 86.1280 and such member shall not be required to pay any member contributions for such time. If it becomes necessary for the years of such service to be included in the calculation of such member's compensation for any purpose, such member shall be deemed to have received the same compensation throughout such period of service as the member's base annual salary immediately prior to the commencement of such leave of absence**; provided, however, that the foregoing provisions of this subsection shall apply only to such portion of such leave with respect to which the cumulative length of the absence and of all previous absences from a position of employment with the employer by reason of service in the uniformed services does not exceed five years except for such period of any such excess as meets the requirements for exceptions to such five-year limitation set forth in the aforesaid Section 4312**.

86.1150. RETIREMENT AGE — BASE PENSION AMOUNT. — 1. Any **Tier I** member may retire when such member has completed twenty-five or more years of creditable service **[**and, except as otherwise provided in section 86.1100, shall retire when such member has completed thirty years of creditable service**]**. Upon such retirement such member shall receive a base pension equal to:

(1) For a member retiring prior to August 28, 2000, two percent of such member's final compensation, as defined in section 86.900, multiplied by the number of years of such member's total creditable service; or

(2) For a member retiring on or after August 28, 2000**, and prior to August 28, 2013**, two and one-half percent of such member's final compensation, as defined in section 86.900, multiplied by the number of years of such member's total creditable service. Such pension shall not exceed seventy-five percent of the member's final compensation**[**.

2. Every member not having thirty years of service must retire at sixty years of age except that on recommendation of the chief of police, the board of police commissioners may permit such member who is sixty years of age or over to remain in service until such member reaches the age of sixty-five years. Such member shall continue to make contributions and receive credit for service until reaching sixty-five years of age, until retirement, or until completion of thirty years of creditable service, whichever occurs first. If such member shall reach sixty-five years of age or shall retire prior to completion of twenty-five years of service, the base pension of such member shall be calculated under subsection 3 of this section.

3. Except as provided in section 86.1100 or in subsection 2 of this section,**] ; or**

(3) For a member retiring on or after August 28, 2013, two and one-half percent of such member's final compensation, as defined in section 86.900, multiplied by the number of years of such member's total creditable service. Such pension shall not exceed eighty percent of the member's final compensation.

2. Any **Tier I** member in service who shall have attained sixty years of age and at that time shall have completed at least ten **[**but less than thirty**]** years of creditable service **[**shall**] may** retire and **upon such retirement** shall receive a base pension equal to:

(1) For a member retiring prior to August 28, 2000, two percent of such member's final compensation, as defined in section 86.900, multiplied by the number of years of such member's total creditable service; or

(2) For a member retiring on or after August 28, 2000, two and one-half percent of such member's final compensation as defined in section 86.900 multiplied by the number of years of such member's total creditable service.

[4.**] 3.** Subject to the provisions of subsection **[**5**] 4** of this section, whenever the service of a **Tier I** member is terminated for any reason prior to death or retirement and the member has fifteen or more years of creditable service, the member may elect not to withdraw such member's accumulated contributions and shall become entitled to a base pension commencing on the first day of the month following the attainment of the age of fifty-five, if then living, equal to:

(1) For a member whose service so terminates prior to August 28, 2001, two percent of such member's final compensation multiplied by the number of years of such member's creditable service; or

(2) For a member whose service so terminates on or after August 28, 2001, two and one-half percent of such member's final compensation multiplied by the number of years of such member's creditable service.

[5.**] 4.** Notwithstanding any other provisions of sections 86.900 to 86.1280, any member who is convicted of a felony prior to separation from active service shall not be entitled to any benefit from this retirement system except the return of such member's accumulated contributions.

86.1151. TIER II MEMBERS, RETIRE WHEN — BENEFITS, HOW COMPUTED. — 1. Any Tier II member may retire when such member has completed twenty-seven or more years of creditable service. Upon such retirement such member shall receive a base pension equal to two and one-half percent of such member's final compensation, as defined in section 86.900, multiplied by the number of years of such member's total creditable service. Such pension shall not exceed eighty percent of the member's final compensation.

2. (1) A Tier II member who is married at the time of retirement may by a written election, with the written consent of such member's spouse, elect an optional benefit calculated as follows: such optional benefit shall be a monthly pension in the initial amount which shall be actuarially equivalent to the actuarial value of the pension described in subsection 1 of this section for such member at the date of retirement (including the value of survivorship rights of a surviving spouse, where applicable, under section 86.1240), upon the basis that the initial annuity for the member's spouse, if such spouse survives the member, shall be:

(a) The same as the amount being paid the member at the member's death, and, together with cost-of-living adjustments thereafter declared on the spouse's base pension under section 86.1220, shall be paid to such surviving spouse for the lifetime of such spouse; or

(b) Seventy-five percent of the amount being paid the member at the member's death, and, together with cost-of-living adjustments thereafter declared on the spouse's base pension under section 86.1220, shall be paid to such surviving spouse for the lifetime of such spouse.

(2) If a member who elects the optional benefit permitted by this subsection also makes an election permitted under section 86.1210, such optional benefit shall be reduced as provided in subdivision (3) of subsection 2 of section 86.1210.

(3) If a member makes the election permitted by this subsection, the amount calculated for such optional benefit under either subdivision (1) or (2) of this subsection shall become the base pension for such member and for such member's spouse for all purposes of sections 86.900 to 86.1280.

(4) An election for an optional benefit under this subsection shall be void if the member dies within thirty days after filing such election with the retirement system or if the member dies before the due date of the first payment of such member's pension.

3. Subject to the provisions of subsection 4 of this section, whenever the service of a Tier II member is terminated for any reason prior to death or retirement and the member has fifteen or more years of creditable service, the member may elect not to withdraw such member's accumulated contributions and shall become entitled to a base pension commencing on the first day of the month following the attainment of the age of sixty, if then living, equal to two and one-half percent of such member's final compensation multiplied by the number of years of such member's creditable service.

4. Notwithstanding any other provisions of sections 86.900 to 86.1280, any member who is convicted of a felony prior to separation from active service shall not be entitled to any benefit from this retirement system except the return of such member's accumulated contributions.

86.1180. PERMANENT DISABILITY CAUSED BY PERFORMANCE OF DUTY, RETIREMENT BY BOARD OF POLICE COMMISSIONERS PERMITTED — BASE PENSION AMOUNT — CERTIFICATION OF DISABILITY. — 1. Any member in active service who is permanently unable to perform the full and unrestricted duties of a police officer as the natural, proximate, and exclusive result of an accident occurring within the actual performance of duty at some definite time and place or through an occupational disease arising exclusively out of and in the course of his or her employment shall be retired by the board of police commissioners upon certification by one or more physicians of the medical board that the member is mentally or physically unable to perform the full and unrestricted duties of a police officer, that the inability is permanent or likely to become permanent, and that the member should be retired. The inability to perform the full and unrestricted duties of a police officer means that the member is unable to perform all the essential job functions for the position of police officer as established by the board of police commissioners.

2. (1) Upon such retirement on or after August 28, 2001**, and prior to August 28, 2013**, a member shall receive a base pension equal to seventy-five percent of his or her final compensation for so long as the permanent disability shall continue, during which time such member shall for purposes of this section be referred to as a disability beneficiary. Such pension may be subject to offset or reduction under section 86.1190 by amounts paid or payable under any workers' compensation law**;**

(2) Upon such retirement on or after August 28, 2013, a member shall receive a base pension equal to eighty percent of his or her final compensation for so long as the permanent disability shall continue, during which time such member shall for purposes of this section be referred to as a disability beneficiary. Such pension may be subject to offset or reduction under section 86.1190 by amounts paid or payable under any workers' compensation law.

3. Once each year during the first five years following his or her retirement, and at least once in every three-year period thereafter, the retirement board may, and upon the member's application shall, require any disability beneficiary who has not yet attained the age of sixty years to undergo a medical examination at a place designated by the medical board or some member thereof. If any disability beneficiary who has not attained the age of sixty years refuses to submit to a medical examination his or her disability pension may be discontinued until his or her withdrawal of such refusal, and if his or her refusal continues for one year, all rights in and to such pension may be revoked by the retirement board.

4. If one or more members of the medical board certify to the retirement board that a disability beneficiary is able to perform the full and unrestricted duties of a police officer, and if the retirement board concurs on the report, then such beneficiary's disability pension shall cease.

5. If upon cessation of a disability pension under subsection 4 of this section, the former disability beneficiary is restored to active service, such member shall contribute to this retirement system thereafter at the same rate as other members. Upon subsequent retirement, such member shall be credited with all his or her creditable service, including any years in which such member received a disability pension under this section.

6. If upon cessation of a disability pension under subsection 4 of this section, the former disability beneficiary is not restored to active service, such member shall be entitled to the retirement benefit to which such member would have been entitled if such member had terminated service at the time of such cessation of the disability pension. For the purpose of such retirement benefits, such former disability beneficiary will be credited with all his or her creditable service, including any years in which such member received a disability pension under this section.

86.1210. PARTIAL LUMP SUM OPTION PLAN DISTRIBUTION AUTHORIZED. — 1. Any member **in active service** entitled to commence a pension under **subsection 1 of** section 86.1150 **[**with twenty-six years or more of creditable service**] or subsection 1 of section 86.1151** may elect an optional distribution under the partial lump sum option plan provided in this section if the member:

(1) Notifies the retirement system in writing of the member's retirement date at least ninety days in advance thereof and requests an explanation of the member's rights under this section; and

(2) Notifies the retirement system of the member's election hereunder at least thirty days in advance of the member's retirement date.

Following receipt of an initial notice of a member's retirement date and request for an explanation under this section, the retirement system shall, at least sixty days in advance of such retirement date, provide the member a written explanation of the member's rights under this section and an estimate of the amount by which the member's regular monthly base pension would be reduced in the event of the member's election of any of the options available to the member under this section.

2. (1) A member entitled to make an election under this section may elect to receive a lump sum distribution with the member's initial monthly pension payment under **subsection 1 of** section 86.1150 **or subsection 1 of section 86.1151**, subject to all the terms of this section. The member may elect the amount of the member's lump sum distribution from one, but not more than one, of the following options for which the member qualifies:

(a) A member having **[**twenty-six or more years of creditable service**] one or more years of creditable service after the member's eligible retirement date** may elect a lump sum amount equal to twelve times the initial monthly base pension the member would receive if no election were made under this section;

(b) A member having **[**twenty-seven**] two** or more years of creditable service **after the member's eligible retirement date** may elect a lump sum amount equal to twenty-four times the initial monthly base pension the member would receive if no election were made under this section; or

(c) A member having **[**twenty-eight**] three** or more years of creditable service **after the member's eligible retirement date** may elect a lump sum amount equal to thirty-six times the initial monthly base pension the member would receive if no election were made under this section.

For purposes of this section, "eligible retirement date" for a member shall mean the earliest date on which the member could elect to retire and be entitled to receive a pension under subsection 1 of section 86.1150 or subsection 1 of section 86.1151.

(2) When a member makes an election to receive a lump sum distribution under this section, the base pension which the member would have received in the absence of the election shall be reduced on an actuarially equivalent basis to reflect the payment of the lump sum distribution, and the reduced base pension shall be the member's base pension thereafter for all purposes relating to base pension amounts under sections 86.900 to 86.1280**, unless the member has also elected an optional benefit permitted under subdivision (1) of subsection 2 of section 86.1151;**

(3) If a member electing a lump sum distribution under this section has elected the optional benefit permitted under subdivision (1) of subsection 2 of section 86.1151, the calculation of the member's pension shall be made in the following order:

(a) The amount of the member's normal pension under subsection 1 of section 86.1151 shall be reduced to the actuarially equivalent amount to produce the optional form of benefit described in subdivision (1) of subsection 2 of section 86.1151, and

(b) The amount of reduced pension as determined under paragraph (a) of this subdivision shall be further reduced as required to produce an actuarially equivalent benefit in the form of the lump sum distribution option elected under this section which will include the lump sum benefit and the optional benefit elected under subdivision (1) of subsection 2 of section 86.1151, and, subject to cost-of-living adjustments thereafter declared on the spouse's base pension under section 86.1220, shall be paid to such surviving spouse for the lifetime of such spouse.

3. An election under this section to receive a lump sum distribution and reduced monthly base pension shall be void if the member dies before retirement, and in such case amounts due a surviving spouse or other beneficiary of the member shall be determined without regard to such election.

86.1220. COST-OF-LIVING ADJUSTMENTS IN ADDITION TO BASE PENSION. — 1. Provided that the retirement system shall remain actuarially sound, each of the following persons may receive **[**each year**]**, in addition to such person's base pension, a cost-of-living adjustment in an amount not to exceed three percent of such person's base pension during any one year:

(1) Every **Tier I** member who is retired and receiving a base pension from the retirement system; **and**

(2) Every **Tier I** surviving spouse who is receiving a base pension from the retirement system**[**; and

(3) Every child who, under subsection 2 of section 86.1250, is receiving the benefit, or a portion thereof, which would be payable to a surviving spouse of the member who was such child's parent**]**.

2. **Provided that the retirement system shall remain actuarially sound, each of the following persons may receive, in addition to such person's base pension, a cost-of-living adjustment in an amount not to exceed three percent of such person's base pension during any one year as follows:**

(1) Every Tier II member who retired with at least thirty-two years of creditable service shall be eligible in the year following retirement; and

(2) Every Tier II member who retired under subsection 1 of section 86.1151 with less than thirty-two years of creditable service shall be eligible in the year following the year in which they would have attained thirty-two years of creditable service had such member remained in active service; and

(3) Every Tier II member who retired under section] shall be eligible in the year following retirement; and

(4) Every Tier II member who retired under section 86.1200 shall be eligible in the earlier of the year following the fifth year after retirement or the year following the year in which they would have attained thirty-two years of creditable service had such member remained in active service; and

(5) Every Tier II member who retired under subsection 3 of section 86.1151 shall be eligible in the year following the fifth year after retirement; and

(6) (a) Every Tier II surviving spouse of a member who, at the member's death, was receiving benefits including cost-of-living adjustments shall be eligible in the year following the most recent year when the decedent received a cost-of-living adjustment; and

(b) Every Tier II surviving spouse of a member who, at the member's death, was receiving benefits but who was not yet eligible for cost-of-living adjustments shall be eligible in the year when the decedent member would have become eligible had such decedent survived; and

(c) Every Tier II surviving spouse entitled to the benefit provided in subsection 1 of section 86.1260 shall be eligible in the year following the year of the member's death; and

(d) Every Tier II surviving spouse of a member who died with less than twenty-seven years of creditable service, entitled to benefits provided in subsection 1 of section 86.1240, and who is not eligible for the benefit provided in subsection 1 of section 86.1260, shall be eligible in the year following the fifth year after the member's death; and

(e) Every Tier II surviving spouse of a member who died with twenty-seven or more years of creditable service, entitled to benefits provided in subsection 1 of section 86.1240, and who is not eligible for the benefit provided in subsection 1 of section 86.1260, shall be eligible the later of the year following the year of the member's death or the year following the year in which the member would have attained thirty-two years of creditable service had such member remained in active service.

3. Provided that the retirement system shall remain actuarially sound, every child who, under subsection 2 of section 86.1250, is receiving the benefit, or a portion thereof, which would be payable to a surviving spouse of the member who was such child's parent, may receive each year such cost-of-living adjustment on such benefit as would have been payable on such benefit, or portion thereof, to such surviving spouse if living.

4. Upon the death of a **Tier I** member who has been retired and receiving a pension and who dies after September 28, 1987, the surviving spouse of such member entitled to receive a base pension under section 86.1240 or children of such member entitled to receive a base pension under subsection 2 of section 86.1250 shall receive an immediate percentage cost-of-living adjustment to their respective base pension equal to the total percentage cost-of-living adjustments received during such member's lifetime under this section, except that the adjustment provided by this subsection shall not be made to a base pension calculated under either subdivision (1) or paragraph (b) of subdivision (2) of subsection 2 of section 86.1240, either for a surviving spouse or for a child or children entitled to a base pension measured by the pension to which a qualified surviving spouse would be entitled, wherein such base pension is determined by a percentage of the amount being received by the deceased member at death.

5. Upon the death of a Tier II member who has been retired and receiving a pension, the surviving spouse of such member entitled to receive a base pension under section 86.1240 or children of such member entitled to receive a base pension under subsection 2 of section 86.1250 shall receive an immediate percentage cost-of-living adjustment to their respective base pension equal to the total percentage cost-of-living adjustments received during such member's lifetime under this section, except that the adjustment provided by this subsection shall not apply for any surviving spouse, or for a child or children entitled to benefits which would be received by a qualified surviving spouse, receiving a benefit pursuant to an election made under subdivision (1) of subsection 2 of section 86.1151.

[3.**]** **6.** For purposes of this section, the term "base pension" shall mean:

(1) For a member, the pension computed under the provisions of the law as of the date of retirement without regard to cost-of-living adjustments, as adjusted, if applicable, for any election made under **subdivision (1) of subsection 2 of section 86.1151 or** section 86.1210, but in all events not including any supplemental benefit under section 86.1230 **or section 86.1231**;

(2) For a surviving spouse, the base pension calculated for such spouse in accordance with the provisions of section 86.1240 **or subdivision (3) of subsection 2 of section 86.1151**, including any compensation as a consultant to which such surviving spouse is entitled under said section in lieu of a pension thereunder, but not including any supplemental benefit under section 86.1230 **or section 86.1231**; and

(3) For a member's surviving child who is entitled to receive part or all of the pension which would be received by the surviving spouse, if living, the base pension calculated for such surviving spouse in accordance with the provisions of section 86.1240 **or subdivision (3) of subsection 2 of section 86.1151**, including any compensation as a consultant to which such spouse would be entitled under said section, if living, divided by the number of surviving children entitled to share in such pension under subsection 2 of section 86.1250.

[4.**]** **7.** The cost-of-living adjustment shall be an increase or decrease computed on the base pension amount by the retirement board in an amount that the board, in its discretion, determines to be satisfactory, but in no event shall the adjustment be more than three percent or reduce the pension to an amount less than the base pension. In determining and granting the cost-of-living adjustments, the retirement board shall adopt such rules and regulations as may be necessary to effectuate the purposes of this section, including provisions for the manner of computation of such adjustments and the effective dates thereof. The retirement board shall provide for such adjustments to be determined once each year and granted on a date or dates to be chosen by the board, and may apply such adjustments in full to **eligible** members **as provided in subsections 1 and 2 of this section** who have retired during the year prior to such adjustments but who have not been retired for one full year and to the surviving spouse or applicable children of a member who has died during the year prior to such adjustments.

[5.**]** **8.** The determination of whether the retirement system will remain actuarially sound shall be made at the time any cost-of-living adjustment is granted. If at any time the retirement system ceases to be actuarially sound, pension payments shall continue as adjusted by increases theretofore granted. A member of the retirement board shall have no personal liability for granting increases under this section if that retirement board member in good faith relied and acted upon advice of a qualified actuary that the retirement system would remain actuarially sound.

[6.**]** **9.** If any benefit under subsection 1 of section 86.1250 on August 27, 2005, would be reduced by application of this section, such benefit shall continue thereafter without reduction, but any benefit so continued shall terminate at the time prescribed in subsection 1 of section 86.1250.

86.1230. SUPPLEMENTAL RETIREMENT BENEFITS, TIER I MEMBERS, AMOUNT — MEMBER TO BE SPECIAL CONSULTANT, COMPENSATION. — 1. Any **Tier I** member who retires subsequent to August 28, 1991, with entitlement to a pension under sections 86.900 to 86.1280, shall receive, in addition to such member's base pension and cost-of-living adjustments thereto under section 86.1220, and in addition to any other compensation or benefit to which such member may be entitled under sections 86.900 to 86.1280, a supplemental retirement benefit of fifty dollars per month. The amount of such supplemental retirement benefit may be adjusted by cost-of-living adjustments determined by the retirement board not more frequently than annually.

2. Any **Tier I** member who was retired on or before August 28, 1991, and is receiving retirement benefits from the retirement system shall, upon application to the retirement board, be retained as a consultant, and for such services such member shall receive, in addition to such

member's base pension and cost-of-living adjustments thereto under section 86.1220, and in addition to any other compensation or benefit to which such member may be entitled under sections 86.900 to 86.1280, a supplemental compensation in the amount of fifty dollars per month. This appointment as a consultant shall in no way affect any member's eligibility for retirement benefits under the provisions of sections 86.900 to 86.1280, or in any way have the effect of reducing retirement benefits otherwise payable to such member. The amount of such supplemental compensation under this subsection may be adjusted by cost-of-living adjustments determined by the retirement board not more frequently than annually.

3. For purposes of subsections 1 and 2 of this section, the term "member" shall include a surviving spouse entitled to a benefit under sections 86.900 to 86.1280 who shall be deemed to have retired for purposes of this section on the date of retirement of the member of whom such person is the surviving spouse or on the date of death of such member if such member died prior to retirement; provided, that if the surviving spouse of any member who retired prior to August 28, 2000, shall not have remarried prior to August 28, 2000, but remarries thereafter, such surviving spouse shall thereafter receive benefits under subsection 2 of this section, and provided further, that no benefits shall be payable under this section to the surviving spouse of any member who retired prior to August 28, 2000, if such surviving spouse was at any time remarried after the member's death and prior to August 28, 2000. All benefits payable to a surviving spouse under this section shall be in addition to all other benefits to which such surviving spouse may be entitled under other provisions of sections 86.900 to 86.1280. Any such surviving spouse of a member who dies while entitled to payments under this section shall succeed to the full amount of payment under this section to which such member was entitled at the time of such member's death, including any cost-of-living adjustments received by such member in the payment under this section prior to such member's death. In all events, the term "member" shall not include any children of the member who would be entitled to receive part or all of the pension which would be received by a surviving spouse if living.

4. Any member who is receiving benefits from the retirement system and who either was retired under the provisions of subdivision (1) of subsection 1 of section 86.1150, or who retired before August 28, 2001, under the provisions of section 86.1180 or section 86.1200, shall, upon application to the retirement board, be retained as a consultant. For such services such member shall receive each month in addition to such member's base pension and cost-of-living adjustments thereto under section 86.1220, and in addition to any other compensation or benefit to which such member may be entitled under sections 86.900 to 86.1280, an equalizing supplemental compensation of ten dollars per month. This appointment as a consultant shall in no way affect any member's eligibility for retirement benefits under the provisions of sections 86.900 to 86.1280, or in any way have the effect of reducing retirement benefits otherwise payable to such member. The amount of equalizing supplemental compensation under this subsection may be adjusted by cost-of-living adjustments, determined by the retirement board not more frequently than annually, but in no event shall the aggregate of such equalizing supplemental compensation together with all such cost-of-living adjustments thereto exceed twenty-five percent of the member's base pension. Each cost-of-living adjustment to compensation under this subsection shall be determined independently of any cost-of-living adjustment to any other benefit under sections 86.900 to 86.1280. For the purposes of this subsection, the term "member" shall include a surviving spouse entitled to benefits under the provisions of sections 86.900 to 86.1280, and who is the surviving spouse of a member who qualified, or would have qualified if living, for compensation under this subsection. Such surviving spouse shall, upon application to the retirement board, be retained as a consultant, and for such services shall be compensated in an amount equal to the compensation which would have been received by the member under this subsection, if living. Any such surviving spouse of a member who dies while entitled to payments under this subsection shall succeed to the full amount of payment under this subsection to which such member was entitled at the time of such member's death, including any cost-of-living adjustments received by such member in the

payment under this subsection prior to such member's death. In all events, the term "member" shall not include any children of the member who would be entitled to receive part or all of the pension that would be received by a surviving spouse, if living.

5. A surviving spouse who is entitled to benefits under the provisions of subsection 1 of section 86.1240 as a result of the death prior to August 28, 2007, of a member in service, and who is receiving benefits from the retirement system, shall, upon application to the retirement board, be retained as a consultant, and for such services such surviving spouse shall receive each month an equalizing supplemental compensation of ten dollars per month. A surviving spouse entitled to benefits under the provisions of subsection 1 of section 86.1240 as a result of the death of a member in service on or after August 28, 2007, shall receive each month an equalizing supplemental benefit of ten dollars per month. All benefits payable to a surviving spouse under this subsection shall be in addition to all other benefits to which such surviving spouse may be entitled under other provisions of sections 86.900 to 86.1280 and shall in no way have the effect of reducing benefits otherwise payable to such surviving spouse. The amount of equalizing supplemental benefit or equalizing supplemental compensation under this subsection may be adjusted by cost-of-living adjustments, determined by the retirement board not more frequently than annually, but in no event shall the aggregate of such equalizing supplemental benefit or compensation together with all such cost-of-living adjustments thereto exceed twenty-five percent of the base pension of the surviving spouse. Each cost-of-living adjustment to an equalizing supplemental benefit or compensation under this subsection shall be determined independently of any cost-of-living adjustment to any other benefit under sections 86.900 to 86.1280. In all events the term "surviving spouse" as used in this subsection shall not include any children of the member who would be entitled to receive part or all of the pension that would be received by a surviving spouse, if living.

6. In determining and granting the cost-of-living adjustments under this section, the retirement board shall adopt such rules and regulations as may be necessary to effectuate the purposes of this section, including provisions for the manner of computation of such adjustments and the effective dates thereof. The retirement board shall provide for such adjustments to be determined once each year and granted on a date or dates to be chosen by the board. The retirement board shall not be required to prorate the initial adjustment to any benefit or compensation under this section for any member.

7. The determination of whether the retirement system will remain actuarially sound shall be made at the time any cost-of-living adjustment under this section is granted. If at any time the retirement system ceases to be actuarially sound, any benefit or compensation payments provided under this section shall continue as adjusted by increases or decreases theretofore granted. A member of the retirement board shall have no personal liability for granting increases under this section if that retirement board member in good faith relied and acted upon advice of a qualified actuary that the retirement system would remain actuarially sound.

86.1231. SUPPLEMENTAL RETIREMENT BENEFITS, TIER II MEMBERS, AMOUNT — MEMBER TO BE A SPECIAL CONSULTANT, COMPENSATION. — Any Tier II member who retires with entitlement to a pension under sections 86.900 to 86.1280, shall receive, in addition to such member's base pension and cost-of-living adjustments thereto under section 86.1220, and in addition to any other compensation or benefit to which such member may be entitled under sections 86.900 to 86.1280, a supplemental retirement benefit of two hundred dollars per month. For purposes of this section, the term "member" shall include a surviving spouse entitled to a benefit under sections 86.900 to 86.1280 as a Tier II surviving spouse. All benefits payable to a surviving spouse under this section shall be in addition to all other benefits to which such surviving spouse may be entitled under other provisions of sections 86.900 to 86.1280. Any such surviving spouse of a member who dies while entitled to payments under this section shall succeed to the full amount of payment under this section to which such member was entitled at the time

of such member's death. In all events, the term "member" shall not include any children of the member who would be entitled to receive part or all of the pension which would be received by a surviving spouse, if living.

86.1240. PENSIONS OF SPOUSES OF DECEASED MEMBERS — SURVIVING SPOUSE TO BE APPOINTED AS CONSULTANT TO BOARD, WHEN. — 1. Upon receipt of the proper proofs of death of a member in service for any reason whatsoever, there shall be paid to such member's surviving spouse, if any, in addition to all other benefits but subject to subsection 6 of this section, a base pension equal to forty percent of the final compensation of such member, subject to adjustments, if any, as provided in section 86.1220.

2. (1) Upon receipt of the proper proofs of death of a **Tier I** member who was retired or terminated service after August 28, 1999, and died after having become entitled to benefits from this retirement system, there shall be paid to such member's surviving spouse, if any, in addition to all other benefits but subject to subsection 6 of this section, a base pension equal to eighty percent of the pension being received by such member, including cost-of-living adjustments to such pension but excluding supplemental retirement benefits, at the time of such member's death, subject to subsequent adjustments, if any, as provided in section 86.1220. The pension provided by this subdivision shall terminate upon remarriage by the surviving spouse prior to August 28, 2000.

(2) (a) Upon receipt of the proper proof of death of a **Tier I** member who retired or terminated service on or before August 28, 1999, and who died after August 28, 1999, and after having become entitled to benefits from this retirement system, such member's surviving spouse, if any, shall be entitled to a base pension equal to forty percent of the final compensation of such member.

(b) Such a surviving spouse shall, upon application to the retirement board, be appointed by the retirement board as a consultant and be compensated in an amount equal to the benefits such spouse would receive under subdivision (1) of this subsection if the member had retired or terminated service after August 28, 1999.

(c) The benefits provided by this subdivision shall terminate upon remarriage by the surviving spouse prior to August 28, 2000.

(3) Upon receipt of the proper proof of death of a Tier II member after retirement who has not elected the optional annuity permitted under subdivision (1) of subsection 2 of section 86.1151, such member's surviving spouse, shall be entitled to a base pension payable for life equaling fifty percent of the member's base pension.

3. In the case of any member who, prior to August 28, 2000, died in service or retired, the surviving spouse who would qualify for benefits under subsection 1 or 2 of this section but for remarriage, and who has not remarried prior to August 28, 2000, but remarries thereafter, shall upon application be appointed by the retirement board as a consultant. For services as such consultant, such surviving spouse shall be compensated in an amount equal to the benefits such spouse would have received under sections 86.900 to 86.1280 in the absence of such remarriage.

4. Upon the death of any member who is in service after August 28, 2000, and who either had at least twenty-five years of creditable service or was retired or died as a result of an injury or illness occurring in the line of duty or course of employment under section 86.1180, the surviving spouse's benefit provided under this section, without including any supplemental retirement benefits paid such surviving spouse by this retirement system, shall be six hundred dollars per month. For any member who died, retired or terminated service on or before August 28, 2000, and who either had at least twenty-five years of creditable service or was retired or died as a result of an injury or illness occurring in the line of duty or course of employment under section 86.1180, the surviving spouse shall upon application to the retirement board be appointed by the retirement board as a consultant. For services as such consultant, the surviving spouse shall, beginning the later of August 28, 2000, or the time the appointment is made under this subsection, be compensated in an amount which without including supplemental retirement

benefits provided by this system shall be six hundred dollars monthly. A pension benefit under this subsection shall be paid in lieu of any base pension as increased by cost-of-living adjustments granted under section 86.1220. The benefit under this subsection shall not be subject to cost-of-living adjustments, but shall be terminated and replaced by the base pension and cost-of-living adjustments to which such spouse would otherwise be entitled at such time as the total base pension and such adjustments exceed six hundred dollars monthly.

5. A surviving spouse who is entitled to benefits under the provisions of subsection 1 of this section as a result of the death on or before August 28, 2009, of a member in service who is receiving benefits under sections 86.900 to 86.1280 and who does not qualify under the provisions of subsection 4 of this section shall, upon application to the retirement board, be appointed as a consultant, and for such services such surviving spouse shall be compensated in an amount which, without including any supplemental retirement benefits provided by sections 86.900 to 86.1280, shall be six hundred dollars monthly. A pension benefit under this subsection shall be paid in lieu of any base pension as increased by cost-of-living adjustments granted under section 86.1220. The benefit under this subsection shall not be subject to cost-of-living adjustments, but shall be terminated and replaced by the base pension and cost-of-living adjustments to which such surviving spouse would otherwise be entitled at such time as the total base pension and such adjustments exceed six hundred dollars monthly. As used in this subsection, "surviving spouse" shall not include any children of the member who would be entitled to receive part or all of the pension that would be received by a surviving spouse, if living.

6. Any beneficiary of benefits under sections 86.900 to 86.1280 who becomes the surviving spouse of more than one member shall be paid all benefits due a surviving spouse of that member whose entitlements produce the largest surviving spouse benefits for such beneficiary but shall not be paid surviving spouse benefits as the surviving spouse of more than one member.

86.1250. PENSIONS OF CHILDREN OF DECEASED MEMBERS. — 1. (1) Upon the death of a member in service or after retirement, such member's child or children under the age of eighteen years at the time of the member's death shall be paid fifty dollars per month each until he or she shall attain the age of eighteen years; however, each such child who is or becomes a full-time student at an accredited educational institution shall continue to receive payments under this section for so long as such child shall remain such a full-time student or shall be in a summer or other vacation period scheduled by the institution with intent by such child, demonstrated to the satisfaction of the retirement board, to return to such full-time student status upon the resumption of the institution's classes following such vacation period, but in no event shall such payments be continued after such child shall attain the age of twenty-one years except as hereinafter provided.

(2) Any child eighteen years of age or older, who is physically or mentally incapacitated from wage earning, so long as such incapacity exists as certified by a member of the medical board, shall be entitled to the same benefits as a child under the age of eighteen. For purposes of this section, a determination of whether a child of a member is physically or mentally incapacitated from wage earning so that the child is entitled to benefits under this section shall be made at the time of the member's death. If a child becomes incapacitated after the member's death, or if a child's incapacity existing at the member's death is removed and such child later becomes incapacitated again, such child shall not be entitled to benefits as an incapacitated child under the provisions of this section. A child shall be deemed incapacitated only for so long as the incapacity existing at the time of the member's death continues.

(3) Notwithstanding any other law to the contrary, amounts payable under subdivision (1) or (2) of this subsection shall not be subject to offset or reduction by amounts paid or payable under any workers' compensation or similar law.

2. Upon or after the death of a member in service or after retirement with entitlement to benefits, if there is no surviving spouse or if a surviving spouse dies, the total amount, including any amounts receivable as consulting compensation, but not including any supplemental benefits under section 86.1230 **for a Tier I member or section 86.1231 for a Tier II member**, which would be received by a qualified surviving spouse or which is being received by the surviving spouse at the date of death of such surviving spouse shall be added to the amounts received by and shall be divided among the children of such member under the age of eighteen years and the incapacitated children in equal shares. As each such child attains the age of eighteen years or has such incapacity removed, such total amount shall then be divided among the remaining such children, until there is no remaining child of such member under the age of eighteen years or incapacitated, at which time all benefits for children of such member under this subsection shall cease.

3. Upon the death of a member in service or after retirement, a funeral benefit of one thousand dollars shall be paid to the person or entity who provided or paid for the funeral services for such member.

86.1270. RETIREMENT PLAN DEEMED QUALIFIED PLAN UNDER FEDERAL LAW — BOARD TO ADMINISTER PLAN AS A QUALIFIED PLAN — VESTING OF BENEFITS — DISTRIBUTIONS — DEFINITIONS. — 1. A retirement plan under sections 86.900 to 86.1280 is a qualified plan under the provisions of applicable federal law. The benefits and conditions of a retirement plan under sections 86.900 to 86.1280 shall always be adjusted to ensure that the tax-exempt status is maintained.

2. The retirement board shall administer the retirement system in a manner as to retain at all times qualified status under Section 401(a) of the Internal Revenue Code.

3. The retirement board shall hold in trust the assets of the retirement system for the exclusive benefit of the members and their beneficiaries and for defraying reasonable administrative expenses of the system. No part of such assets shall, at any time prior to the satisfaction of all liabilities with respect to members and their beneficiaries, be used for or diverted to any purpose other than such exclusive benefit or to any purpose inconsistent with sections 86.900 to 86.1280.

4. A member's benefit shall be one hundred percent vested and nonforfeitable upon the member's attainment of normal retirement age, which shall be the earlier of:

(1) Completion of twenty-five years of service **for Tier I members and twenty-seven years of service for Tier II members**;

(2) Age sixty **[**if the**]** **for any Tier I** member **who** has completed at least ten years of creditable service **or age sixty for any Tier II member who has completed at least fifteen years of creditable service**;

(3) Age seventy without regard to years of service; or

(4) To the extent funded, upon the termination of the system established under sections 86.900 to 86.1280 or any partial termination which affects the members or any complete discontinuance of contributions by the city to the system.

Amounts representing forfeited nonvested benefits of terminated members shall not be used to increase benefits payable from the system but may be used to reduce contributions for future plan years.

5. Distribution of benefits shall begin not later than April first of the year following the later of the calendar year during which the member becomes seventy and one-half years of age or the calendar year in which the member retires, and shall otherwise conform to Section 401(a)(9) of the Internal Revenue Code.

6. A member or beneficiary of a member shall not accrue a service retirement annuity, disability retirement annuity, death benefit, whether death occurs in the line of duty or otherwise, or any other benefit under sections 86.900 to 86.1280 in excess of the benefit limits

applicable to the fund under Section 415 of the Internal Revenue Code. The retirement board shall reduce the amount of any benefit that exceeds those limits by the amount of the excess. If the total benefits under the retirement system and the benefits and contributions to which any member is entitled under any other qualified plan or plans maintained by the board of police commissioners that employs the member would otherwise exceed the applicable limits under Section 415 of the Internal Revenue Code, the benefits the member would otherwise receive from the retirement system shall be reduced to the extent necessary to enable the benefits to comply with Section 415 of the Internal Revenue Code.

7. The total salary taken into account for any purpose for any member of the retirement system shall not exceed two hundred thousand dollars per year, subject to periodic adjustments in accordance with guidelines provided by the United States Secretary of the Treasury, and shall not exceed such other limits as may be applicable at any given time under Section 401(a)(17) of the Internal Revenue Code.

8. If the amount of any benefit is to be determined on the basis of actuarial assumptions that are not otherwise specifically set forth for that purpose in sections 86.900 to 86.1280, the actuarial assumptions to be used are those earnings and mortality assumptions being used on the date of the determination by the retirement system's actuary and approved by the retirement board. The actuarial assumptions being used at any particular time shall be attached as an addendum to a copy of the retirement system's statute that is maintained by the retirement board and shall be treated for all purposes as a part of sections 86.900 to 86.1280. The actuarial assumptions may be changed by the retirement system's actuary annually if approved by the retirement board, but a change in actuarial assumptions shall not result in any decrease in benefits accrued as of the effective date of the change.

9. Any member or beneficiary who is entitled to receive any distribution that is an eligible rollover distribution, as defined by Section 402(c)(4) of the Internal Revenue Code, is entitled to have that distribution transferred directly to another eligible retirement plan of the member's or beneficiary's choice upon providing direction to the secretary of this retirement system regarding the transfer in accordance with procedures established by the retirement board.

10. For all distributions made after December 31, 2001:

(1) For the purposes of subsection 9 of this section, an eligible retirement plan shall also mean an annuity contract described in Section 403(b) of the Internal Revenue Code and an eligible plan under Section 457(b) of the Internal Revenue Code which is maintained by the state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from the retirement system. The definition of eligible retirement plan shall also apply in the case of a distribution to a surviving spouse or to a spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Section 414(p) of the Internal Revenue Code; and

(2) For purposes of subsection 9 of this section, a portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax employee contributions which are not includable in gross income. However, such portion may be paid only to an individual retirement account or annuity described in Section 408(a) or 408(b) of the Internal Revenue Code, or to a qualified defined contribution plan described in Section 401(a) or 403(a) of the Internal Revenue Code that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution that is includable in gross income and the portion of such distribution that is not so includable.

86.1310. DEFINITIONS. — The following words and phrases as used in sections 86.1310 to 86.1640 shall have the following meanings unless a different meaning is plainly required by the context:

(1) "Accumulated contributions", the sum of all amounts deducted from the compensation of a member and paid to the retirement board, together with all amounts paid to the retirement

board by a member or by a member's beneficiary for the purchase of prior service credits or any other purpose permitted under sections 86.1310 to 86.1640, in all cases with interest, if any, thereon at a rate determined from time to time for such purpose by the retirement board;

(2) "Actuarial cost", the present value of a future payment or series of payments as calculated by applying the actuarial assumptions established according to subsection 8 of section 86.1630;

(3) "Beneficiary", any person entitled, either currently or conditionally, to receive pension or other benefits provided in sections 86.1310 to 86.1640;

(4) "Board of police commissioners", the board composed of police commissioners authorized by law to employ and manage an organized police force in the cities;

(5) "City" or "cities", any city which now has or may hereafter have a population of more than three hundred thousand and less than seven hundred thousand inhabitants, or any city that has made an election under section 86.1320 to continue a civilian employees' retirement system theretofore maintained under sections 86.1310 to 86.1640;

(6) "Compensation", the basic wage or salary paid a member for any period, excluding bonuses, overtime pay, expense allowances, and other extraordinary compensation; except that, notwithstanding such provision, compensation for any year for any member shall not exceed the amount permitted to be taken into account under Section 401(a)(17) of the Internal Revenue Code as applicable to such year;

(7) "Consultant", unless otherwise specifically defined, means a person retained by the retirement system as a special consultant on the problems of retirement, aging and related matters who, upon request of the retirement board, shall give opinions and be available to give opinions in writing or orally in response to such requests, as may be needed by the board;

(8) "Creditable service", service qualifying as a determinant of a member's pension or other benefit under sections 86.1310 to 86.1640 by meeting the requirements specified in such sections, or section 105.691;

(9) "Employee", any regularly appointed civilian employee of the police department of the city as specified in sections 86.1310 to 86.1640 who is:

(a) Appointed prior to August 28, 2011, and is not eligible to receive a pension from the police retirement system of said city;

(b) Appointed on or after August 28, 2011, and is not eligible to receive a pension from the police retirement system of such city or from any other retirement or pension system of such city;

(10) "Final compensation"**[,] :**

(a) For a Tier I member as described in subdivision (13) of this section, the average annual compensation of a member during the member's service if less than two years, or the twenty-four months of service for which the member received the highest salary whether consecutive or otherwise**[.] ;**

(b) For a Tier II member as described in subdivision (13) of this section, the average annual compensation of a member during the member's service if less than three years, or the thirty-six months of service for which the member received the highest salary whether consecutive or otherwise;

(c) For any period of time when a member is paid on a frequency other than monthly, the member's salary for such period shall be deemed to be the monthly equivalent of the member's annual rate of compensation for such period;

(11) "Internal Revenue Code", the United States Internal Revenue Code of 1986, as amended;

(12) "Medical board", not less than one nor more than three physicians appointed by the retirement board to arrange for and conduct medical examinations as directed by the retirement board;

(13) "Member", a member of the civilian employees' retirement system as described in section 86.1480**[;] :**

(a) "Tier I member", any person who became a member prior to August 28, 2013, and who remains a member on August 28, 2013, shall remain a Tier I member until such member's membership is terminated as described in section 86.1520;

(b) "Tier I surviving spouse", the surviving spouse of a Tier I member;

(c) "Tier II member", any person who became a member on or after August 28, 2013;

(d) "Tier II surviving spouse", the surviving spouse of a Tier II member;

(e) Any person whose membership is terminated as described in section 86.1520 and who re-enters membership on or after August 28, 2013, shall become a member under paragraph (c) of this subdivision;

(14) "Pension", annual payments for life, payable monthly, at the times described in section 86.1420;

(15) "Pension fund", the fund resulting from contributions made thereto by the cities affected by sections 86.1310 to 86.1640 and by the members of the civilian employees' retirement system;

(16) "Retirement", termination of a member's status as an employee of the police department of the city at a time when the member or the member's beneficiary is immediately entitled to one or more benefits under sections 86.1310 to 86.1640;

(17) "Retirement board" or "board", the board provided in section 86.1330 to administer the retirement system;

(18) "Retirement system", the civilian employees' retirement system of the police department of the cities as defined in section 86.1320;

(19) "Surviving spouse", when determining whether a person is entitled to benefits under sections 86.1310 to 86.1640 by reason of surviving a member, shall include only:

(a) The person who was married to the member at the time of the member's death in service prior to August 28, 2001, and who had not remarried prior to August 28, 2001;

(b) The person who was married to the member at the time of the member's death in service on or after August 28, 2001;

(c) In the case of any member who both retired and died prior to August 28, 2001, the person who was married to the member at the time of the member's death and who had not remarried prior to August 28, 2001;

(d) In the case of any member who retired prior to August 28, 2001, and died on or after that date, the person who was married to the member at the time of the member's death; or

(e) In the case of any member who retired on or after August 28, 2001, the person who was married to the member at both the time of the member's retirement and the time of the member's death.

86.1380. CERTIFICATION BY THE BOARD TO THE CITY FOR AMOUNT TO BE PAID TO THE RETIREMENT SYSTEM. — The retirement board shall before **[**January tenth**]** **October fifteenth** of each year certify to the chief financial officer of such city the amount to be paid by the city to the retirement pension system for the succeeding fiscal year, as otherwise provided by sections 86.1310 to 86.1640.

86.1420. BENEFITS AND ADMINISTRATIVE EXPENSES TO BE PAID BY SYSTEM FUNDS — COMMENCEMENT OF BASE PENSION, WHEN — DEATH OF MEMBER, EFFECT OF. — 1. All benefits and all necessary administrative expenses of the retirement system shall be paid from the funds of the retirement system.

2. The base pension of a member who, after August 28, 2011, retires from or otherwise terminates active service with entitlement to a base pension under sections 86.1310 to 86.1640 shall commence as of the first day of the month next following such retirement or termination with no proration of such pension for the month in which such retirement or termination occurs. The supplemental retirement benefit of a member who, after August 28, 2011, retires from or

otherwise terminates active service with entitlement to a supplemental retirement benefit provided in subsection 1 of section 86.1600 shall commence as of the first day of the month next following such retirement or termination with no proration of such supplemental retirement benefit for the month in which such retirement or termination occurs.

3. Upon the death of a member in service who leaves a surviving spouse, as defined in section 86.1310, entitled to benefits, any base pension which such surviving spouse shall elect under subdivision (2) of subsection 1 of section 86.1610 or under paragraph (b) of subdivision (3) of subsection 1 of section 86.1610 shall commence the later of the first day of the month next following such death or the first day of the month following the date which would have been the member's earliest possible retirement date permitted under **[**subsection**]** **subsections** 2 **or 3** of section 86.1540 with no proration of such pension for the month prior to such commencement date. Any base pension which such surviving spouse shall elect under paragraph (c) of subdivision (3) of subsection 1 of section 86.1610 shall commence the first day of the month next following such death with no proration of such pension for the month prior to such commencement date.

4. Upon the death of a member who is receiving a base pension under sections 86.1310 to 86.1640 leaving a surviving spouse, as defined in section 86.1310, entitled to benefits, the pension of such surviving spouse shall commence on the first day of the month next following such death with no proration for the month in which such death occurs.

5. All payments of any benefit shall be paid on the first business day of each month for that month. For any benefit under sections 86.1310 to 86.1640, the retirement system shall withhold payment of such benefit until all requisite documentation has been filed with the retirement system evidencing the entitlement of the payee to such payment. The final payment due to a retired member shall be the payment due on the first day of the month in which such member's death occurs. The final payment due to any surviving spouse shall be the payment due on the first day of the month in which such surviving spouse dies or otherwise ceases to be entitled to benefits under sections 86.1310 to 86.1640.

6. If no benefits are otherwise payable to a surviving spouse of a deceased member or otherwise as provided in this section, the member's accumulated contributions, to any extent not fully paid to such member prior to the member's death or to the surviving spouse of such member or otherwise as provided in this section, shall be paid in one lump sum to the member's beneficiary named by such member in a writing filed with the retirement system prior to the member's death for the purpose of receiving such benefit, and if no beneficiary is named, then to such member's estate. Such payment shall constitute full and final payment of any and all claims for benefits under the retirement system, except as provided in section 86.1620.

86.1500. MILITARY SERVICE, EFFECT ON CREDITABLE SERVICE — ELECTION TO PURCHASE CREDITABLE SERVICE, WHEN — SERVICE CREDIT FOR MILITARY SERVICE, WHEN. — 1. Whenever a member is given a leave of absence for military service and returns to employment after discharge from the service, such member shall be entitled to creditable service for the years of employment prior to the leave of absence.

2. Except as provided in subsection 3 of this section, a member who served on active duty in the Armed Forces of the United States and who became a member, or returned to membership, after discharge under honorable conditions, may elect prior to retirement to purchase creditable service equivalent to such service in the Armed Forces, not to exceed two years, provided the member is not receiving and is not eligible to receive retirement credits or benefits from any other public or private retirement plan for the service to be purchased, other than a United States military service retirement system or United States Social Security benefits attributable to such military service, and an affidavit so stating is filed by the member with the retirement system. A member electing to make such purchase shall pay to the retirement system an amount equal to the actuarial cost of the additional benefits attributable to the additional service credit to be purchased, as of the date the member elects to make such purchase. Payment

in full of the amount due from a member electing to purchase creditable service under this subsection shall be made over a period not to exceed five years, measured from the date of election, or prior to the commencement date for payment of benefits to the member from the retirement system, whichever is earlier, including interest on unpaid balances compounded annually at the interest rate assumed from time to time for actuarial valuations of the retirement system. If payment in full including interest is not made within the prescribed period, any partial payments made by the member shall be refunded, and no creditable service attributable to such election, or as a result of any such partial payments, shall be allowed; provided that if a benefit commencement date occurs because of the death or disability of a member who has made an election under this subsection and if the member is current in payments under an approved installment plan at the time of the death or disability, such election shall be valid if the member, the surviving spouse or other person entitled to benefit payments pays the entire balance of the remaining amount due, including interest to the date of such payment, within sixty days after the member's death or disability. The time of a disability shall be deemed to be the time when such member is determined by the retirement board to be totally and permanently disabled as provided in section 86.1560.

3. Notwithstanding any other provision of sections 86.1310 to 86.1640, a member who is on leave of absence for military service during any portion of which leave the United States is in a state of declared war, or a compulsory draft is in effect for any of the military branches of the United States, or any units of the military reserves of the United States, including the National Guard, are mobilized for combat military operations, and who becomes entitled to reemployment rights and other employment benefits under Title 38, Chapter 43 of the U.S. Code, relating to employment and reemployment rights of members of the uniformed services by meeting the requirements for such rights and benefits under Section 4312 of said chapter, or the corresponding provisions of any subsequent applicable federal statute, shall be entitled to service credit for the time spent in such military service for all purposes of sections 86.1310 to 86.1640 and such member shall not be required to pay any member contributions for such time. If it becomes necessary for the years of such service to be included in the calculation of such member's compensation for any purpose, such member shall be deemed to have received the same compensation throughout such period of service as the member's base annual salary immediately prior to the commencement of such leave of absence**; provided, however, that the foregoing provisions of this subsection shall apply only to such portion of such leave with respect to which the cumulative length of the absence and of all previous absences from a position of employment with the employer by reason of service in the uniformed services does not exceed five years except for such period of any such excess as meets the requirements for exceptions to such five-year limitation set forth in the aforesaid Section 4312**.

86.1530. NORMAL RETIREMENT DATES. — The normal retirement date of a member shall be the later of**:**

(1) Tier I member - the date such member attains the age of sixty-five years, or the tenth anniversary of such member's employment; **or**

(2) Tier II member - the date such member attains the age of sixty-seven years, or the twentieth anniversary of such member's employment.

86.1540. NORMAL PENSION, AMOUNT — EARLY RETIREMENT OPTION, WHEN — ELECTION FOR OPTIONAL BENEFIT FOR SPOUSE — PENSION AFTER FIVE YEARS OF CREDITABLE SERVICE — FELONY CONVICTION, EFFECT OF. — 1. (1) Upon retirement on or after a member's normal retirement date, such member shall receive a base pension in the amount of two percent of such member's final compensation times the number of years, including fractions thereof, of such member's creditable service.

(2) Such member may elect to receive a different base pension under an election permitted under this section or section 86.1580.

2. **Tier I** members may elect early retirement as follows:

(1) Beginning at age fifty-five, if the member has completed at least ten years of creditable service or at any later age after the member has completed at least ten years of creditable service. Unless subdivision (3) of this subsection shall be applicable, the benefit as computed under subsection 1 of this section shall be reduced by one-half of one percent for each full month the initial payment is prior to the first day of the month following that in which such member will attain age sixty;

(2) Beginning at age sixty, if the member has completed at least five but not more than ten years of creditable service or at any later age after the member has completed at least five years of creditable service. Unless subdivision (3) of this subsection shall be applicable, the benefit as computed under subsection 1 of this section shall be reduced by one-half of one percent for each full month the initial payment is prior to the first day of the month following that in which such member will attain age sixty-five; or

(3) At any time after the member's total of age and years of creditable service equals or exceeds eighty, in which event the benefit shall be as computed under subsection 1 of this section without any reduction. If an election for early retirement results in a reduced benefit under subdivision (1) or (2) of this subsection, such reduced benefit shall become the member's base pension, subject to all other adjustments described in this section.

3. **Tier II members may elect early retirement as follows:**

(1) Beginning at age sixty-two, if the member has completed at least five years of creditable service, the benefit as computed under subsection 1 of this section shall be reduced by one-half of one percent for each full month the initial payment is prior to the first day of the month following that in which such member will attain age sixty-seven; or

(2) At any time after the member has completed at least twenty years of creditable service and is at least sixty-two years of age, in which event the benefit shall be as computed under subsection 1 of this section without any reduction; or

(3) At any time after the member's total of age and years of creditable service equals or exceeds eighty-five, in which event the benefit shall be as computed under subsection 1 of this section without any reduction. If an election for early retirement results in a reduced benefit under subdivision (1) of this subsection, such reduced benefit shall become the member's base pension, subject to all other adjustments described in this section.

4. (1) A member who is married at the time of retirement may by a written election, with the written consent of such member's spouse, elect an optional benefit calculated as follows: such optional benefit shall be a monthly pension in the initial amount which shall be actuarially equivalent to the actuarial value of the pension described in subdivision (1) of subsection 1 of this section for such member at the date of retirement (including the value of survivorship rights of a surviving spouse, where applicable, under section 86.1610), upon the basis that the initial annuity for the member's spouse, if such spouse survives the member, shall be the same as the amount being paid the member on such annuity at the member's death, and, subject to cost-of-living adjustments thereafter declared on the spouse's base pension under section 86.1590, shall be paid to such surviving spouse for the lifetime of such spouse without regard to remarriage. If a member who makes an election of an optional benefit under this subsection has also elected an early retirement under either subdivision (1) or (2) of subsection 2 of this section **or subdivision (1) of subsection 3 of this section**, any reduction in benefit required for such early retirement election shall be calculated before calculating the initial amount of the optional benefit under this subsection.

(2) If a member who makes the election permitted by this subsection also makes an election permitted under section 86.1580, such optional benefit shall be reduced as provided in subdivision (3) of subsection 2 of section 86.1580.

(3) If a member makes the election permitted by this subsection, the amount calculated for such optional benefit under either subdivision (1) or (2) of this subsection shall be the base pension for such member and for such member's spouse for all purposes of sections 86.1310 to 86.1640.

(4) An election for an optional benefit under this subsection shall be void if the member dies within thirty days after filing such election with the retirement system or if the member dies before the due date of the first payment of such member's pension.

[4.**]** **5.** Subject to the provisions of subsection **[**6**]** **7** of this section, whenever the service of a member is terminated after August 28, 1999, for any reason prior to death or retirement and the member has five or more years of creditable service, the member may elect not to withdraw such member's accumulated contributions and shall become entitled to receive a pension upon such member's normal retirement date under subdivision (1) of subsection 1 of this section or may elect to receive a pension commencing upon or after any date, prior to his or her normal retirement date, upon which early retirement would have been permitted under subsection 2 of this section **for Tier I members or subsection 3 of this section for Tier II members** if such member had remained a civilian employee of such police department, except that in calculating any qualification under **[**subsection**]** **subsections** 2 **or 3** of this section, such member shall not be entitled to count any year of creditable service in excess of such member's total years of creditable service at the time of such member's termination of employment. The amount of any pension commenced upon the basis of a date permitted under **[**subsection**]** **subsections** 2 **or 3** of this section shall be computed on the basis of the member's final compensation and number of years of creditable service, subject to such adjustments as may be applicable under the subdivision of **[**subsection**]** **subsections** 2 **or 3** of this section upon which such member relies in electing such member's pension and subject to any other adjustments that such member may elect under this section. The amount of the initial pension calculated after all applicable adjustments shall be the base pension for such member, and for such member's spouse if such member shall elect the optional benefit permitted under subsection **[**3**]** **4** of this section, for all purposes of sections 86.1310 to 86.1640. Payment of any benefits elected under this subsection shall commence as of the first day of the month next following the applicable date with no proration of such benefit for any initial partial month.

[5.**]** **6.** A member whose service was terminated on or before August 28, 1999, after five or more years of creditable service, and who permitted such member's accumulated contributions to remain in the pension fund, shall upon application to the retirement board be appointed as a consultant. For services as such consultant, such member shall, beginning the later of August 28, 1999, or the time of such appointment under this subsection, be entitled to elect to receive compensation in such amount and at such time as such member would have been entitled to elect under any of the provisions of subsection **[**4**]** **5** of this section if such member had terminated service after August 28, 1999. Such member shall be entitled to the same cost-of-living adjustments following the commencement of such compensation as if such member's compensation had been a base pension.

[6.**]** **7.** Notwithstanding any other provisions of sections 86.1310 to 86.1640, any member who is convicted of a felony prior to separation from active service shall not be entitled to any benefit from this retirement system except the return of such member's accumulated contributions.

86.1580. OPTIONAL DISTRIBUTION UNDER PARTIAL LUMP-SUM OPTION PLAN, WHEN — DEATH BEFORE RETIREMENT, EFFECT OF. — 1. Any member in active service entitled to commence a pension under section 86.1540 may elect an optional distribution under the partial lump sum option plan provided in this section if the member:

(1) Notifies the retirement system in writing of the member's retirement date at least ninety days in advance thereof and requests an explanation of the member's rights under this section; and

(2) Notifies the retirement system of the member's election hereunder at least thirty days in advance of the retirement date.

Following receipt of an initial notice of a member's retirement date and request for an explanation, the retirement system shall, at least sixty days in advance of such retirement date, provide the member a written explanation of such member's rights under this section and an estimate of the amount by which the member's regular monthly base pension would be reduced in the event of the member's election of any of the options available to the member under this section.

2. (1) A member entitled to make an election under this section may elect to receive a lump sum distribution with the member's initial monthly pension payment under section 86.1540, subject to all the terms of this section. The member may elect the amount of the member's lump sum distribution from one, but not more than one, of the following options for which the member qualifies:

(a) A member having one or more years of creditable service after the member's eligible retirement date may elect a lump sum amount equal to twelve times the initial monthly base pension the member would receive if no election were made under this section;

(b) A member having two or more years of creditable service after the member's eligible retirement date may elect a lump sum amount equal to twenty-four times the initial monthly base pension the member would receive if no election were made under this section; or

(c) A member having three or more years of creditable service after the member's eligible retirement date may elect a lump sum amount equal to thirty-six times the initial monthly base pension the member would receive if no election were made under this section.

For purposes of this section, "eligible retirement date" for a member shall mean the earliest date on which the member could elect to retire and be entitled to receive a pension under section 86.1540.

(2) When a member makes an election to receive a lump sum distribution under this section, the base pension that the member would have received in the absence of an election shall be reduced on an actuarially equivalent basis to reflect the payment of the lump sum distribution, and the reduced base pension shall be the member's base pension thereafter for all purposes relating to base pension amounts under sections 86.1310 to 86.1640, unless the member has also elected an optional benefit permitted under subsection **[**3**]** **4** of section 86.1540.

(3) If a member electing a lump sum distribution under this section has elected the optional benefit permitted under subsection **[**3**]** **4** of section 86.1540, the calculation of the member's pension shall be made in the following order:

(a) The amount of the member's normal pension under subdivision (1) of subsection 1 of section 86.1540 shall be reduced if applicable by any reductions required under **[**subsection**]** **subsections** 2 **or 3** of section 86.1540;

(b) The amount of the pension as determined under paragraph (a) of this subdivision shall be reduced to the actuarially equivalent amount to produce the optional form of benefit described in subdivision (1) of subsection **[**3**]** **4** of section 86.1540;

(c) The amount of reduced pension as determined under paragraph (b) of this subdivision shall be further reduced as required to produce an actuarially equivalent benefit in the form of the lump sum distribution option elected under this section and a remaining monthly annuity which shall be paid on the basis that the initial annuity for the member's spouse, if such spouse survives the member, shall be the same as the amount being paid the member on this annuity at the member's death, and, subject to cost-of-living adjustments thereafter declared on the spouse's base pension under section 86.1590, shall be paid to such surviving spouse for the lifetime of such spouse without regard to remarriage.

3. An election under this section to receive a lump sum distribution and reduced monthly base pension shall be void if the member dies before retirement, in which case amounts due a surviving spouse or other beneficiary of the member shall be determined without regard to such election.

86.1590. COST-OF-LIVING ADJUSTMENTS — BASE PENSION DEFINED. — 1. Provided that the retirement system shall remain actuarially sound, each of the following persons may receive each year, in addition to such person's base pension, a cost-of-living adjustment in an amount not to exceed three percent of such person's base pension during any one year:

(1) Every member who is retired and receiving a base pension from this retirement system; and

(2) Every surviving spouse who is receiving a base pension from this retirement system.

2. Upon the death of a member who has been retired and receiving a pension, and who dies after August 28, 2001, the surviving spouse of such member entitled to receive a base pension under section 86.1610 shall receive an immediate percentage cost-of-living adjustment to his or her base pension equal to the total percentage cost-of-living adjustments received during such member's lifetime under this section, but such adjustment shall not be deemed to change the base pension amount to which subsequent cost-of-living adjustments may be made.

3. For purposes of this section, the term "base pension" shall mean:

(1) For a member, the pension computed under the provisions of the law as of the date of retirement without regard to cost-of-living adjustments, as adjusted if applicable, for any optional elections made under sections 86.1540 and 86.1580, but in all events not including any supplemental benefit under section 86.1600;

(2) For a surviving spouse whose pension is prescribed by section 86.1610, the base pension calculated for such spouse in accordance with the provisions of section 86.1610, including any compensation as a consultant to which such surviving spouse is entitled under said section in lieu of a pension, but not including any supplemental benefit under section 86.1600;

(3) For a surviving spouse entitled to the continuation of an optional benefit elected under subsection **[**3**]** **4** of section 86.1540, the base pension determined in accordance with subdivision (3) of subsection **[**3**]** **4** of section 86.1540.

4. The cost-of-living adjustment shall be an increase or decrease computed on the base pension amount by the retirement board in an amount that the board, in its discretion, determines to be satisfactory, but in no event shall the adjustment be more than three percent or reduce the pension to an amount less than the base pension. In determining and granting the cost-of-living adjustments, the retirement board shall adopt such rules and regulations as may be necessary to effectuate the purposes of this section, including provisions for the manner of computation of such adjustments and the effective dates thereof. The retirement board shall provide for such adjustments to be determined once each year and granted on a date or dates to be chosen by the board, and may apply such adjustments in full to members who have retired during the year prior to such adjustments but who have not been retired for one full year and to the surviving spouse of a member who has died during the year prior to such adjustments.

5. The determination of whether the retirement system will remain actuarially sound shall be made at the time any cost-of-living adjustment is granted. If at any time the retirement system ceases to be actuarially sound, pension payments shall continue as adjusted by increases theretofore granted. A member of the retirement board shall have no personal liability for granting increases under this section if that retirement board member in good faith relied and acted upon advice of a qualified actuary that the retirement system would remain actuarially sound.

86.1610. DEATH OF MEMBER IN SERVICE, BENEFIT TO BE RECEIVED — DEATH OF MEMBER AFTER RETIREMENT, BENEFIT TO BE RECEIVED — SURVIVING SPOUSE BENEFITS. — 1. Upon receipt of the proper proofs of death of a member in service for any reason

whatsoever, the following amounts shall be payable subject to subsection 4 of this section, and if a pension shall be elected, the initial amount thereof shall be the base pension for such surviving spouse:

(1) If the member has less than five years of creditable service, the member's surviving spouse shall be paid, in one lump sum, the amount of the member's accumulated contributions. If there is no surviving spouse, the member's accumulated contributions shall be paid as provided in subsection 6 of section 86.1420;

(2) If the member has at least five but fewer than twenty years of creditable service, the member's surviving spouse may elect the lump sum settlement in subdivision (1) of this subsection or a pension. Such pension shall be fifty percent of the member's accrued pension at date of death as computed in subdivision (1) of subsection 1 of section 86.1540, commencing as provided in subsection 3 of section 86.1420;

(3) If the member has at least twenty years of creditable service, the member's surviving spouse may elect any one of:

(a) The lump sum settlement in subdivision (1) of this subsection;

(b) The pension as computed in subdivision (2) of this subsection; or

(c) A pension in the monthly amount determined on a joint and survivor's basis from the actuarial value of the member's accrued annuity at date of death;

(4) Any death of a retired member occurring before the first payment of the retirement pension shall be deemed to be a death prior to retirement;

(5) For the surviving spouse of a member who died in service after August 28, 2001, benefits payable under subsection 1 of this section shall continue for the lifetime of such surviving spouse without regard to remarriage.

2. Upon death of a member after retirement who has not elected the optional annuity permitted under subsection **[**3**]** **4** of section 86.1540, the surviving spouse shall receive a base pension payable for life, equaling fifty percent of the member's base pension, as of the member's retirement date, subject to the following:

(1) No surviving spouse of a member who retires after August 28, 2001, shall be entitled to receive any benefits under sections 86.1310 to 86.1640 unless such spouse was married to the member at the time of the member's retirement; and

(2) Any surviving spouse who was married to such a member at the time of the member's retirement shall be entitled to all benefits for surviving spouses under sections 86.1310 to 86.1640 for the life of such surviving spouse without regard to remarriage.

3. In the case of any member who, prior to August 28, 2001, died in service or retired, the surviving spouse who would qualify for benefits under subsection 1 or 2 of this section but for remarriage, and has not remarried prior to August 28, 2001, but remarries thereafter, shall upon application be appointed by the retirement board as a consultant. For services as such consultant, such surviving spouse shall be compensated in an amount equal to the benefits such spouse would have received under sections 86.1310 to 86.1640 in the absence of such remarriage.

4. Any beneficiary of benefits under sections 86.1310 to 86.1640 who becomes the surviving spouse of more than one member shall be paid all benefits due a surviving spouse of that member whose entitlements produce the largest surviving spouse benefits for such beneficiary but shall not be paid surviving spouse benefits as the surviving spouse of more than one member, except that any surviving spouse for whom an election has been made for an optional benefit under subsection **[**3**]** **4** of section 86.1540 shall be entitled to every optional benefit for which such surviving spouse has so contracted.

86.1630. TAX-EXEMPT STATUS OF PLAN TO BE MAINTAINED — ASSETS OF SYSTEM TO BE HELD IN TRUST — MEMBER BENEFITS VESTED, WHEN — DISTRIBUTION OF BENEFITS. — 1. A retirement plan under sections 86.1310 to 86.1640 is a qualified plan under the provisions

of applicable federal law. The benefits and conditions of a retirement plan under sections 86.1310 to 86.1640 shall always be adjusted to ensure that the tax-exempt status is maintained.

2. The retirement board shall administer this retirement system in such manner as to retain at all times qualified status under Section 401(a) of the Internal Revenue Code.

3. The retirement board shall hold in trust the assets of the retirement system for the exclusive benefit of the members and their beneficiaries and for defraying reasonable administrative expenses of the system. No part of such assets shall, at any time prior to the satisfaction of all liabilities with respect to members and their beneficiaries, be used for or diverted to any purpose other than such exclusive benefit or to any purpose inconsistent with sections 86.1310 to 86.1640.

4. A member's benefit shall be one hundred percent vested and nonforfeitable upon the member's attainment of normal retirement age, which shall be the earlier of:

(1) The attaining of the age of sixty-five or the member's tenth anniversary of employment, whichever is later **for any Tier I member, or the attaining of the age of sixty-seven or the member's twentieth anniversary of employment, whichever is later for any Tier II member**;

(2) **For any Tier I member** when the total sum of age and years of **creditable** service equals or exceeds eighty**, or for any Tier II member when the total sum of age and years of creditable service equals or exceeds eighty-five**; or

(3) To the extent funded, upon the termination of the system established under sections 86.1310 to 86.1640 or any partial termination which affects the member or any complete discontinuance of contributions by the city to the system.

Amounts representing forfeited nonvested benefits of terminated members shall not be used to increase benefits payable from the system but may be used to reduce contributions for future plan years.

5. Distribution of benefits shall begin not later than April first of the year following the later of the calendar year during which the member becomes seventy and one-half years of age or the calendar year in which the member retires, and shall otherwise conform to Section 401(a)(9) of the Internal Revenue Code.

6. A member or beneficiary of a member shall not accrue a service retirement annuity, disability retirement annuity, death benefit, whether death occurs in the line of duty or otherwise, or any other benefit under sections 86.1310 to 86.1640 in excess of the benefit limits applicable to the fund under Section 415 of the Internal Revenue Code. The retirement board shall reduce the amount of any benefit that exceeds the limits of this section by the amount of the excess. If the total benefits under the retirement system and the benefits and contributions to which any member is entitled under any other qualified plan or plans maintained by the board of police commissioners that employs the member would otherwise exceed the applicable limits under Section 415 of the Internal Revenue Code, the benefits the member would otherwise receive from the retirement system are reduced to the extent necessary to enable the benefits to comply with Section 415 of the Internal Revenue Code.

7. The total salary taken into account for any purpose for any member of the retirement system shall not exceed two hundred thousand dollars per year, subject to periodic adjustments in accordance with guidelines provided by the United States Secretary of the Treasury and may not exceed such other limits as may be applicable at any given time under Section 401(a)(17) of the Internal Revenue Code.

8. If the amount of any benefit is determined on the basis of actuarial assumptions that are not specifically set forth for that purpose in sections 86.1310 to 86.1640, the actuarial assumptions to be used are those earnings and mortality assumptions used on the date of the determination by the retirement system's actuary and approved by the retirement board. The actuarial assumptions used at any particular time shall be attached as an addendum to a copy of the retirement system's statute maintained by the retirement board and shall be treated for all

purposes as part of sections 86.1310 to 86.1640. The actuarial assumptions may be changed by the retirement system's actuary annually if approved by the retirement board, but a change in actuarial assumptions shall not result in any decrease in benefits accrued as of the effective date of the change.

9. Any member or beneficiary who is entitled to receive any distribution that is an eligible rollover distribution, as defined by Section 402(c)(4) of the Internal Revenue Code, is entitled to have that distribution transferred directly to another eligible retirement plan of the member's or beneficiary's choice upon providing direction to the secretary of the retirement system regarding the transfer in accordance with procedures established by the retirement board.

10. For all distributions made after December 31, 2001:

(1) For the purposes of subsection 9 of this section, an eligible retirement plan shall also mean an annuity described in Section 403(b) of the Internal Revenue Code and an eligible plan under Section 457(b) of the Internal Revenue Code that is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from the retirement system. The definition for eligible retirement plan shall also apply in the case of a distribution to a surviving spouse or to a spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Section 414(p) of the Internal Revenue Code; and

(2) For the purposes of subsection 9 of this section, a portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax employee contributions which are not includable in gross income. However, such portion may be paid only to an individual retirement account or annuity described in Section 408(a) or 408(b) of the Internal Revenue Code, or to a qualified defined contribution plan described in Section 401(a) or 403(a) of the Internal Revenue Code that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution that is includable in gross income and the portion of such distribution that is not so includable.

103.025. ANNUAL AUDIT OF RECORDS AND ACCOUNTS BY CPA. — The board shall arrange for annual audits of the records and accounts of the plan by a certified public accountant or firm of certified public accountants. **[**The state auditor shall examine such audits at least once every three years and report to the board and the governor.**]**

104.190. RECORDS OF BOARD — REPORT — OFFICE AT JEFFERSON CITY — SEAL — AUDIT OF ACCOUNTS, REQUIREMENTS. — 1. The board shall keep a complete record of all its proceedings, which shall be open at all reasonable hours to the inspection of any member. A statement covering the operations of the system for the year, including income and disbursements, and the financial condition of the system at the end of the year, showing the actuarial valuation and appraisal of its assets and liabilities, as of July first, shall each year be delivered to the governor of Missouri and be made readily available to the members.

2. A system of member employment records necessary for the calculation of retirement benefits shall be kept separate and apart from the customary employee employment records.

3. The principal office of the system shall be located in Jefferson City. The system shall have a seal bearing the inscription "Transportation Department Employees' and Highway Patrol Retirement System", which shall be in the custody of its executive director. The courts of this state shall take judicial notice of the seal; and all copies of records, books, and written instruments which are kept in the office of the system and are certified by the executive director under said seal shall be proved or admitted in any court or proceeding as provided by section 109.130.

4. The board shall arrange for annual audits of the records and accounts of the system by a certified public accountant or by a firm of certified public accountants. **[**The state auditor shall examine such audits at least once every three years and report to the board and the governor.**]**

104.480. RECORDS OF BOARD — FINANCIAL REPORT — OFFICE AT JEFFERSON CITY — SEAL — AUDIT OF ACCOUNTS, REQUIREMENTS. — 1. The board shall keep a complete record of all its proceedings, which shall be open at all reasonable hours to the inspection of any member.

2. A statement covering the operations of the system for the year, including income and disbursements, and of the financial condition of the system at the end of the year, showing the actuarial valuation and appraisal of its assets and liabilities, as of July first, shall each year be delivered to the governor of Missouri and be made readily available to the members.

3. The principal office of the system shall be in Jefferson City. The system shall have a seal bearing the inscription "Missouri State Employees' Retirement System", which shall be in the custody of its director. The courts of this state shall take judicial notice of the seal; and all copies of records, books, and written instruments which are kept in the office of the system and are certified by the director under the seal shall be proved or admitted in any court or proceeding as provided by section 109.130.

4. The board shall arrange for annual audits of the records and accounts of the system by a certified public accountant or by a firm of certified public accountants. **[**The state auditor shall examine such audits at least once every three years and report to the board and the governor.**]**

169.020. SYSTEM CREATED, WHAT DISTRICTS INCLUDED — TRUSTEES, APPOINTMENT, TERMS, QUALIFICATIONS, ELECTION, DUTIES — VENUE — AUDIT, WHEN — INTEREST. — 1. For the purpose of providing retirement allowances and other benefits for public school teachers, there is hereby created and established a retirement system which shall be a body corporate, shall be under the management of a board of trustees herein described, and shall be known as "The Public School Retirement System of Missouri". Such system shall, by and in such name, sue and be sued, transact all of its business, invest all of its funds, and hold all of its cash, securities, and other property. The system so created shall include all school districts in this state, except those in cities that had populations of four hundred thousand or more according to the latest United States decennial census, and such others as are or hereafter may be included in a similar system or in similar systems established by law and made operative; provided, that teachers in school districts of more than four hundred thousand inhabitants who are or may become members of a local retirement system may become members of this system with the same legal benefits as accrue to present members of such state system on the terms and under the conditions provided for in section 169.021. The system hereby established shall begin operations on the first day of July next following the date upon which sections 169.010 to 169.130 shall take effect.

2. The general administration and the responsibility for the proper operation of the retirement system and for making effective the provisions of sections 169.010 to 169.141 are hereby vested in a board of trustees of seven persons as follows: four persons to be elected as trustees by the members and retired members of the public school retirement system created by sections 169.010 to 169.141 and the public education employee retirement system created by sections 169.600 to 169.715; and three members appointed by the governor with the advice and consent of the senate. The first member appointed by the governor shall replace the commissioner of education for a term beginning August 28, 1998. The other two members shall be appointed by the governor at the time each member's, who was appointed by the state board of education, term expires.

3. Trustees appointed and elected shall be chosen for terms of four years from the first day of July next following their appointment or election, except that one of the elected trustees shall be a member of the public education employee retirement system and shall be initially elected for a term of three years from July 1, 1991. The initial term of one other elected trustee shall commence on July 1, 1992.

4. Trustees appointed by the governor shall be residents of school districts included in the retirement system, but not employees of such districts or a state employee or a state elected official. At least one trustee so appointed shall be a retired member of the public school

retirement system or the public education employee retirement system. Three elected trustees shall be members of the public school retirement system and one elected trustee shall be a member of the public education employee retirement system.

5. The elections of the trustees shall be arranged for, managed and conducted by the board of trustees of the retirement system.

6. If a vacancy occurs in the office of trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled.

7. Trustees of the retirement system shall serve without compensation but they shall be reimbursed for expenses necessarily incurred through service on the board of trustees.

8. Each trustee shall be commissioned by the governor, and before entering upon the duties of the trustee's office, shall take and subscribe to an oath or affirmation to support the Constitution of the United States, and of the state of Missouri and to demean himself or herself faithfully in the trustee's office. Such oath as subscribed to shall be filed in the office of secretary of state of this state.

9. Each trustee shall be entitled to one vote in the board of trustees. Four votes shall be necessary for a decision by the trustees at any meeting of the board of trustees. Unless otherwise expressly provided herein, a meeting need not be called or held to make any decision on a matter before the board. Each member must be sent by the executive director a copy of the matter to be decided with full information from the files of the board of trustees. The unanimous decision of four trustees may decide the issue by signing a document declaring their decision and sending such written instrument to the executive director of the board, provided that no other member of the board of trustees shall send a dissenting decision to the executive director of the board within fifteen days after such document and information was mailed to the trustee. If any member is not in agreement with four members the matter is to be passed on at a regular board meeting or a special meeting called for the purpose.

10. The board of trustees shall elect one of their number as chairman, and shall employ a full-time executive director, not one of their number, who shall be the executive officer of the board. Other employees of the board shall be chosen only upon the recommendation of the executive director.

11. The board of trustees shall employ an actuary who shall be its technical advisor on matters regarding the operation of the retirement system, and shall perform such duties as are essential in connection therewith, including the recommendation for adoption by the board of mortality and other necessary tables, and the recommendation of the level rate of contributions required for operation of the system.

12. As soon as practicable after the establishment of the retirement system, and annually thereafter, the actuary shall make a valuation of the system's assets and liabilities on the basis of such tables as have been adopted.

13. At least once in the three-year period following the establishment of the retirement system, and in each five-year period thereafter, the board of trustees shall cause to be made an actuarial investigation into the mortality, service, and compensation experience of the members and beneficiaries of the system, and shall make any changes in the mortality, service, and other tables then in use which the results of the investigation show to be necessary.

14. Subject to the limitations of sections 169.010 to 169.141 and 169.600 to 169.715, the board of trustees shall formulate and adopt rules and regulations for the government of its own proceedings and for the administration of the retirement system.

15. The board of trustees shall determine and decide all questions of doubt as to what constitutes employment within the meaning of sections 169.010 to 169.141 and 169.600 to 169.715, the amount of benefits to be paid to members, retired members, beneficiaries and survivors and the amount of contributions to be paid by employer and employee. The executive director shall notify by certified mail both employer and member, retired member, beneficiary or survivor interested in such determination. Any member, retired member, beneficiary or survivor, district or employer adversely affected by such determination, at any time within thirty

days after being notified of such determination, may appeal to the circuit court of Cole County. Such appeal shall be tried and determined anew in the circuit court and such court shall hear and consider any and all competent testimony relative to the issues in the case, which may be offered by either party thereto. The circuit court shall determine the rights of the parties under sections 169.010 to 169.141 and 169.600 to 169.715 using the same standard provided in section 536.150, and the judgment or order of such circuit court shall be binding upon the parties and the board shall carry out such judgment or order unless an appeal is taken from such decision of the circuit court. Appeals may be had from the circuit court by the employer, member, retired member, beneficiary, survivor or the board, in the manner provided by the civil code.

16. The board of trustees shall keep a record of all its proceedings, which shall be open to public inspection. It shall prepare annually a comprehensive annual financial report, the financial section of which shall be prepared in accordance with applicable accounting standards and shall include the independent auditor's opinion letter. The report shall also include information on the actuarial status and the investments of the system. The reports shall be preserved by the executive director and made available for public inspection.

17. The board of trustees shall provide for the maintenance of an individual account with each member, setting forth such data as may be necessary for a ready determination of the member's earnings, contributions, and interest accumulations. It shall also collect and keep in convenient form such data as shall be necessary for the preparation of the required mortality and service tables and for the compilation of such other information as shall be required for the valuation of the system's assets and liabilities. All individually identifiable information pertaining to members, retirees, beneficiaries and survivors shall be confidential.

18. The board of trustees shall meet regularly at least twice each year, with the dates of such meetings to be designated in the rules and regulations adopted by the board. Such other meetings as are deemed necessary may be called by the chairman of the board or by any four members acting jointly.

19. The headquarters of the retirement system shall be in Jefferson City, where suitable office space, utilities and other services and equipment necessary for the operation of the system shall be provided by the board of trustees and all costs shall be paid from funds of the system. All suits or proceedings directly or indirectly against the board of trustees, the board's members or employees or the retirement system established by sections 169.010 to 169.141 or 169.600 to 169.715 shall be brought in Cole County.

20. The board may appoint an attorney or firm of attorneys to be the legal advisor to the board and to represent the board in legal proceedings, however, if the board does not make such an appointment, the attorney general shall be the legal advisor of the board of trustees, and shall represent the board in all legal proceedings.

21. The board of trustees shall arrange for adequate surety bonds covering the executive director. When approved by the board, such bonds shall be deposited in the office of the secretary of state of this state.

22. The board shall arrange for annual audits of the records and accounts of the system by a firm of certified public accountants**[**, the state auditor shall review the audit of the records and accounts of the system at least once every three years and shall report the results to the board of trustees and the governor**]**.

23. The board by its rules may establish an interest charge to be paid by the employer on any payments of contributions which are delinquent. The rate charged shall not exceed the actuarially assumed rate of return on invested funds of the pertinent system.

208.1050. FUND CREATED, USE OF MONEYS. — 1. There is hereby created in the state treasury the "Missouri Senior Services Protection Fund", which shall consist of money collected under subsection 2 of this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, money in

the fund shall be used solely for the administration of subsection 2 of this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

2. The state treasurer shall deposit from moneys that otherwise would have been deposited into the general revenue fund an amount equal to fifty-five million one hundred thousand dollars into the Missouri senior services protection fund. At least one-quarter of such amount shall be deposited on or before July 15, 2013, an additional one-quarter by October 15, 2013, and an additional one-quarter by January 15, 2014. The remaining amount shall be deposited by March 15, 2014. Moneys in the fund shall be allocated for services for low-income seniors and people with disabilities.

238.272. AUDIT AUTHORIZED, WHEN — COSTS, PAYMENT OF. — The state auditor **[**shall**]** **may** audit each district not **[**less**]** **more** than once every three years**[**, and may audit more frequently if the state auditor deems appropriate**]**. The costs of this audit shall be paid by the district **and shall not exceed the greater of three percent of the gross revenues received by the transportation district**.

[29.090. EXAMINERS NOT TO ACCEPT FREE TRANSPORTATION. — It shall be unlawful for any examiner appointed under the provisions of this chapter to accept, receive or ride on any free transportation while engaged on official business, and any officer who shall request such free transportation for any such examiner shall be guilty of a misdemeanor, and punishable by a fine not to exceed five hundred dollars.**]**

[29.180. ESTABLISH UNIFORM ACCOUNTING SYSTEMS. — The state auditor in cooperation with the budget director shall establish appropriate systems of accounting for all officers and agencies of the state, including all educational and eleemosynary institutions, and he shall also prescribe systems of accounting for all county officers. Such systems of accounting shall conform to recognized principles of governmental accounting and shall be uniform in application to offices of the same grade and kind and to accounts of the same kind. Such systems of accounting shall be adequate to record all assets and revenues accrued, all liabilities and expenditures incurred, as well as all cash receipts and disbursements, and all transactions affecting the acquisition and disposition of property, including the preparation and keeping of inventories of all property. Each department shall keep such accounts in accordance with the system of accounts prescribed by the auditor.**]**

[29.270. REPORTS — TO WHOM. — The state auditor shall report to the governor as soon as possible the result of his findings from an examination of the state institutions, and report to the elective officers the result of his findings from an examination of their appointive officers, setting out in detail the findings as to the collection and disbursements of public funds and the mode of bookkeeping and accounting in force in such institution, and as soon as possible after the completion of the examination of a county's officers and institutions, he shall report in writing the findings to the county court or prosecuting attorney or proper officer thereof, setting out in detail the results as to the collection and disbursement of county funds and the mode of bookkeeping and accounting in use and such recommendations as may be proper. All audit reports and reports of examinations made by the state auditor shall be made a matter of public record. The state auditor shall report to each general assembly his

findings and recommendations resulting from audits and examinations of the various state officials and institutions made by him in accordance with law.**]**

[29.275. FEES TO BE PAID — RECEIPT. — Before the state auditor performs a duty or service required by law for which a fee is charged, the person requiring the service shall produce to the state auditor the receipt of the state director of revenue showing that the fee has been paid to him.**]**

[29.340. VIOLATION OF PROVISIONS OF CHAPTER — PENALTY. — Any state or county official affected by this chapter who shall refuse or fail to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor.**]**

SECTION B. EMERGENCY CLAUSE. — Because immediate action is necessary to protect low-income seniors and disabled persons, the enactment of section 208.1050 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 208.1050 of this act shall be in full force and effect upon its passage and approval.

Approved July 12, 2013

HB 117 [CCS SS SCS HCS HB 117]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding initiative and referendum petitions

AN ACT to repeal sections 116.030, 116.040, 116.080, 116.090, 116.190, 116.332, and 116.334, RSMo, and to enact in lieu thereof nine new sections relating to initiative and referendum petitions, with penalty provisions and a delayed effective date.

SECTION
- A. Enacting clause.
- 116.030. Referendum petition, form — clerical and technical errors to be disregarded, penalties for false signature.
- 116.040. Initiative petition for law or constitutional amendment, form — clerical and technical errors to be disregarded, penalties for false signature.
- 116.080. Qualifications of circulator — affidavit, notarization, penalty.
- 116.090. Petition signature fraud, penalty.
- 116.115. Withdrawal of petition, when — vacation of official ballot title, when.
- 116.153. Hearing to take public comments — joint committee on legislative research to provide summary to secretary of state, posting on website.
- 116.190. Ballot title may be challenged, procedure — who are parties defendant — changes may be made by court — appeal to supreme court, when.
- 116.332. Petitions for constitutional amendments, statutory initiative or referendum, requirements, procedure.
- 116.334. Petition approval required, procedure to obtain petition title or summary statement — rejection or approval of petition, procedure — circulation of petition prior to approval, effect — signatures, deadline for filing.
- B. Delayed effective date.
- C. Severability clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 116.030, 116.040, 116.080, 116.090, 116.190, 116.332, and 116.334, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 116.030, 116.040, 116.080, 116.090, 116.115, 116.153, 116.190, 116.332, and 116.334, to read as follows:

116.030. REFERENDUM PETITION, FORM — CLERICAL AND TECHNICAL ERRORS TO BE DISREGARDED, PENALTIES FOR FALSE SIGNATURE. — The following shall be substantially the form of each page of referendum petitions on any law passed by the general assembly of the state of Missouri:

County. . . . . .

Page No. . . . . .

It is a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both, for anyone to sign any referendum petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or to sign a petition when such person knows he or she is not a registered voter.

PETITION FOR REFERENDUM

To the Honorable ....., Secretary of State for the state of Missouri:

We, the undersigned, registered voters of the state of Missouri and ..... County (or city of St. Louis), respectfully order that the Senate (or House) Bill No. .... entitled (title of law), passed by the ..... general assembly of the state of Missouri, at the ..... regular (or special) session of the ..... general assembly, shall be referred to the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the ..... day of ....., ..., unless the general assembly shall designate another date, and each for himself or herself says: I have personally signed this petition; I am a registered voter of the state of Missouri and ..... County (or city of St. Louis); my registered voting address and the name of the city, town or village in which I live are correctly written after my name. **(Official Ballot title) .....**

CIRCULATOR'S AFFIDAVIT

State Of Missouri,

County Of .....

I, ..., being first duly sworn, say (print or type names of signers)

		REGISTERED VOTING			
NAME (Signature)	DATE SIGNED	ADDRESS (Street) (City, Town or Village)	ZIP CODE	CONGR. DIST.	NAME (Printed or Typed)

(Here follow numbered lines for signers)

signed this page of the foregoing petition, and each of them signed his or her name thereto in my presence; I believe that each has stated his or her name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and ..... County. **FURTHERMORE, I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT AND THAT I HAVE NEVER BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY TO ANY OFFENSE INVOLVING FORGERY.**

I am at least 18 years of age. I do .... do not .... (check one) expect to be paid for circulating this petition. If paid, list the payer .....

.....

Signature of Affiant

(Person obtaining signatures)

.....
(Printed Name of Affiant)
.....
Address of Affiant

Subscribed and sworn to before me this ..... day of ....., A.D. .....

.....
Signature of Notary
Address of Notary

Notary Public (Seal)
My commission expires .....
If this form is followed substantially and the requirements of section 116.050 **and section 116.080** are met, it shall be sufficient, disregarding clerical and merely technical errors.

116.040. INITIATIVE PETITION FOR LAW OR CONSTITUTIONAL AMENDMENT, FORM — CLERICAL AND TECHNICAL ERRORS TO BE DISREGARDED, PENALTIES FOR FALSE SIGNATURE. — The following shall be substantially the form of each page of each petition for any law or amendment to the Constitution of the state of Missouri proposed by the initiative:

County. . . . . .
Page No.. . . . . .

It is a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both, for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or to sign a petition when such person knows he or she is not a registered voter.

INITIATIVE PETITION

To the Honorable ....., Secretary of State for the state of Missouri:

We, the undersigned, registered voters of the state of Missouri and ..... County (or city of St. Louis), respectfully order that the following proposed law (or amendment to the constitution) shall be submitted to the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the ..... day of ....., ..., and each for himself or herself says: I have personally signed this petition; I am a registered voter of the state of Missouri and ..... County (or city of St. Louis); my registered voting address and the name of the city, town or village in which I live are correctly written after my name. **(Official Ballot title)**
.....

CIRCULATOR'S AFFIDAVIT

State Of Missouri,
County Of .....
I, ..., being first duly sworn, say (print or type names of signers)

REGISTERED VOTING

NAME (Signature)	DATE SIGNED	ADDRESS (Street) (City, Town or Village)	ZIP CODE	CONGR. DIST.	NAME (Printed or Typed)

(Here follow numbered lines for signers)

signed this page of the foregoing petition, and each of them signed his or her name thereto in my presence; I believe that each has stated his or her name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and ..... County.

FURTHERMORE, I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT AND THAT I HAVE NEVER BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY TO ANY OFFENSE INVOLVING FORGERY.

I am at least 18 years of age. I do .... do not .... (check one) expect to be paid for circulating this petition. If paid, list the payer .....

.....
Signature of Affiant
(Person obtaining
signatures)

.....
(Printed Name of Affiant)

.....
Address of Affiant

Subscribed and sworn to before me this ..... day of ..., A.D. ...

.....
Signature of Notary
Address of Notary

Notary Public (Seal)
My commission expires .....

If this form is followed substantially and the requirements of section 116.050 and section 116.080 are met, it shall be sufficient, disregarding clerical and merely technical errors.

116.080. QUALIFICATIONS OF CIRCULATOR — AFFIDAVIT, NOTARIZATION, PENALTY. — 1. Each petition circulator shall be at least eighteen years of age and registered with the secretary of state. Signatures collected by any circulator who has not registered with the secretary of state pursuant to this chapter on or before 5:00 p.m. on the final day for filing petitions with the secretary of state shall not be counted. **A petition circulator shall be deemed registered at the time such circulator delivers a signed circulator's affidavit pursuant to section 116.030, with respect to a referendum petition, or section 116.040, with respect to an initiative petition, to the office of the secretary of state.**

[2. Each petition circulator shall supply the following information to the secretary of state's office:

(1) Name of petition;
(2) Name of circulator;
(3) Residential address, including street number, city, state and zip code;
(4) Mailing address, if different;
(5) Have you been or do you expect to be paid for soliciting signatures for this petition?
[ ] YES [ ] NO;
(6) If the answer to subdivision (5) is yes, then identify the payor;
(7) Signature of circulator.

3. The circulator information required in subsection 2 of this section shall be submitted to the secretary of state's office with the following oath and affirmation:

I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT.

4.**]** **No person shall qualify as a petition circulator who has been convicted of, found guilty of, or pled guilty to an offense involving forgery under the laws of this state or an offense under the laws of any other jurisdiction if that offense would be considered forgery under the laws of this state.**

2. Each petition circulator shall subscribe and swear to the proper affidavit on each petition page such circulator submits before a notary public commissioned in Missouri. When notarizing a circulator's signature, a notary public shall sign his or her official signature and affix

his or her official seal to the affidavit only if the circulator personally appears before the notary and subscribes and swears to the affidavit in his or her presence.

[5.**]** **3.** Any circulator who falsely swears to a circulator's affidavit knowing it to be false is guilty of a class A misdemeanor punishable, notwithstanding the provisions of section 560.021 to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both.

116.090. PETITION SIGNATURE FRAUD, PENALTY. — 1. Any person who **commits any of the following actions, is guilty of the crime of petition signature fraud:**

(1) Signs any name other than his **or her** own to any petition, or who knowingly signs his or her name more than once for the same measure for the same election, or who knows he or she is not at the time of signing or circulating the same a Missouri registered voter and a resident of this state**; or**

(2) Intentionally submits petition signature sheets with the knowledge that the person whose name appears on the signature sheet did not actually sign the petition; or

(3) Causes a voter to sign a petition other than the one the voter intended to sign; or

(4) Forges or falsifies signatures; or

(5) Knowingly accepts or offers money or anything of value to another person in exchange for a signature on a petition.

2. Any person who knowingly causes a petition circulator's signatures to be submitted for counting, and who either knows that such circulator has violated subsection 1 of this section or, after receiving notice of facts indicating that such person may have violated subsection 1 of this section, causes the signatures to be submitted with reckless indifference as to whether such circulator has complied with subsection 1 of this section, shall also be deemed to have committed the crime of petition signature fraud.

3. A person who violates subsection 1 or 2 of this section, shall, upon conviction thereof, be guilty of a class A misdemeanor punishable, notwithstanding the provisions of section 560.021 to the contrary, **[**for**] by** a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both.

[2. Any person who knowingly accepts or offers money or anything of value to another person in exchange for a signature on a petition is guilty of a class A misdemeanor punishable, notwithstanding the provisions of section 560.021 to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both.**]**

4. Any person employed by or serving as an election authority, that has reasonable cause to suspect a person has committed petition signature fraud, shall immediately report or cause a report to be made to the appropriate prosecuting authorities. Failure to so report or cause a report to be made shall be a class A misdemeanor.

116.115. WITHDRAWAL OF PETITION, WHEN – VACATION OF OFFICIAL BALLOT TITLE, WHEN. — **Any person who submits a sample sheet to or files an initiative petition with the secretary of state may withdraw the petition upon written notice to the secretary of state. If such notice is submitted to the secretary of state, the proposed petition shall no longer be circulated by any person, committee, or other entity. The secretary of state shall vacate the certification of the official ballot title within three days of receiving notice of the withdrawal.**

116.153. HEARING TO TAKE PUBLIC COMMENTS — JOINT COMMITTEE ON LEGISLATIVE RESEARCH TO PROVIDE SUMMARY TO SECRETARY OF STATE, POSTING ON WEBSITE. — Within thirty days of issuing certification that the petition contains a sufficient number of valid signatures pursuant to section 116.150, the joint committee on legislative research shall hold a public hearing in Jefferson City to take public comments concerning the proposed measure. Such hearing shall be a public meeting under chapter

610. Within five business days after the end of the public hearing, the joint committee on legislative research shall provide a summary of the hearing to the secretary of state or his or her designee and the secretary of state shall post a copy of the summary on the website of the office of the secretary of state.

116.190. BALLOT TITLE MAY BE CHALLENGED, PROCEDURE — WHO ARE PARTIES DEFENDANT — CHANGES MAY BE MADE BY COURT — APPEAL TO SUPREME COURT, WHEN. — 1. Any citizen who wishes to challenge the official ballot title or the fiscal note prepared for a proposed constitutional amendment submitted by the general assembly, by initiative petition, or by constitutional convention, or for a statutory initiative or referendum measure, may bring an action in the circuit court of Cole County. The action must be brought within ten days after the official ballot title is certified by the secretary of state in accordance with the provisions of this chapter.

2. The secretary of state shall be named as a party defendant in any action challenging the official ballot title prepared by the secretary of state. When the action challenges the fiscal note or the fiscal note summary prepared by the auditor, the state auditor shall also be named as a party defendant. The president pro tem of the senate, the speaker of the house and the sponsor of the measure and the secretary of state shall be the named party defendants in any action challenging the official summary statement, fiscal note or fiscal note summary prepared pursuant to section 116.155.

3. The petition shall state the reason or reasons why the summary statement portion of the official ballot title is insufficient or unfair and shall request a different summary statement portion of the official ballot title. Alternatively, the petition shall state the reasons why the fiscal note or the fiscal note summary portion of the official ballot title is insufficient or unfair and shall request a different fiscal note or fiscal note summary portion of the official ballot title.

4. The action shall be placed at the top of the civil docket. Insofar as the action challenges the summary statement portion of the official ballot title, the court shall consider the petition, hear arguments, and in its decision certify the summary statement portion of the official ballot title to the secretary of state. Insofar as the action challenges the fiscal note or the fiscal note summary portion of the official ballot title, the court shall consider the petition, hear arguments, and in its decision, either certify the fiscal note or the fiscal note summary portion of the official ballot title to the secretary of state or remand the fiscal note or the fiscal note summary to the auditor for preparation of a new fiscal note or fiscal note summary pursuant to the procedures set forth in section 116.175. Any party to the suit may appeal to the supreme court within ten days after a circuit court decision. In making the legal notice to election authorities under section 116.240, and for the purposes of section 116.180, the secretary of state shall certify the language which the court certifies to him.

5. Any action brought under this section that is not fully and finally adjudicated within one hundred eighty days of filing, including all appeals, shall be extinguished, unless a court extends such period upon a finding of good cause for such extension. Such good cause shall consist only of court-related scheduling issues and shall not include requests for continuance by the parties.

116.332. PETITIONS FOR CONSTITUTIONAL AMENDMENTS, STATUTORY INITIATIVE OR REFERENDUM, REQUIREMENTS, PROCEDURE. — 1. Before a constitutional amendment petition, a statutory initiative petition, or a referendum petition may be circulated for signatures, a sample sheet must be submitted to the secretary of state in the form in which it will be circulated. When a person submits a sample sheet of a petition he or she shall designate to the secretary of state the name and address of the person to whom any notices shall be sent pursuant to sections 116.140 and 116.180 **and, if a committee or person, except the individual submitting the sample sheet, is funding any portion of the drafting or submitting of the sample sheet, the person submitting the sample sheet shall submit a copy of the filed**

statement of committee organization required under subsection 5 of section 130.021 showing the date the statement was filed. The secretary of state shall refer a copy of the petition sheet to the attorney general for his approval and to the state auditor for purposes of preparing a fiscal note and fiscal note summary. The secretary of state and attorney general must each review the petition for sufficiency as to form and approve or reject the form of the petition, stating the reasons for rejection, if any.

2. **Within two business days of receipt of any such sample sheet, the office of the secretary of state shall conspicuously post on its website the text of the proposed measure, a disclaimer stating that such text may not constitute the full and correct text as required under section 116.050, and the name of the person or organization submitting the sample sheet. The secretary of state's failure to comply with such posting shall be considered a violation of chapter 610 and subject to the penalties provided under subsection 3 of section 610.027. The posting shall be removed within three days of either the withdrawal of the petition under section 116.115 or the rejection for any reason of the petition.**

3. Upon receipt of a petition from the office of the secretary of state, the attorney general shall examine the petition as to form. If the petition is rejected as to form, the attorney general shall forward his or her comments to the secretary of state within ten days after receipt of the petition by the attorney general. If the petition is approved as to form, the attorney general shall forward his or her approval as to form to the secretary of state within ten days after receipt of the petition by the attorney general.

[3.**]** **4.** The secretary of state shall review the comments and statements of the attorney general as to form and make a final decision as to the approval or rejection of the form of the petition. The secretary of state shall send written notice to the person who submitted the petition sheet of the approval within **[**thirty**]** **fifteen** days after submission of the petition sheet. The secretary of state shall send written notice if the petition has been rejected, together with reasons for rejection, within **[**thirty**]** **fifteen** days after submission of the petition sheet.

116.334. PETITION APPROVAL REQUIRED, PROCEDURE TO OBTAIN PETITION TITLE OR SUMMARY STATEMENT — REJECTION OR APPROVAL OF PETITION, PROCEDURE — CIRCULATION OF PETITION PRIOR TO APPROVAL, EFFECT — SIGNATURES, DEADLINE FOR FILING. — 1. If the petition form is approved, the secretary of state shall **make a copy of the sample petition available on the secretary of state's website. For a period of fifteen days after the petition is approved as to form, the secretary of state shall accept public comments regarding the proposed measure and provide copies of such comments upon request.** Within [ten**]** **twenty-three** days **of receipt of such approval, the secretary of state shall** prepare and transmit to the attorney general a summary statement of the measure which shall be a concise statement not exceeding one hundred words. This statement shall be in the form of a question using language neither intentionally argumentative nor likely to create prejudice either for or against the proposed measure. The attorney general shall within ten days approve the legal content and form of the proposed statement.

2. Signatures obtained prior to the date the official ballot title is certified by the secretary of state shall not be counted.

3. Signatures for statutory initiative petitions shall be filed not later than six months prior to the general election during which the petition's ballot measure is submitted for a vote, and shall also be collected not earlier than the day after the day upon which the previous general election was held.

SECTION B. DELAYED EFFECTIVE DATE. — The repeal and reenactment of sections 116.030, 116.040, 116.080, 116.190, 116.332, and 116.334, and the enactment of sections 116.115 and 116.153 shall become effective on November 4, 2014.

SECTION C. SEVERABILITY CLAUSE. — The provisions of this act are severable. If any provision of this act is found by a court of competent jurisdiction to be unconstitutional, the remaining provisions are valid except to the extent that the court finds the valid provisions, standing alone, are incomplete and are incapable of being executed in accordance with the will of the people.

Approved July 1, 2013

HB 128 [HCS HB 128]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding property tax bills, the taxes excluded from tax increment financing redevelopment plans, and the division of interstate income for Missouri corporate income taxation

AN ACT to repeal sections 52.230, 52.240, 99.845, and 143.451, RSMo, and to enact in lieu thereof four new sections relating to taxation.

SECTION

A. Enacting clause.
52.230. Statements and receipts mailed to taxpayers, when, contents — electronic transmission (counties of the second, third, fourth and first classification).
52.240. Tax statements and receipts, mailed or electronically transmitted where — postage, how paid — failure to receive, effect of — claim of errors by taxpayer, procedure.
99.845. Tax increment financing adoption — division of ad valorem taxes — payments in lieu of tax, deposit, inclusion and exclusion of current equalized assessed valuation for certain purposes, when — other taxes included, amount — supplemental tax increment financing fund established, disbursement.
143.451. Taxable income to include all income within this state — definitions — intrastate business, report of income, when — deductions, how apportioned..

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 52.230, 52.240, 99.845, and 143.451, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 52.230, 52.240, 99.845, and 143.451, to read as follows:

52.230. STATEMENTS AND RECEIPTS MAILED TO TAXPAYERS, WHEN, CONTENTS — ELECTRONIC TRANSMISSION (COUNTIES OF THE SECOND, THIRD, FOURTH AND FIRST CLASSIFICATION). — 1. Each year the collectors of revenue in all counties of the first class not having a charter form of government, and in all second, third and fourth class counties of the state, not under township organization, shall mail to all resident taxpayers, at least thirty days prior to delinquent date, a statement of all real and tangible personal property taxes due and assessed on the current tax books in the name of the taxpayers. Such statement shall also include the amount of real and tangible personal property taxes delinquent at the time of the mailing of the statement, including any interest and penalties associated with the delinquent taxes. Such statement shall declare upon its face, or by an attachment thereto, that they are delinquent at the time such statement is mailed for an amount of real or tangible personal property taxes, or both. A collector of revenue or other collection authority charged with the duty of tax or license collection may refuse to accept payment not accompanied by such statement. Refusal by the collector of revenue to accept payment not accompanied by such statement shall not relieve or delay the levy of interest and penalty on any overdue unpaid tax or license. Collectors shall also mail tax receipts for all the taxes received by mail.

2. The collectors of revenue may electronically transmit the statement required under subsection 1 of this section to the electronic address provided and authorized by the taxpayer to the collector of revenue. Any electronic address provided by a taxpayer to the collector of revenue for purposes of this subsection shall be a closed record under chapter 610.

52.240. TAX STATEMENTS AND RECEIPTS, MAILED OR ELECTRONICALLY TRANSMITTED WHERE — POSTAGE, HOW PAID — FAILURE TO RECEIVE, EFFECT OF — CLAIM OF ERRORS BY TAXPAYER, PROCEDURE. — 1. The statement and receipt required by section 52.230 shall be mailed to the address of the taxpayer as shown by the county assessor on the current tax books, and postage for the mailing of the statements and receipts shall be furnished by the county commission **or the statement and receipt may be electronically transmitted to the electronic address provided and authorized by the taxpayer to the collector of revenue**. The failure of the taxpayer to receive the notice provided for in section 52.230 in no case relieves the taxpayer of any tax liability imposed by law.

2. No penalty or interest imposed under any law shall be charged on any real or personal property tax when the county collector certifies due to system failures or other reason that the statement required by section 52.230 was mailed less than thirty days prior to the delinquent date and the taxpayer paid taxes owed by fifteen days after the delinquent date or fifteen days after the certified date of mailing, whichever is later.

3. No penalty or interest imposed under any law shall be charged on any real or personal property tax when there is clear and convincing evidence that the county made an error or omission in determining taxes owed by a taxpayer.

[2.**]** **4.** Any taxpayer claiming that the county made an error or omission in determining taxes owed may submit a written request for a refund of penalties, interest, or taxes to the county commission or governing body of the county. If the county commission or governing body of the county approves the refund, then such penalties, interest, or taxes shall be refunded as provided in **[**subsection 6 of**]** section 139.031. The county commission shall approve or disapprove the taxpayer's written request within thirty days of receiving said request. The county collector shall refund penalties, interest, and taxes if the county made an error or omission in determining taxes owed by the taxpayer.

[3.**]** **5.** Nothing in this section shall relieve a taxpayer from paying taxes owed by December thirty-first and paying penalties and interest owed for failing to pay all taxes by December thirty-first**, except as provided with regard to penalties and interest by subsection 2 of this section**.

99.845. TAX INCREMENT FINANCING ADOPTION — DIVISION OF AD VALOREM TAXES — PAYMENTS IN LIEU OF TAX, DEPOSIT, INCLUSION AND EXCLUSION OF CURRENT EQUALIZED ASSESSED VALUATION FOR CERTAIN PURPOSES, WHEN — OTHER TAXES INCLUDED, AMOUNT — SUPPLEMENTAL TAX INCREMENT FINANCING FUND ESTABLISHED, DISBURSEMENT. — 1. A municipality, either at the time a redevelopment project is approved or, in the event a municipality has undertaken acts establishing a redevelopment plan and redevelopment project and has designated a redevelopment area after the passage and approval of sections 99.800 to 99.865 but prior to August 13, 1982, which acts are in conformance with the procedures of sections 99.800 to 99.865, may adopt tax increment allocation financing by passing an ordinance providing that after the total equalized assessed valuation of the taxable real property in a redevelopment project exceeds the certified total initial equalized assessed valuation of the taxable real property in the redevelopment project, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in such redevelopment project by taxing districts and tax rates determined in the manner provided in subsection 2 of section 99.855 each year after the effective date of the ordinance until redevelopment costs have been paid shall be divided as follows:

(1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;

(2) (a) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the municipal treasurer who shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation Fund" of the municipality for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable. The municipality may, in the ordinance, pledge the funds in the special allocation fund for the payment of such costs and obligations and provide for the collection of payments in lieu of taxes, the lien of which may be foreclosed in the same manner as a special assessment lien as provided in section 88.861. No part of the current equalized assessed valuation of each lot, block, tract, or parcel of property in the area selected for the redevelopment project attributable to any increase above the total initial equalized assessed value of such properties shall be used in calculating the general state school aid formula provided for in section 163.031 until such time as all redevelopment costs have been paid as provided for in this section and section 99.850;

(b) Notwithstanding any provisions of this section to the contrary, for purposes of determining the limitation on indebtedness of local government pursuant to article VI, section 26(b) of the Missouri Constitution, the current equalized assessed value of the property in an area selected for redevelopment attributable to the increase above the total initial equalized assessed valuation shall be included in the value of taxable tangible property as shown on the last completed assessment for state or county purposes;

(c) The county assessor shall include the current assessed value of all property within the taxing district in the aggregate valuation of assessed property entered upon the assessor's book and verified pursuant to section 137.245, and such value shall be utilized for the purpose of the debt limitation on local government pursuant to article VI, section 26(b) of the Missouri Constitution;

(3) For purposes of this section, "levies upon taxable real property in such redevelopment project by taxing districts" shall not include the blind pension fund tax levied under the authority of article III, section 38(b) of the Missouri Constitution, or the merchants' and manufacturers' inventory replacement tax levied under the authority of subsection 2 of section 6 of article X of the Missouri Constitution, except in redevelopment project areas in which tax increment financing has been adopted by ordinance pursuant to a plan approved by vote of the governing body of the municipality taken after August 13, 1982, and before January 1, 1998.

2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after July 12, 1990, and prior to August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest imposed by the municipality, or other taxing districts, which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of

hotels and motels, taxes levied pursuant to section 70.500, licenses, fees or special assessments other than payments in lieu of taxes and any penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant to section 94.660, for the purpose of public transportation, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Any provision of an agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of other municipal revenues to the special allocation fund shall be and remain enforceable.

3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest which are imposed by the municipality or other taxing districts, and which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, taxes levied for the purpose of public transportation pursuant to section 94.660, **taxes imposed on sales pursuant to subsection 2 of section 67.1712 for the purpose of operating and maintaining a metropolitan park and recreation district,** licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, **[**or**]** any sales tax imposed by a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, for the purpose of sports stadium improvement or levied by such county under section 238.410 for the purpose of the county transit authority operating transportation facilities, **or for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 28, 2013, taxes imposed on sales pursuant to section 650.399 for the purpose of emergency communication systems,** shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund.

4. Beginning January 1, 1998, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance and which have complied with subsections 4 to 12 of this section, in addition to the payments in lieu of taxes and economic activity taxes described in subsections 1, 2 and 3 of this section, up to fifty percent of the new state revenues, as defined in subsection 8 of this section, estimated for the businesses within the project area and identified by the municipality in the application required by subsection 10 of this section, over and above the amount of such taxes reported by businesses within the project area as identified by the municipality in their application prior to the approval of the redevelopment project by ordinance, while tax increment financing remains in effect, may be available for appropriation by the general assembly as provided in subsection 10 of this section to the department of economic development supplemental tax increment financing fund, from the general revenue fund, for distribution to the treasurer or other designated financial officer of the municipality with approved plans or projects.

5. The treasurer or other designated financial officer of the municipality with approved plans or projects shall deposit such funds in a separate segregated account within the special allocation fund established pursuant to section 99.805.

6. No transfer from the general revenue fund to the Missouri supplemental tax increment financing fund shall be made unless an appropriation is made from the general revenue fund for that purpose. No municipality shall commit any state revenues prior to an appropriation being made for that project. For all redevelopment plans or projects adopted or approved after

December 23, 1997, appropriations from the new state revenues shall not be distributed from the Missouri supplemental tax increment financing fund into the special allocation fund unless the municipality's redevelopment plan ensures that one hundred percent of payments in lieu of taxes and fifty percent of economic activity taxes generated by the project shall be used for eligible redevelopment project costs while tax increment financing remains in effect. This account shall be separate from the account into which payments in lieu of taxes are deposited, and separate from the account into which economic activity taxes are deposited.

7. In order for the redevelopment plan or project to be eligible to receive the revenue described in subsection 4 of this section, the municipality shall comply with the requirements of subsection 10 of this section prior to the time the project or plan is adopted or approved by ordinance. The director of the department of economic development and the commissioner of the office of administration may waive the requirement that the municipality's application be submitted prior to the redevelopment plan's or project's adoption or the redevelopment plan's or project's approval by ordinance.

8. For purposes of this section, "new state revenues" means:

(1) The incremental increase in the general revenue portion of state sales tax revenues received pursuant to section 144.020, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law. In no event shall the incremental increase include any amounts attributable to retail sales unless the municipality or authority has proven to the Missouri development finance board and the department of economic development and such entities have made a finding that the sales tax increment attributable to retail sales is from new sources which did not exist in the state during the baseline year. The incremental increase in the general revenue portion of state sales tax revenues for an existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan as provided in subsection 10 of this section; or

(2) The state income tax withheld on behalf of new employees by the employer pursuant to section 143.221 at the business located within the project as identified by the municipality. The state income tax withholding allowed by this section shall be the municipality's estimate of the amount of state income tax withheld by the employer within the redevelopment area for new employees who fill new jobs directly created by the tax increment financing project.

9. Subsection 4 of this section shall apply only to blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256, blighted areas located in federal empowerment zones, or to blighted areas located in central business districts or urban core areas of cities which districts or urban core areas at the time of approval of the project by ordinance, provided that the enterprise zones, federal empowerment zones or blighted areas contained one or more buildings at least fifty years old; and

(1) Suffered from generally declining population or property taxes over the twenty-year period immediately preceding the area's designation as a project area by ordinance; or

(2) Was a historic hotel located in a county of the first classification without a charter form of government with a population according to the most recent federal decennial census in excess of one hundred fifty thousand and containing a portion of a city with a population according to the most recent federal decennial census in excess of three hundred fifty thousand.

10. The initial appropriation of up to fifty percent of the new state revenues authorized pursuant to subsections 4 and 5 of this section shall not be made to or distributed by the department of economic development to a municipality until all of the following conditions have been satisfied:

(1) The director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee have approved a tax increment financing application made by the municipality for the appropriation of the new state

revenues. The municipality shall include in the application the following items in addition to the items in section 99.810:

(a) The tax increment financing district or redevelopment area, including the businesses identified within the redevelopment area;

(b) The base year of state sales tax revenues or the base year of state income tax withheld on behalf of existing employees, reported by existing businesses within the project area prior to approval of the redevelopment project;

(c) The estimate of the incremental increase in the general revenue portion of state sales tax revenue or the estimate for the state income tax withheld by the employer on behalf of new employees expected to fill new jobs created within the redevelopment area after redevelopment;

(d) The official statement of any bond issue pursuant to this subsection after December 23, 1997;

(e) An affidavit that is signed by the developer or developers attesting that the provisions of subdivision (1) of subsection 1 of section 99.810 have been met and specifying that the redevelopment area would not be reasonably anticipated to be developed without the appropriation of the new state revenues;

(f) The cost-benefit analysis required by section 99.810 includes a study of the fiscal impact on the state of Missouri; and

(g) The statement of election between the use of the incremental increase of the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area;

(h) The name, street and mailing address, and phone number of the mayor or chief executive officer of the municipality;

(i) The street address of the development site;

(j) The three-digit North American Industry Classification System number or numbers characterizing the development project;

(k) The estimated development project costs;

(l) The anticipated sources of funds to pay such development project costs;

(m) Evidence of the commitments to finance such development project costs;

(n) The anticipated type and term of the sources of funds to pay such development project costs;

(o) The anticipated type and terms of the obligations to be issued;

(p) The most recent equalized assessed valuation of the property within the development project area;

(q) An estimate as to the equalized assessed valuation after the development project area is developed in accordance with a development plan;

(r) The general land uses to apply in the development area;

(s) The total number of individuals employed in the development area, broken down by full-time, part-time, and temporary positions;

(t) The total number of full-time equivalent positions in the development area;

(u) The current gross wages, state income tax withholdings, and federal income tax withholdings for individuals employed in the development area;

(v) The total number of individuals employed in this state by the corporate parent of any business benefitting from public expenditures in the development area, and all subsidiaries thereof, as of December thirty-first of the prior fiscal year, broken down by full-time, part-time, and temporary positions;

(w) The number of new jobs to be created by any business benefitting from public expenditures in the development area, broken down by full-time, part-time, and temporary positions;

(x) The average hourly wage to be paid to all current and new employees at the project site, broken down by full-time, part-time, and temporary positions;

(y) For project sites located in a metropolitan statistical area, as defined by the federal Office of Management and Budget, the average hourly wage paid to nonmanagerial employees in this state for the industries involved at the project, as established by the United States Bureau of Labor Statistics;

(z) For project sites located outside of metropolitan statistical areas, the average weekly wage paid to nonmanagerial employees in the county for industries involved at the project, as established by the United States Department of Commerce;

(aa) A list of other community and economic benefits to result from the project;

(bb) A list of all development subsidies that any business benefitting from public expenditures in the development area has previously received for the project, and the name of any other granting body from which such subsidies are sought;

(cc) A list of all other public investments made or to be made by this state or units of local government to support infrastructure or other needs generated by the project for which the funding pursuant to this section is being sought;

(dd) A statement as to whether the development project may reduce employment at any other site, within or without the state, resulting from automation, merger, acquisition, corporate restructuring, relocation, or other business activity;

(ee) A statement as to whether or not the project involves the relocation of work from another address and if so, the number of jobs to be relocated and the address from which they are to be relocated;

(ff) A list of competing businesses in the county containing the development area and in each contiguous county;

(gg) A market study for the development area;

(hh) A certification by the chief officer of the applicant as to the accuracy of the development plan;

(2) The methodologies used in the application for determining the base year and determining the estimate of the incremental increase in the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area shall be approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. Upon approval of the application, the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee shall issue a certificate of approval. The department of economic development may request the appropriation following application approval;

(3) The appropriation shall be either a portion of the estimate of the incremental increase in the general revenue portion of state sales tax revenues in the redevelopment area or a portion of the estimate of the state income tax withheld by the employer on behalf of new employees who fill new jobs created in the redevelopment area as indicated in the municipality's application, approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. At no time shall the annual amount of the new state revenues approved for disbursements from the Missouri supplemental tax increment financing fund exceed thirty-two million dollars;

(4) Redevelopment plans and projects receiving new state revenues shall have a duration of up to fifteen years, unless prior approval for a longer term is given by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee; except that, in no case shall the duration exceed twenty-three years.

11. In addition to the areas authorized in subsection 9 of this section, the funding authorized pursuant to subsection 4 of this section shall also be available in a federally approved levee district, where construction of a levee begins after December 23, 1997, and which is contained within a county of the first classification without a charter form of government with

a population between fifty thousand and one hundred thousand inhabitants which contains all or part of a city with a population in excess of four hundred thousand or more inhabitants.

12. There is hereby established within the state treasury a special fund to be known as the "Missouri Supplemental Tax Increment Financing Fund", to be administered by the department of economic development. The department shall annually distribute from the Missouri supplemental tax increment financing fund the amount of the new state revenues as appropriated as provided in the provisions of subsections 4 and 5 of this section if and only if the conditions of subsection 10 of this section are met. The fund shall also consist of any gifts, contributions, grants or bequests received from federal, private or other sources. Moneys in the Missouri supplemental tax increment financing fund shall be disbursed per project pursuant to state appropriations.

13. Redevelopment project costs may include, at the prerogative of the state, the portion of salaries and expenses of the department of economic development and the department of revenue reasonably allocable to each redevelopment project approved for disbursements from the Missouri supplemental tax increment financing fund for the ongoing administrative functions associated with such redevelopment project. Such amounts shall be recovered from new state revenues deposited into the Missouri supplemental tax increment financing fund created under this section.

14. For redevelopment plans or projects approved by ordinance that result in net new jobs from the relocation of a national headquarters from another state to the area of the redevelopment project, the economic activity taxes and new state tax revenues shall not be based on a calculation of the incremental increase in taxes as compared to the base year or prior calendar year for such redevelopment project, rather the incremental increase shall be the amount of total taxes generated from the net new jobs brought in by the national headquarters from another state. In no event shall this subsection be construed to allow a redevelopment project to receive an appropriation in excess of up to fifty percent of the new state revenues.

143.451. TAXABLE INCOME TO INCLUDE ALL INCOME WITHIN THIS STATE — DEFINITIONS — INTRASTATE BUSINESS, REPORT OF INCOME, WHEN — DEDUCTIONS, HOW APPORTIONED.. — 1. Missouri taxable income of a corporation shall include all income derived from sources within this state.

2. A corporation described in subdivision (1) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income from sources within this state, including that from the transaction of business in this state and that from the transaction of business partly done in this state and partly done in another state or states. However:

(1) Where income results from a transaction partially in this state and partially in another state or states, and income and deductions of the portion in the state cannot be segregated, then such portions of income and deductions shall be allocated in this state and the other state or states as will distribute to this state a portion based upon the portion of the transaction in this state and the portion in such other state or states.

(2) The taxpayer may elect to compute the portion of income from all sources in this state in the following manner**, or the manner set forth in subdivision (3) of this subsection**:

(a) The income from all sources shall be determined as provided, excluding therefrom the figures for the operation of any bridge connecting this state with another state.

(b) The amount of sales which are transactions wholly in this state shall be added to one-half of the amount of sales which are transactions partly within this state and partly without this state, and the amount thus obtained shall be divided by the total sales or in cases where sales do not express the volume of business, the amount of business transacted wholly in this state shall be added to one-half of the amount of business transacted partly in this state and partly outside this state and the amount thus obtained shall be divided by the total amount of business transacted, and the net income shall be multiplied by the fraction thus obtained, to determine the proportion of income to be used to arrive at the amount of Missouri taxable income. The

investment or reinvestment of its own funds, or sale of any such investment or reinvestment, shall not be considered as sales or other business transacted for the determination of said fraction.

[(3)**]** **(c)** For the purposes of this **[**section**]** **subdivision**, a transaction involving the sale of tangible property is:

[(a)**]** **a.** "Wholly in this state" if both the seller's shipping point and the purchaser's destination point are in this state;

[(b)**]** **b.** "Partly within this state and partly without this state" if the seller's shipping point is in this state and the purchaser's destination point is outside this state, or the seller's shipping point is outside this state and the purchaser's destination point is in this state;

[(c)**]** **c.** Not "wholly in this state" or not "partly within this state and partly without this state" only if both the seller's shipping point and the purchaser's destination point are outside this state**[**;**]** **.**

(d) For purposes of this subdivision**:**

a. The purchaser's destination point shall be determined without regard to the FOB point or other conditions of the sale**[**,**]** **;** and

b. The seller's shipping point is determined without regard to the location of the seller's principle office or place of business.

(3) The taxpayer may elect to compute the portion of income from all sources in this state in the following manner:

(a) The income from all sources shall be determined as provided, excluding therefrom the figures for the operation of any bridge connecting this state with another state;

(b) The amount of sales which are transactions in this state shall be divided by the total sales, and the net income shall be multiplied by the fraction thus obtained, to determine the proportion of income to be used to arrive at the amount of Missouri taxable income. The investment or reinvestment of its own funds, or sale of any such investment or reinvestment, shall not be considered as sales or other business transacted for the determination of said fraction;

(c) For the purposes of this subdivision, a transaction involving the sale of tangible property is:

a. "In this state" if the purchaser's destination point is in this state;

b. Not "in this state" if the purchaser's destination point is outside this state;

(d) For purposes of this subdivision, the purchaser's destination point shall be determined without regard to the FOB point or other conditions of the sale and shall not be in this state if the purchaser received the tangible personal property from the seller in this state for delivery to the purchaser's location outside this state.

(4) For purposes of this subsection, the following words shall, unless the context otherwise requires, have the following meaning:

(a) "Administration services" include, but are not limited to, clerical, fund or shareholder accounting, participant record keeping, transfer agency, bookkeeping, data processing, custodial, internal auditing, legal and tax services performed for an investment company;

(b) "Affiliate", the meaning as set forth in 15 U.S.C. Section 80a-2(a)(3)(c), as may be amended from time to time;

(c) "Distribution services" include, but are not limited to, the services of advertising, servicing, marketing, underwriting or selling shares of an investment company, but, in the case of advertising, servicing or marketing shares, only where such service is performed by a person who is, or in the case of a closed end company, was, either engaged in the services of underwriting or selling investment company shares or affiliated with a person that is engaged in the service of underwriting or selling investment company shares. In the case of an open end company, such service of underwriting or selling shares must be performed pursuant to a contract entered into pursuant to 15 U.S.C. Section 80a-15(b), as from time to time amended;

(d) "Investment company", any person registered under the federal Investment Company Act of 1940, as amended from time to time, (the act) or a company which would be required to register as an investment company under the act except that such person is exempt to such registration pursuant to Section 80a-3(c)(1) of the act;

(e) "Investment funds service corporation" includes any corporation or S corporation doing business in the state which derives more than fifty percent of its gross income in the ordinary course of business from the provision directly or indirectly of management, distribution or administration services to or on behalf of an investment company or from trustees, sponsors and participants of employee benefit plans which have accounts in an investment company. An investment funds service corporation shall include any corporation or S corporation providing management services as an investment advisory firm registered under Section 203 of the Investment Advisors Act of 1940, as amended from time to time, regardless of the percentage of gross revenues consisting of fees from management services provided to or on behalf of an investment company;

(f) "Management services" include but are not limited to, the rendering of investment advice directly or indirectly to an investment company making determinations as to when sales and purchases of securities are to be made on behalf of the investment company, or the selling or purchasing of securities constituting assets of an investment company, and related activities, but only where such activity or activities are performed:

a. Pursuant to a contract with the investment company entered into pursuant to 15 U.S.C. Section 80a-15(a), as from time to time amended;

b. For a person that has entered into such contract with the investment company; or

c. For a person that is affiliated with a person that has entered into such contract with an investment company;

(g) "Qualifying sales", gross income derived from the provision directly or indirectly of management, distribution or administration services to or on behalf of an investment company or from trustees, sponsors and participants of employee benefit plans which have accounts in an investment company. For purposes of this section, gross income is defined as that amount of income earned from qualifying sources without deduction of expenses related to the generation of such income;

(h) "Residence", presumptively the fund shareholder's mailing address on the records of the investment company. If, however, the investment company or the investment funds service corporation has actual knowledge that the fund shareholder's primary residence or principal place of business is different than the fund shareholder's mailing address such presumption shall not control. To the extent an investment funds service corporation does not have access to the records of the investment company, the investment funds service corporation may employ reasonable methods to determine the investment company fund shareholder's residence.

(5) Notwithstanding other provisions of law to the contrary, qualifying sales of an investment funds service corporation, or S corporation, shall be considered wholly in this state only to the extent that the fund shareholders of the investment companies, to which the investment funds service corporation, or S corporation, provide services, are residenced in this state. Wholly in this state qualifying sales of an investment funds service corporation, or S corporation, shall be determined as follows:

(a) By multiplying the investment funds service corporation's total dollar amount of qualifying sales from services provided to each investment company by a fraction, the numerator of which shall be the average of the number of shares owned by the investment company's fund shareholders residenced in this state at the beginning of and at the end of the investment company's taxable year that ends with or within the investment funds service corporation's taxable year, and the denominator of which shall be the average of the number of shares owned by the investment company's fund shareholders everywhere at the beginning of and at the end of the investment company's taxable year that ends with or within the investment funds service corporation's taxable year;

(b) A separate computation shall be made to determine the wholly in this state qualifying sales from each investment company. The qualifying sales for each investment company shall be multiplied by the respective percentage of each fund, as calculated pursuant to paragraph (a) of this subdivision. The product of this equation shall result in the wholly in this state qualifying sales. The qualifying sales for each investment company which are not wholly in this state will be considered wholly without this state;

(c) To the extent an investment funds service corporation has sales which are not qualifying sales, those nonqualified sales shall be apportioned to this state based on the methodology utilized by the investment funds service corporation without regard to this subdivision.

3. Any corporation described in subdivision (1) of subsection 1 of section 143.441 organized in this state or granted a permit to operate in this state for the transportation or care of passengers shall report its gross earnings within the state on intrastate business and shall also report its gross earnings on all interstate business done in this state which report shall be subject to inquiry for the purpose of determining the amount of income to be included in Missouri taxable income. The previous sentence shall not apply to a railroad.

4. A corporation described in subdivision (2) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income arising from all sources in this state and all income from each transportation service wholly within this state, from each service where the only lines of such corporation used are those in this state, and such proportion of revenue from each service where the facilities of such corporation in this state and in another state or states are used, as the mileage used over the lines of such corporation in the state shall bear to the total mileage used over the lines of such corporation. The taxpayer may elect to compute the portion of income from all sources within this state in the following manner:

(1) The income from all sources shall be determined as provided;

(2) The amount of investment of such corporation on December thirty-first of each year in this state in fixed transportation facilities, real estate and improvements, plus the value on December thirty-first of each year of any fixed transportation facilities, real estate and improvements in this state leased from any other railroad shall be divided by the sum of the total amount of investment of such corporation on December thirty-first of each year in fixed transportation facilities, real estate and improvements, plus the value on December thirty-first of each year, of any fixed transportation facilities, real estate and improvements leased from any other railroad. Where any fixed transportation facilities, real estate or improvements are leased by more than one railroad, such portion of the value shall be used by each railroad as the rental paid by each shall bear to the rental paid by all lessees. The income shall be multiplied by the fraction thus obtained to determine the proportion to be used to arrive at the amount of Missouri taxable income.

5. A corporation described in subdivision (3) of subsection 1 of section 143.441 shall include in its Missouri taxable income one-half of the net income from the operation of a bridge between this and another state. If any such bridge is owned or operated by a railroad corporation or corporations, or by a corporation owning a railroad corporation using such bridge, then the figures for operation of such bridge may be included in the return of such railroad or railroads; or if such bridge is owned or operated by any other corporation which may now or hereafter be required to file an income tax return, one-half of the income or loss to such corporation from such bridge may be included in such return by adding or subtracting same to or from another net income or loss shown by the return.

6. A corporation described in subdivision (4) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income arising from all sources within this state. Income shall include revenue from each telephonic or telegraphic service rendered wholly within this state; from each service rendered for which the only facilities of such corporation used are those in this state; and from each service rendered over the facilities of such corporation in this state and in other state or states, such proportion of such revenue as the

mileage involved in this state shall bear to the total mileage involved over the lines of said company in all states. The taxpayer may elect to compute the portion of income from all sources within this state in the following manner:

(1) The income from all sources shall be determined as provided;

(2) The amount of investment of such corporation on December thirty-first of each year in this state in telephonic or telegraphic facilities, real estate and improvements thereon, shall be divided by the amount of the total investment of such corporation on December thirty-first of each year in telephonic or telegraphic facilities, real estate and improvements. The income of the taxpayer shall be multiplied by fraction thus obtained to determine the proportion to be used to arrive at the amount of Missouri taxable income.

7. From the income determined in subsections 2, 3, 4, 5 and 6 of this section to be from all sources within this state shall be deducted such of the deductions for expenses in determining Missouri taxable income as were incurred in this state to produce such income and all losses actually sustained in this state in the business of the corporation.

8. If a corporation derives only part of its income from sources within Missouri, its Missouri taxable income shall only reflect the effect of the following listed deductions to the extent applicable to Missouri. The deductions are: (a) its deduction for federal income taxes pursuant to section 143.171, and (b) the effect on Missouri taxable income of the deduction for net operating loss allowed by Section 172 of the Internal Revenue Code. The extent applicable to Missouri shall be determined by multiplying the amount that would otherwise affect Missouri taxable income by the ratio for the year of the Missouri taxable income of the corporation for the year divided by the Missouri taxable income for the year as though the corporation had derived all of its income from sources within Missouri. For the purpose of the preceding sentence, Missouri taxable income shall not reflect the listed deductions.

9. Any investment funds service corporation organized as a corporation or S corporation which has any shareholders residenced in this state shall be subject to Missouri income tax as provided in this chapter.

Approved July 12, 2013

HB 133 [HB 133]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding the accreditation requirements for reinsurance companies and specifies when an insurance company can take credit or reduce liability due to reinsurance

AN ACT to repeal section 375.246, RSMo, and to enact in lieu thereof one new section relating to reinsurance, with an effective date.

SECTION

A. Enacting clause.
375.246. Reinsurance, when allowed as an asset or reduction from liability.
B. Delayed effective date.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Section 375.246, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 375.246, to read as follows:

375.246. REINSURANCE, WHEN ALLOWED AS AN ASSET OR REDUCTION FROM LIABILITY. — 1. Credit for reinsurance shall be allowed a domestic ceding insurer as either an asset or a reduction from liability on account of reinsurance ceded only when the reinsurer meets the requirements of subdivisions (1) to **[**(5)**] (6)** of this subsection. Credit shall be allowed pursuant to subdivision (1), (2) or (3) of this subsection only as respects cessions of those kinds or classes of business which the assuming insurer is licensed or otherwise permitted to write or assume in its state of domicile or, in the case of a United States branch of an alien assuming insurer, in the state through which it is entered and licensed to transact insurance or reinsurance. Credit shall be allowed pursuant to subdivision (3) **[**or**] ,** (4)**, or (5)** of this subsection only if the applicable requirements of subdivision **[**(6)**] (7)** have been satisfied.

(1) Credit shall be allowed when the reinsurance is ceded to an assuming insurer that is licensed to transact insurance in this state;

(2) Credit shall be allowed when the reinsurance is ceded to an assuming insurer that is accredited **by the director** as a reinsurer in this state. **[**An accredited reinsurer is one that**] In order to be eligible for accreditation, a reinsurer shall**:

(a) **[**Files**] File** with the director evidence of its submission to this state's jurisdiction;

(b) **[**Submits**] Submit** to the authority of the department of insurance, financial institutions and professional registration to examine its books and records;

(c) **[**Is**] Be** licensed to transact insurance or reinsurance in at least one state, or in the case of a United States branch of an alien assuming insurer is entered through and licensed to transact insurance or reinsurance in at least one state;

(d) **[**Files**] File** annually with the director a copy of its annual statement filed with the insurance department of its state of domicile and a copy of its most recent audited financial statement; and

(e) **[**Maintains a surplus as regards policyholders in an amount not less than twenty million dollars and whose accreditation has not been denied by the director within ninety days of its submission; or

(f) Maintains a surplus as regards policyholders in an amount less than twenty million dollars and whose accreditation has been approved by the director.

No credit shall be allowed a domestic ceding insurer if the assuming insurer's accreditation has been revoked by the director after notice and hearing**] Demonstrate to the satisfaction of the director that it has adequate financial capacity to meet its reinsurance obligations and is otherwise qualified to assume reinsurance from domestic insurers. An assuming insurer is deemed to meet such requirement as of the time of its application if it maintains a surplus regarding policyholders in an amount not less than twenty million dollars and its accreditation has not been denied by the director within ninety days after submission of its application**;

(3) Credit shall be allowed when the reinsurance is ceded to an assuming insurer that is domiciled in, or in the case of a United States branch of an alien assuming insurer is entered through, a state that employs standards regarding credit for reinsurance substantially similar to those applicable under this statute and the assuming insurer or United States branch of an alien assuming insurer:

(a) Maintains a surplus as regards policyholders in an amount not less than twenty million dollars; except that this paragraph does not apply to reinsurance ceded and assumed pursuant to pooling arrangements among insurers in the same holding company system; and

(b) Submits to the authority of the department of insurance, financial institutions and professional registration to examine its books and records;

(4) (a) Credit shall be allowed when the reinsurance is ceded to an assuming insurer that maintains a trust fund in a qualified United States financial institution, as defined in subdivision (2) of subsection 3 of this section, for the payment of the valid claims of its United States ceding insurers, their assigns and successors in interest. To enable the director to determine the

sufficiency of the trust fund, the assuming insurer shall report annually to the director information substantially the same as that required to be reported on the National Association of Insurance Commissioners' annual statement form by licensed insurers. The assuming insurer shall submit to examination of its books and records by the director.

(b) Credit for reinsurance shall not be granted pursuant to this subdivision unless the form of the trust and any amendments to the trust have been approved by:

a. The commissioner or director of the state agency regulating insurance in the state where the trust is domiciled; or

b. The commissioner or director of another state who, pursuant to the terms of the trust instrument, has accepted principal regulatory oversight of the trust.

(c) The form of the trust and any trust amendments shall also be filed with the commissioner or director in every state in which the ceding insurer beneficiaries of the trust are domiciled. The trust instrument shall provide that contested claims shall be valid and enforceable upon the final order of any court of competent jurisdiction in the United States. The trust shall vest legal title to its assets in its trustees for the benefit of the assuming insurer's United States ceding insurers, their assigns and successors in interest. The trust and the assuming insurer shall be subject to examination as determined by the director.

(d) The trust shall remain in effect for as long as the assuming insurer has outstanding obligations due under the reinsurance agreements subject to the trust. No later than February twenty-eighth of each year the trustees of the trust shall report to the director in writing the balance of the trust and listing the trust's investments at the preceding year end and shall certify the date of termination of the trust, if so planned, or certify that the trust will not expire prior to the next following December thirty-first.

(e) The following requirements apply to the following categories of assuming insurers:

a. The trust fund for a single assuming insurer shall consist of funds in trust in an amount not less than the assuming insurer's liabilities attributable to reinsurance ceded by the United States ceding insurers, and, in addition, the assuming insurer shall maintain a trusteed surplus of not less than twenty million dollars**, except as provided in subparagraph b. of this paragraph**;

b. **At any time after the assuming insurer has permanently discontinued underwriting new business secured by the trust for at least three full years, the director with principal regulator oversight of the trust may authorize a reduction in the required trusteed surplus, but only after a finding based on an assessment of risk that the new required surplus level is adequate for the protection of United States ceding insurers, policyholders, and claimants in light of reasonably foreseeable adverse loss development. The risk assessment may involve an actuarial review, including an independent analysis of reserves and cash flows, and shall consider all material risk factors, including when applicable, the lines of business involved, the stability of the incurred loss estimates, and the effect of the surplus requirements on the assuming insurer's liquidity or solvency. The minimum required trusteed surplus shall not be reduced to an amount less than thirty percent of the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers covered by the trust;**

c. In the case of a group of incorporated and individual unincorporated underwriters:

(i) For reinsurance ceded under reinsurance agreements with an inception, amendment or renewal date on or after **[**August 1, 1995**]** **January 1, 1993**, the trust shall consist of a trusteed account in an amount not less than the **[**group's**]** **respective underwriter's** several liabilities attributable to business ceded by United States domiciled ceding insurers to any **[**member**]** **underwriter** of the group;

(ii) For reinsurance ceded under reinsurance agreements with an inception date on or before **[**July 31, 1995**]** **December 31, 1992**, and not amended or renewed after that date, notwithstanding the other provisions of this section, the trust shall consist of a trustee account in

an amount not less than the **[**group's**]** **respective underwriter's** several insurance and reinsurance liabilities attributable to business in the United States; and

(iii) In addition to these trusts, the group shall maintain in trust a trusteed surplus of which one hundred million dollars shall be held jointly for the benefit of the United States domiciled ceding insurers of any member of the group for all years of account;

[c.**]** **d.** The incorporated members of the group shall not be engaged in any business other than underwriting as a member of the group and shall be subject to the same level of regulation and solvency control by the group's domiciliary regulator as are the unincorporated members;

[d.**]** **e.** Within ninety days after its financial statements are due to be filed with the group's domiciliary regulator, the group shall provide to the director an annual certification by the group's domiciliary regulator of the solvency of each underwriter member; or if a certification is unavailable, financial statements, prepared by independent public accountants, of each underwriter member of the group;

(5) **(a) Credit shall be allowed when the reinsurance is ceded to an assuming insurer that has been certified by the director as a reinsurer in this state and secures its obligations in accordance with the requirements of this subdivision.**

(b) In order to be eligible for certification, the assuming insurer shall meet the following requirements:

a. The assuming insurer shall be domiciled and licensed to transact insurance or reinsurance in a qualified jurisdiction, as determined by the director under paragraph (d) of this subdivision;

b. The assuming insurer shall maintain minimum capital and surplus, or its equivalent, in an amount to be determined by the director by rule;

c. The assuming insurer shall maintain financial strength ratings from two or more rating agencies deemed acceptable by the director by rule;

d. The assuming insurer shall agree to submit to the jurisdiction of this state, appoint the director as its agent for service of process in this state, and agree to provide security for one hundred percent of the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers if it resists enforcement of a final United States judgment;

e. The assuming insurer shall agree to meet applicable information filing requirements as determined by the director, both with respect to an initial application for certification and on an ongoing basis; and

f. The assuming insurer shall satisfy any other requirements for certification deemed relevant by the director.

(c) An association including incorporated and individual unincorporated underwriters may be a certified reinsurer. To be eligible for certification, in addition to satisfying requirements of paragraph (b) of this subdivision:

a. The association shall satisfy its minimum capital and surplus requirements through the capital and surplus equivalents (net of liabilities) of the association and its members, which shall include a joint central fund that may be applied to any unsatisfied obligation of the association or any of its members, in an amount determined by the director to provide adequate protection;

b. The incorporated members of the association shall not be engaged in any business other than underwriting as a member of the association and shall be subject to the same level of regulation and solvency control by the association's domiciliary regulator as are the unincorporated members; and

c. Within ninety days after its financial statements are due to be filed with the association's domiciliary regulator, the association shall provide to the director:

(i) An annual certification by the association's domiciliary regulator of the solvency of each underwriter member; or

(ii) If a certification is unavailable, financial statements prepared by independent public accountants of each underwriter member of the association.

(d) a. The director shall create and publish a list of qualified jurisdictions, under which an assuming insurer licensed and domiciled in such jurisdiction is eligible to be considered for certification by the director as a certified reinsurer.

b. To determine whether the domiciliary jurisdiction of a non-United States assuming insurer is eligible to be recognized as a qualified jurisdiction, the director shall evaluate the appropriateness and effectiveness of the reinsurance supervisory system of the jurisdiction, both initially and on an ongoing basis, and consider the rights, benefits, and extent of reciprocal recognition afforded by the non-United States jurisdiction to reinsurers licensed and domiciled in the United States. A qualified jurisdiction shall agree to share information and cooperate with the director with respect to all certified reinsurers domiciled within that jurisdiction. A jurisdiction shall not be recognized as a qualified jurisdiction if the director has determined that the jurisdiction does not adequately and promptly enforce final United States judgments and arbitration awards. Additional factors may be considered at the discretion of the director.

c. The director may consider a list of qualified jurisdictions published by the National Association of Insurance Commissioners (NAIC) in determining qualified jurisdictions for the purposes of this section. If the director approves a jurisdiction as qualified that does not appear on the list of qualified jurisdictions, the director shall provide thoroughly documented justification in accordance with criteria to be developed by rule.

d. United States jurisdictions that meet the requirement for accreditation under the NAIC financial standards and accreditation program shall be recognized as qualified jurisdictions.

e. If a certified reinsurer's domiciliary jurisdiction ceases to be a qualified jurisdiction, the director has the discretion to suspend the reinsurer's certification indefinitely, in lieu of revocation.

(e) The director shall assign a rating to each certified reinsurer, giving due consideration to the financial strength ratings that have been assigned by rating agencies deemed acceptable to the director by rule. The director shall publish a list of all certified reinsurers and their ratings.

(f) a. A certified reinsurer shall secure obligations assumed from United States ceding insurers under this subdivision at a level consistent with its rating, as specified in regulations promulgated by the director.

b. For a domestic ceding insurer to qualify for full financial statement credit for reinsurance ceded to a certified reinsurer, the certified reinsurer shall maintain security in a form acceptable to the director and consistent with the provisions of this section or in a multibeneficiary trust in accordance with paragraph (e) of subdivision (4) of this subsection, except as otherwise provided in this subdivision.

c. If a certified reinsurer maintains a trust to fully secure its obligations under paragraph (d) of subdivision (4) of this subsection and chooses to secure its obligations incurred as a certified reinsurer in the form of a multibeneficiary trust, the certified reinsurer shall maintain separate trust accounts for its obligations incurred under reinsurance agreements issued or renewed as a certified reinsurer with reduced security as permitted by this subsection or comparable laws of other United States jurisdictions and for its obligations subject to paragraph (e) of subdivision (4) of this subsection. It shall be a condition to the grant of certification under this section that the certified reinsurer shall have bound itself, by the language of the trust and agreement with the director with principal regulatory oversight of each such trust account, to fund, upon termination of any such trust account, out of the remaining surplus of such trust any deficiency of any other such trust account.

d. The minimum trusteed surplus requirements provided in paragraph (e) of subdivision (4) of this subsection are not applicable with respect to a multibeneficiary trust maintained by a certified reinsurer for the purpose of securing obligations incurred under this paragraph, except that such trust shall maintain a minimum trusteed surplus of ten million dollars.

e. With respect to obligations incurred by a certified reinsurer under this paragraph, if the security is insufficient, the director shall order the certified reinsurer to provide sufficient security for such incurred obligations within thirty days. If a certified reinsurer does not provide sufficient security for its obligations incurred under this subsection within thirty days of being ordered to do so by the director, the director has the discretion to allow credit in the amount of the required security for one year. Following this one-year period, the director shall impose reductions in allowable credit upon finding that there is a material risk that the certified reinsurer's obligations will not be paid in full when due.

f. (i) For purposes of this paragraph, a certified reinsurer whose certification has been terminated for any reason shall be treated as a certified reinsurer required to secure one hundred percent of its obligations.

(ii) As used in this subparagraph, the term "terminated" refers to revocation, suspension, voluntary surrender, and inactive status.

(iii) If the director continues to assign a higher rating as permitted by other provisions of this subdivision, this requirement does not apply to a certified reinsurer in inactive status or to a reinsurer whose certification has been suspended.

g. If an applicant for certification has been certified as a reinsurer in an NAIC-accredited jurisdiction, the director has the discretion to defer to that jurisdiction's certification and to the rating assigned by that jurisdiction, and such assuming insurer shall be considered to be a certified reinsurer in this state.

h. A certified reinsurer that ceases to assume new business in this state may request to maintain its certification in inactive status in order to continue to qualify for a reduction in security for its in-force business. An inactive certified reinsurer shall continue to comply with all applicable requirements of this subsection, and the director shall assign a rating that takes into account, if relevant, the reasons why the reinsurer is not assuming new business.

(6) Credit:

(a) shall be allowed when the reinsurance is ceded to an assuming insurer not meeting the requirements of subdivision (1), (2), (3) **[**or**] ,** (4)**, or (5)** of this subsection, but only as to the insurance of risks located in a jurisdiction of the United States where the reinsurance is required by applicable law or regulation of that jurisdiction;

(b) May be allowed in the discretion of the director when the reinsurance is ceded to an assuming insurer not meeting the requirements of subdivision (1), (2), (3) **[**or**] ,** (4)**, or (5)** of this subsection, but only as to the insurance of risks located in a foreign country where the reinsurance is required by applicable law or regulation of that country;

[(6)**] (7)** If the assuming insurer is not licensed **[**or**] ,** accredited**, or certified** to transact insurance or reinsurance in this state, the credit permitted by subdivisions (3) and (4) of this subsection shall not be allowed unless the assuming insurer agrees in the reinsurance agreements:

(a) That in the event of the failure of the assuming insurer to perform its obligations under the terms of the reinsurance agreement, the assuming insurer, at the request of the ceding insurer shall submit to the jurisdiction of the courts of this state, will comply with all requirements necessary to give such courts jurisdiction, and will abide by the final decisions of such courts or of any appellate courts in this state in the event of an appeal; and

(b) To designate the director or a designated attorney as its true and lawful attorney upon whom may be served any lawful process in any action, suit or proceeding instituted by or on

behalf of the ceding **[**company**]** **insurer**. This paragraph is not intended to conflict with or override the obligation of the parties to a reinsurance agreement to arbitrate their disputes, if this obligation is created in the agreement and the jurisdiction and situs of the arbitration is, with respect to any receivership of the ceding company, any jurisdiction of the United States;

[(7)**]** **(8)** If the assuming insurer does not meet the requirements of subdivision (1), (2) or (3) of this subsection, the credit permitted by subdivision (4) **or (5)** of this subsection shall not be allowed unless the assuming insurer agrees in the trust agreements to the following conditions:

(a) Notwithstanding any other provisions in the trust instrument, if the trust fund is inadequate because it contains an amount less than the amount required by paragraph (e) of subdivision (4) of this subsection, or if the grantor of the trust has been declared insolvent or placed into receivership, rehabilitation, liquidation or similar proceedings under the laws of its state or country of domicile, the trustee shall comply with an order of the commissioner or director with regulatory oversight over the trust or with an order of a court of competent jurisdiction directing the trustee to transfer to the commissioner or director with regulatory oversight all of the assets of the trust fund;

(b) The assets shall be distributed by and claims shall be filed with and valued by the commissioner or director with regulatory oversight in accordance with the laws of the state in which the trust is domiciled that are applicable to the liquidation of domestic insurance companies;

(c) If the commissioner or director with regulatory oversight determines that the assets of the trust fund or any part thereof are not necessary to satisfy the claims of the United States ceding insurers of the grantor of the trust, the assets or part thereof shall be returned by the commissioner or director with regulatory oversight to the trustee for distribution in accordance with the trust agreement; and

(d) The grantor shall waive any right otherwise available to it under United States law that is inconsistent with this subsection.

(9) (a) If an accredited or certified reinsurer ceases to meet the requirements for accreditation or certification, the director may suspend or revoke the reinsurer's accreditation or certification.

(b) The director shall give the reinsurer notice and opportunity for a hearing. The suspension or revocation shall not take effect until after the director's order on hearing, unless:

a. The reinsurer waives its right to hearing;

b. The director's order is based on regulatory action by the reinsurer's domiciliary jurisdiction or the voluntary surrender or termination of the reinsurer's eligibility to transact insurance or reinsurance business in its domiciliary jurisdiction or in the primary certifying state of the reinsurer under subdivision (6) of this subsection; or

c. The director finds that an emergency requires immediate action, and a court of competent jurisdiction has not stayed the commissioner's action.

(c) While a reinsurer's accreditation or certification is suspended, no reinsurance contract issued or renewed after the effective date of the suspension qualifies for credit except to the extent that the reinsurer's obligations under the contract are secured in accordance with subdivision (5) of this subsection or subsection 2 of this section. If a reinsurer's accreditation or certification is revoked, no credit for reinsurance shall be granted after the effective date of the revocation except to the extent that the reinsurer's obligations under the contract are secured in accordance with subdivision (5) of this subsection or subsection 2 of this section.

(10) (a) A ceding insurer shall take steps to manage its reinsurance recoverables proportionate to its own book of business. A domestic ceding insurer shall notify the director within thirty days after reinsurance recoverables from any single assuming insurer or group of affiliated assuming insurers exceeds fifty percent of the domestic

ceding insurer's last reported surplus to policyholders or after it is determined that reinsurance recoverables from any single assuming insurer or group of affiliated assuming insurers is likely to exceed such limit. The notification shall demonstrate that the exposure is safely managed by the domestic ceding insurer.

(b) A ceding insurer shall take steps to diversify its reinsurance program. A domestic ceding insurer shall notify the director within thirty days after ceding to any single assuming insurer or group of affiliated assuming insurers more than twenty percent of the ceding insurer's gross written premium in the prior calendar year or after it has determined that the reinsurance ceded to any single assuming insurer or group of affiliated assuming insurers is likely to exceed such limit. The notification shall demonstrate that the exposure is safely managed by the domestic ceding insurer.

2. An asset or reduction from liability for the reinsurance ceded by a domestic insurer to an assuming insurer not meeting the requirements of subsection 1 of this section shall be allowed in an amount not exceeding the liabilities carried by the ceding insurer. The reduction shall be in the amount of funds held by or on behalf of the ceding insurer, including funds held in trust for the ceding insurer, under a reinsurance contract with the assuming insurer as security for the payment of obligations thereunder, if the security is held in the United States subject to withdrawal solely by, and under the exclusive control of, the ceding insurer; or, in the case of a trust, held in a qualified United States financial institution, as defined in subdivision (2) of subsection 3 of this section. This security may be in the form of:

(1) Cash;

(2) Securities listed by the securities valuation office of the National Association of Insurance Commissioners**, including those deemed exempt from filing as defined by the Purposes and Procedures Manual of the Securities Valuation Office,** and qualifying as admitted assets;

(3) (a) Clean, irrevocable, unconditional letters of credit**[**, as defined in subdivision (1) of subsection 3 of this section,**]** issued or confirmed by a qualified United States financial institution**, as defined in subdivision (1) of subsection 3 of this section,** no later than December thirty-first of the year for which filing is being made, and in the possession of, or in trust for, the ceding **[**company**]** **insurer** on or before the filing date of its annual statement.

(b) Letters of credit meeting applicable standards of issuer acceptability as of the dates of their issuance or confirmation, notwithstanding the issuing or confirming institution's subsequent failure to meet applicable standards of issuer acceptability, shall continue to be acceptable as security until their expiration, extension, renewal, modification or amendment, whichever first occurs;

(4) Any other form of security acceptable to the director.

3. (1) For purposes of subdivision (3) of subsection 2 of this section, a "qualified United States financial institution" means an institution that:

(a) Is organized or, in the case of a United States office of a foreign banking organization, licensed under the laws of the United States or any state thereof;

(b) Is regulated, supervised and examined by federal or state authorities having regulatory authority over banks and trust companies; and

(c) Has been determined by either the director, or the securities valuation office of the National Association of Insurance Commissioners, to meet such standards of financial condition and standing as are considered necessary and appropriate to regulate the quality of financial institutions whose letters of credit will be acceptable to the director.

(2) A "qualified United States financial institution" means, for purposes of those provisions of this law specifying those institutions that are eligible to act as a fiduciary of a trust, an institution that:

(a) Is organized, or in the case of a United States branch or agency office of a foreign banking organization, licensed under the laws of the United States or any state thereof and has been granted authority to operate with fiduciary powers; and

(b) Is regulated, supervised and examined by federal or state authorities having regulatory authority over banks and trust companies.

4. The director may adopt rules and regulations implementing the provisions of this section.

5. (1) The director shall disallow any credit as an asset or as a deduction from liability for any reinsurance found by him to have been arranged for the purpose principally of deception as to the ceding company's financial condition as of the date of any financial statement of the company. Without limiting the general purport of this provision, reinsurance of any substantial part of the company's outstanding risks contracted for in fact within four months prior to the date of any such financial statement and canceled in fact within four months after the date of such statement, or reinsurance under which the assuming insurer bears no substantial insurance risk or substantial risk of net loss to itself, shall prima facie be deemed to have been arranged for the purpose principally of deception within the intent of this provision.

(2) (a) The director shall also disallow as an asset or deduction from liability to any ceding insurer any credit for reinsurance unless the reinsurance is payable to the ceding company, and if it be insolvent to its receiver, by the assuming insurer on the basis of the liability of the ceding company under the contracts reinsured without diminution because of the insolvency of the ceding company.

(b) Such payments shall be made directly to the ceding insurer or to its domiciliary liquidator except:

a. Where the contract of insurance or reinsurance specifically provides for payment to the named insured, assignee or named beneficiary of the policy issued by the ceding insurer in the event of the insolvency of the ceding insurer; or

b. Where the assuming insurer, with the consent of it and the direct insured or insureds in an assumption reinsurance transaction subject to sections 375.1280 to 375.1295, has assumed such policy obligations of the ceding insurer as direct obligations of the assuming insurer to the payees under such policies and in substitution for the obligations of the ceding insurer to such payees.

(c) Notwithstanding paragraphs (a) and (b) of this subdivision, in the event that a life and health insurance guaranty association has made the election to succeed to the rights and obligations of the insolvent insurer under the contract of reinsurance, then the reinsurer's liability to pay covered reinsured claims shall continue under the contract of reinsurance, subject to the payment to the reinsurer of the reinsurance premiums for such coverage. Payment for such reinsured claims shall only be made by the reinsurer pursuant to the direction of the guaranty association or its designated successor. Any payment made at the direction of the guaranty association or its designated successor by the reinsurer will discharge the reinsurer of all further liability to any other party for such claim payment.

(d) The reinsurance agreement may provide that the domiciliary liquidator of an insolvent ceding insurer shall give written notice to the assuming insurer of the pendency of a claim against such ceding insurer on the contract reinsured within a reasonable time after such claim is filed in the liquidation proceeding. During the pendency of such claim, any assuming insurer may investigate such claim and interpose, at its own expense, in the proceeding where such claim is to be adjudicated any defenses which it deems available to the ceding insurer, or its liquidator. Such expense may be filed as a claim against the insolvent ceding insurer to the extent of a proportionate share of the benefit which may accrue to the ceding insurer solely as a result of the defense undertaken by the assuming insurer. Where two or more assuming insurers are involved in the same claim and a majority in interest elect to interpose a defense to such claim, the expense shall be apportioned in accordance with the terms of the reinsurance agreement as though such expense had been incurred by the ceding insurer.

6. To the extent that any reinsurer of an insurance company in liquidation would have been required under any agreement pertaining to reinsurance to post letters of credit or other security prior to an order of liquidation to cover such reserves reflected upon the last financial

statement filed with a regulatory authority immediately prior to receivership, such reinsurer shall be required to post letters of credit or other security to cover reserves after a company has been placed in liquidation or receivership. If a reinsurer shall fail to post letters of credit or other security as required by a reinsurance agreement or the provisions of this subsection, the director may consider disallowing as a credit or asset, in whole or in part, any future reinsurance ceded to such reinsurer by a ceding insurance company that is incorporated under the laws of the state of Missouri.

7. The provisions of section 375.420 shall not apply to any action, suit or proceeding by a ceding insurer against an assuming insurer arising out of a contract of reinsurance effectuated in accordance with the laws of Missouri.

[8. The provisions of this section shall become effective on January 1, 2003, and shall be applicable to the financial statements of a reinsurer as of December 31, 2002.**]**

8. Notwithstanding any other provision of this section, a domestic insurer may take credit for reinsurance ceded either as an asset or a reduction from liability only to the extent such credit is allowed by the consistent application of either applicable statutory accounting principles adopted by the NAIC or other accounting principles approved by the director.

9. The director may suspend the accreditation, approval, or certification under subsection 1 of this section of any reinsurer for failure to comply with the applicable requirements of subsection 1 of this section after providing the affected reinsurer with notice and opportunity for hearing.

SECTION B. DELAYED EFFECTIVE DATE. — The provisions of Section A of this act shall become effective on January 1, 2014.

Approved June 12, 2013

HB 142 [SS SCS HB 142]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding utilities

AN ACT to repeal sections 137.100, 386.370, 393.190, 393.320, 393.760, 393.1030, and 393.1075, RSMo, and to enact in lieu thereof seven new sections relating to utilities, with a penalty provision.

SECTION

A. Enacting clause.
137.100. Certain property exempt from taxes.
386.370. Estimate of expenses — assessments against utilities — public service commission fund.
393.190. Transfer of franchise or property to be approved, procedure — impact of transfer on local tax revenues, information on to be furnished, to whom, procedure.
393.320. Acquisition of small water utilities, establishment of ratemaking rate base, procedure.
393.760. Election on issuance of bonds — required actions — notice — conduct of election — form of ballot — alternative voting procedures.
393.1030. Electric utilities, portfolio requirements — tracking requirements — rebate offers — certification of electricity generated — rulemaking authority.
393.1075. Citation of law — definitions — policy to value demand-side investments equal to traditional investments — development of cost recovery mechanisms — costs not to be assigned to customers, when — rulemaking authority — annual report — certain charges to appear on bill.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 137.100, 386.370, 393.190, 393.320, 393.760, 393.1030, and 393.1075, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 137.100, 386.370, 393.190, 393.320, 393.760, 393.1030, and 393.1075, to read as follows:

137.100. CERTAIN PROPERTY EXEMPT FROM TAXES. — The following subjects are exempt from taxation for state, county or local purposes:

(1) Lands and other property belonging to this state;

(2) Lands and other property belonging to any city, county or other political subdivision in this state, including market houses, town halls and other public structures, with their furniture and equipments, and on public squares and lots kept open for health, use or ornament;

(3) Nonprofit cemeteries;

(4) The real estate and tangible personal property which is used exclusively for agricultural or horticultural societies organized in this state, including not-for-profit agribusiness associations;

(5) All property, real and personal, actually and regularly used exclusively for religious worship, for schools and colleges, or for purposes purely charitable and not held for private or corporate profit, except that the exemption herein granted does not include real property not actually used or occupied for the purpose of the organization but held or used as investment even though the income or rentals received therefrom is used wholly for religious, educational or charitable purposes;

(6) Household goods, furniture, wearing apparel and articles of personal use and adornment, as defined by the state tax commission, owned and used by a person in his home or dwelling place;

(7) Motor vehicles leased for a period of at least one year to this state or to any city, county, or political subdivision or to any religious, educational, or charitable organization which has obtained an exemption from the payment of federal income taxes, provided the motor vehicles are used exclusively for religious, educational, or charitable purposes;

(8) Real or personal property leased or otherwise transferred by an interstate compact agency created pursuant to sections 70.370 to 70.430 or sections 238.010 to 238.100 to another for which or whom such property is not exempt when immediately after the lease or transfer, the interstate compact agency enters into a leaseback or other agreement that directly or indirectly gives such interstate compact agency a right to use, control, and possess the property; provided, however, that in the event of a conveyance of such property, the interstate compact agency must retain an option to purchase the property at a future date or, within the limitations period for reverters, the property must revert back to the interstate compact agency. Property will no longer be exempt under this subdivision in the event of a conveyance as of the date, if any, when:

(a) The right of the interstate compact agency to use, control, and possess the property is terminated;

(b) The interstate compact agency no longer has an option to purchase or otherwise acquire the property; and

(c) There are no provisions for reverter of the property within the limitation period for reverters;

(9) All property, real and personal, belonging to veterans' organizations. As used in this section, "veterans' organization" means any organization of veterans with a congressional charter, that is incorporated in this state, and that is exempt from taxation under section 501(c)(19) of the Internal Revenue Code of 1986, as amended**;**

(10) Solar energy systems not held for resale.

386.370. ESTIMATE OF EXPENSES — ASSESSMENTS AGAINST UTILITIES — PUBLIC SERVICE COMMISSION FUND. — 1. The commission shall, prior to the beginning of each fiscal year beginning with the fiscal year commencing on July 1, 1947, make an estimate of the

expenses to be incurred by it during such fiscal year reasonably attributable to the regulation of public utilities as provided in chapters 386, 392 and 393 and shall also separately estimate the amount of such expenses directly attributable to such regulation of each of the following groups of public utilities: Electrical corporations, gas corporations, water corporations, heating companies and telephone corporations, telegraph corporations, sewer corporations, and any other public utility as defined in section 386.020, as well as the amount of such expenses not directly attributable to any such group. **For purposes of this section, water corporations and sewer corporations will be combined and considered one group of public utilities.**

2. The commission shall allocate to each such group of public utilities the estimated expenses directly attributable to the regulation of such group and an amount equal to such proportion of the estimated expenses not directly attributable to any group as the gross intrastate operating revenues of such group during the preceding calendar year bears to the total gross intrastate operating revenues of all public utilities subject to the jurisdiction of the commission, as aforesaid, during such calendar year. The commission shall then assess the amount so allocated to each group of public utilities, subject to reduction as herein provided, to the public utilities in such group in proportion to their respective gross intrastate operating revenues during the preceding calendar year, except that the total amount so assessed to all such public utilities shall not exceed one-fourth of one percent of the total gross intrastate operating revenues of all utilities subject to the jurisdiction of the commission.

3. The commission shall render a statement of such assessment to each such public utility on or before July first and the amount so assessed to each such public utility shall be paid by it to the director of revenue in full on or before July fifteenth next following the rendition of such statement, except that any such public utility may at its election pay such assessment in four equal installments not later than the following dates next following the rendition of said statement, to wit: July fifteenth, October fifteenth, January fifteenth and April fifteenth. The director of revenue shall remit such payments to the state treasurer.

4. The state treasurer shall credit such payments to a special fund, which is hereby created, to be known as "The Public Service Commission Fund", which fund, or its successor fund created pursuant to section 33.571, shall be devoted solely to the payment of expenditures actually incurred by the commission and attributable to the regulation of such public utilities subject to the jurisdiction of the commission, as aforesaid. Any amount remaining in such special fund or its successor fund at the end of any fiscal year shall not revert to the general revenue fund, but shall be applicable by appropriation of the general assembly to the payment of such expenditures of the commission in the succeeding fiscal year and shall be applied by the commission to the reduction of the amount to be assessed to such public utilities in such succeeding fiscal year, such reduction to be allocated to each group of public utilities in proportion to the respective gross intrastate operating revenues of the respective groups during the preceding calendar year.

5. In order to enable the commission to make the allocations and assessments herein provided for, each public utility subject to the jurisdiction of the commission as aforesaid shall file with the commission, within ten days after August 28, 1996, and thereafter on or before March thirty-first of each year, a statement under oath showing its gross intrastate operating revenues for the preceding calendar year, and if any public utility shall fail to file such statement within the time aforesaid the commission shall estimate such revenue which estimate shall be binding on such public utility for the purpose of this section.

393.190. TRANSFER OF FRANCHISE OR PROPERTY TO BE APPROVED, PROCEDURE — IMPACT OF TRANSFER ON LOCAL TAX REVENUES, INFORMATION ON TO BE FURNISHED, TO WHOM, PROCEDURE. — 1. No gas corporation, electrical corporation, water corporation or sewer corporation shall hereafter sell, assign, lease, transfer, mortgage or otherwise dispose of or encumber the whole or any part of its franchise, works or system, necessary or useful in the performance of its duties to the public, nor by any means, direct or indirect, merge or

consolidate such works or system, or franchises, or any part thereof, with any other corporation, person or public utility, without having first secured from the commission an order authorizing it so to do. Every such sale, assignment, lease, transfer, mortgage, disposition, encumbrance, merger or consolidation made other than in accordance with the order of the commission authorizing same shall be void. The permission and approval of the commission to the exercise of a franchise or permit under this chapter, or the sale, assignment, lease, transfer, mortgage or other disposition or encumbrance of a franchise or permit under this section shall not be construed to revive or validate any lapsed or invalid franchise or permit, or to enlarge or add to the powers or privileges contained in the grant of any franchise or permit, or to waive any forfeiture. Any person seeking any order under this subsection authorizing the sale, assignment, lease, transfer, merger, consolidation or other disposition, direct or indirect, of any gas corporation, electrical corporation, water corporation, or sewer corporation, shall, at the time of application for any such order, file with the commission a statement, in such form, manner and detail as the commission shall require, as to what, if any, impact such sale, assignment, lease, transfer, merger, consolidation, or other disposition will have on the tax revenues of the political subdivisions in which any structures, facilities or equipment of the corporations involved in such disposition are located. The commission shall send a copy of all information obtained by it as to what, if any, impact such sale, assignment, lease, transfer, merger, consolidation or other disposition will have on the tax revenues of various political subdivisions to the county clerk of each county in which any portion of a political subdivision which will be affected by such disposition is located. Nothing in this subsection contained shall be construed to prevent the sale, assignment, lease or other disposition by any corporation, person or public utility of a class designated in this subsection of property which is not necessary or useful in the performance of its duties to the public, and any sale of its property by such corporation, person or public utility shall be conclusively presumed to have been of property which is not useful or necessary in the performance of its duties to the public, as to any purchaser of such property in good faith for value.

2. No such corporation shall directly or indirectly acquire the stock or bonds of any other corporation incorporated for, or engaged in, the same or a similar business, or proposing to operate or operating under a franchise from the same or any other municipality; neither shall any street railroad corporation acquire the stock or bonds of any electrical corporation, unless, in either case, authorized so to do by the commission. Save where stock shall be transferred or held for the purpose of collateral security, no stock corporation of any description, domestic or foreign, other than a gas corporation, electrical corporation, water corporation, sewer corporation or street railroad corporation, shall, without the consent of the commission, purchase or acquire, take or hold, more than ten percent of the total capital stock issued by any gas corporation, electrical corporation, water corporation or sewer corporation organized or existing under or by virtue of the laws of this state, except that a corporation now lawfully holding a majority of the capital stock of any gas corporation, electrical corporation, water corporation or sewer corporation may, with the consent of the commission, acquire and hold the remainder of the capital stock of such gas corporation, electrical corporation, water corporation or sewer corporation, or any portion thereof.

3. **No person, public utility, or other corporation shall purchase or acquire, take, or hold fifty percent or more of the total capital stock issued by any sewer or water corporation that regularly provides service to eight thousand or fewer customers without notifying the commission within thirty days of said acquisition.**

4. Notwithstanding subsection 3 of this section, any sewer or water corporation that regularly provides service to eight thousand or fewer customers that is delinquent in filing its public service commission annual report or is six months or more delinquent in paying its public service commission assessment or is in violation of any other public service commission or Missouri department of natural resources rules or regulations shall not sell

or transfer fifty percent or more of its total capital stock issued without the consent of the commission.

5. Nothing herein contained shall be construed to prevent the holding of stock heretofore lawfully acquired, or to prevent upon the surrender or exchange of said stock pursuant to a reorganization plan, the purchase, acquisition, taking or holding of a proportionate amount of stock of any new corporation organized to take over, at foreclosure or other sale, the property of any corporation whose stock has been thus surrendered or exchanged. Every contract, assignment, transfer or agreement for transfer of any stock by or through any person or corporation to any corporation in violation of any provision of this chapter shall be void and of no effect, and no such transfer or assignment shall be made upon the books of any such gas corporation, electrical corporation, water corporation or sewer corporation or shall be recognized as effective for any purpose.

393.320. ACQUISITION OF SMALL WATER UTILITIES, ESTABLISHMENT OF RATEMAKING RATE BASE, PROCEDURE. — 1. As used in this section, the following terms mean:

(1) "Large water public utility", a public utility that regularly provides water service or sewer service to more than eight thousand customer connections and that provides safe and adequate service but shall not include a sewer district established under Section 30(a), Article VI of the Missouri Constitution, sewer districts established under the provisions of chapter 204, 249, or 250, public water supply districts established under the provisions of chapter 247, or municipalities that own water or sewer systems;

(2) "Small water utility", a public utility that regularly provides water service or sewer service to eight thousand or fewer customer connections; a water district established under the provisions of chapter 247 that regularly provides water or sewer service to eight thousand or fewer customer connections; a sewer district established under the provisions of chapter 204, 249, or 250 that regularly provides sewer service to eight thousand or fewer customer connections; or a water system or sewer system owned by a municipality that regularly provides water service or sewer service to eight thousand or fewer customer connections; and all other entities that regularly provide water service or sewer service to eight thousand or fewer customer connections.

2. The procedures contained in this section may be chosen by a large water public utility, and if so chosen shall be used by the public service commission to establish the ratemaking rate base of a small water utility during an acquisition.

3. (1) An appraisal shall be performed by three appraisers. One appraiser shall be appointed by the small water utility, one appraiser shall be appointed by the large water public utility, and the third appraiser shall be appointed by the two appraisers so appointed. Each of the appraisers shall be a disinterested person who is a certified general appraiser under chapter 339.

(2) The appraisers shall:

(a) Jointly prepare an appraisal of the fair market value of the water system and/or sewer system. The determination of fair market value shall be in accordance with Missouri law and with the Uniform Standards of Professional Appraisal Practice; and

(b) Return their appraisal, in writing, to the small water utility and large water public utility in a reasonable and timely manner.

(3) If all three appraisers cannot agree as to the appraised value, the appraisal, when signed by two of the appraisers, constitutes a good and valid appraisal.

4. Nothing in this section shall prohibit a party from declining to proceed with an acquisition or be deemed as establishing the final purchase price of an acquisition.

5. (1) The lesser of the purchase price or the appraised value, together with the reasonable and prudent transaction, closing, and transition costs incurred by the large water public utility, shall constitute the ratemaking rate base for the small water utility as acquired by the acquiring large water public utility; provided, however, that if the small water utility is a

public utility subject to chapter 386 and the small water utility completed a rate case prior to the acquisition, the public service commission may select as the ratemaking rate base for the small water utility as acquired by the acquiring large water public utility a ratemaking rate base in between:

(a) The lesser of the purchase price or the appraised value, together with the reasonable and prudent transaction, closing, and transition costs incurred by the large water public utility unless such transaction, closing, and transition costs are elsewhere recoverable in rates; and

(b) The ratemaking rate base of the small water utility as ordered by the public service commission in the small water utility's last previous rate case as adjusted by improvements and depreciation reserve since the previous rate case together with the transaction, closing, and transition costs incurred by the large water public utility unless such transaction, closing, and transition costs are elsewhere recoverable in rates. If the small water utility and large water public utility proceed with the sale, any past-due fees due to the state from the small water utility or its customers under chapter 640 or 644 shall be resolved prior to the transfer of ownership or the liability for such past-due fees becomes the responsibility of the large water public utility. Such fees shall not be included in the large water public utility's rate base.

(2) The public service commission shall issue its decision establishing the ratemaking rate base of the small water utility in its order approving the acquisition.

6. **Upon the date of the acquisition of a small water utility by a large water public utility, whether or not the procedures for establishing ratemaking rate base provided by this section have been utilized, the small water utility shall, for ratemaking purposes, become part of an existing service area, as defined by the public service commission, of the acquiring large water public utility that is either contiguous to the small water utility, the closest geographically to the small water utility, or best suited due to operational or other factors. This consolidation shall be approved by the public service commission in its order approving the acquisition.**

7. Any new permit issued pursuant to chapters 640 and 644, when a small water utility is acquired by a large water public utility, shall include a plan to resolve all outstanding permit compliance issues. After the transfer of ownership, the acquiring large public water utility shall continue providing service to all customers that were served by the small water utility at the time of sale.

[7.**]** **8.** This section is intended for the specific and unique purpose of determining the ratemaking rate base of small water utilities and shall be exclusively applied to large water public utilities in the acquisition of a small water utility. This section is not intended to apply beyond its specific purpose and shall not be construed in any manner to apply to electric corporations, natural gas corporations, or any other utility regulated by the public service commission.

393.760. ELECTION ON ISSUANCE OF BONDS — REQUIRED ACTIONS — NOTICE — CONDUCT OF ELECTION — FORM OF BALLOT — ALTERNATIVE VOTING PROCEDURES. — 1. Each participating municipality shall, in accordance with the provisions of chapter 115, order an election to be held whereby the qualified electors in such participating municipality shall approve or disapprove the issuance of its bonds to finance its individual interest in the project. The participating municipality may not order such an election until it has received a report from an independent consulting engineer as defined in section 327.181 for the purpose of determining the economic and engineering feasibility of any proposed project the costs of which are to be financed through the issuance of bonds. The report of the consulting engineer shall be provided to and approved by the legislative body and executive of each such participating municipality and such report shall be open to public inspection and shall be the subject of a public hearing in each participating municipality. Notice of the time and place of each such hearing shall be published in a daily newspaper of general circulation within each such participating municipality. Interested parties may appear and fully participate in such hearings.

2. Each participating municipality shall notify the election authority or authorities responsible for conducting elections within such participating municipality in accordance with chapter 115.

3. The question shall be submitted in substantially the following form:

OFFICIAL BALLOT

Shall (name of participating municipality) issue its (type) revenue bonds in an amount not to exceed $..... for the purpose of paying its share of the cost of participating in (describe project)?

[ ] YES [ ] NO

If you are in favor of the resolution, place an "X" in the box opposite "Yes".
If you are opposed to the question, place an "X" in the box opposite "No".

4. If the issuance of the bonds is approved by at least a majority of the qualified electors voting thereon in the participating municipality, the participating municipality shall declare the result of the election and cause the bonds to be issued.

5. Each participating municipality shall bear all expenses associated with the elections in such participating municipality.

6. **[**In lieu of the public voting procedure set forth in subsections 1 to 5 of this section,**]** In the case of purchasing or leasing, constructing, installing, and operating reservoirs, pipelines, wells, check dams, pumping stations, water purification plants, and other facilities for the production, wholesale distribution, and utilization of water, the commission may provide for a vote by the governing body of each contracting municipality. Such vote shall require the approval of three-quarters of all governing bodies of the contracting municipalities. The commission may not order such a vote until it has engaged and received a report from an independent consulting engineer as defined in section 327.181 for the purpose of determining the economic and engineering feasibility of any proposed project the costs of which are to be financed through the issuance of bonds. The report of the consulting engineer shall be provided to and approved by the legislative body and executive of each contracting municipality participating in the project and such report shall be open to public inspection and shall be the subject of a public hearing in each municipality participating in the project. Notice of the time and place of each such hearing shall be published in a daily newspaper of general circulation within each municipality. Interested parties may appear and fully participate in such hearings. Each contracting municipality shall vote by ordinance or resolution and such ordinance or resolution shall approve the issuance of revenue bonds by the joint municipal water commission in an amount not to exceed a specified amount.

393.1030. ELECTRIC UTILITIES, PORTFOLIO REQUIREMENTS — TRACKING REQUIREMENTS — REBATE OFFERS — CERTIFICATION OF ELECTRICITY GENERATED — RULEMAKING AUTHORITY. — 1. The commission shall, in consultation with the department, prescribe by rule a portfolio requirement for all electric utilities to generate or purchase electricity generated from renewable energy resources. Such portfolio requirement shall provide that electricity from renewable energy resources shall constitute the following portions of each electric utility's sales:

(1) No less than two percent for calendar years 2011 through 2013;
(2) No less than five percent for calendar years 2014 through 2017;
(3) No less than ten percent for calendar years 2018 through 2020; and
(4) No less than fifteen percent in each calendar year beginning in 2021.

At least two percent of each portfolio requirement shall be derived from solar energy. The portfolio requirements shall apply to all power sold to Missouri consumers whether such power is self-generated or purchased from another source in or outside of this state. A utility may comply with the standard in whole or in part by purchasing RECs. Each kilowatt-hour of

eligible energy generated in Missouri shall count as 1.25 kilowatt-hours for purposes of compliance.

2. The commission, in consultation with the department and within one year of November 4, 2008, shall select a program for tracking and verifying the trading of renewable energy credits. An unused credit may exist for up to three years from the date of its creation. A credit may be used only once to comply with sections 393.1020 to 393.1030 and may not also be used to satisfy any similar nonfederal requirement. An electric utility may not use a credit derived from a green pricing program. Certificates from net-metered sources shall initially be owned by the customer-generator. The commission, except where the department is specified, shall make whatever rules are necessary to enforce the renewable energy standard. Such rules shall include:

(1) A maximum average retail rate increase of one percent determined by estimating and comparing the electric utility's cost of compliance with least-cost renewable generation and the cost of continuing to generate or purchase electricity from entirely nonrenewable sources, taking into proper account future environmental regulatory risk including the risk of greenhouse gas regulation**. Notwithstanding the foregoing, until June 30, 2020, if the maximum average retail rate increase would be less than or equal to one percent if an electric utility's investment in solar-related projects initiated, owned or operated by the electric utility is ignored for purposes of calculating the increase, then additional solar rebates shall be paid and included in rates in an amount up to the amount that would produce a retail rate increase equal to the difference between a one percent retail rate increase and the retail rate increase calculated when ignoring an electric utility's investment in solar-related projects initiated, owned, or operated by the electric utility. Notwithstanding any provision to the contrary in this section, even if the payment of additional solar rebates will produce a maximum average retail rate increase of greater than one percent when an electric utility's investment in solar-related projects initiated, owned or operated by the electric utility are included in the calculation, the additional solar rebate costs shall be included in the prudently incurred costs to be recovered as contemplated by subdivision (4) of this subsection**;

(2) Penalties of at least twice the average market value of renewable energy credits for the compliance period for failure to meet the targets of subsection 1 **of this section**. An electric utility will be excused if it proves to the commission that failure was due to events beyond its reasonable control that could not have been reasonably mitigated, or that the maximum average retail rate increase has been reached. Penalties shall not be recovered from customers. Amounts forfeited under this section shall be remitted to the department to purchase renewable energy credits needed for compliance. Any excess forfeited revenues shall be used by the department's energy center solely for renewable energy and energy efficiency projects;

(3) Provisions for an annual report to be filed by each electric utility in a format sufficient to document its progress in meeting the targets;

(4) Provision for recovery outside the context of a regular rate case of prudently incurred costs and the pass-through of benefits to customers of any savings achieved by an electrical corporation in meeting the requirements of this section.

3. **As provided for in this section, except for those electrical corporations that qualify for an exemption under section 393.1050,** each electric utility shall make available to its retail customers a **[**standard**]** **solar** rebate **[**offer of at least two dollars per installed watt**]** for new or expanded solar electric systems sited on customers' premises, up to a maximum of twenty-five kilowatts per system, **measured in direct current** that **[**become operational after 2009**]** **were confirmed by the electric utility to have become operational in compliance with the provisions of section 386.890. The solar rebates shall be two dollars per watt for systems becoming operational on or before June 30, 2014; one dollar and fifty cents per watt for systems becoming operational between July 1, 2014, and June 30, 2015; one dollar per watt for systems becoming operational between July 1, 2015, and June 30, 2016; fifty cents per watt for systems becoming operational between July 1, 2016, and June 30, 2017; fifty**

cents per watt for systems becoming operational between July 1, 2017, and June 30, 2019; twenty-five cents per watt for systems becoming operational between July 1, 2019, and June 30, 2020; and zero cents per watt for systems becoming operational after June 30, 2020. An electric utility may, through its tariffs, require applications for rebates to be submitted up to one hundred eighty-two days prior to the June 30 operational date. Nothing in this section shall prevent an electrical corporation from offering rebates after July 1, 2020, through an approved tariff. If the electric utility determines the maximum average retail rate increase provided for in subdivision (1) of subsection 2 of this section will be reached in any calendar year, the electric utility shall be entitled to cease paying rebates to the extent necessary to avoid exceeding the maximum average retail rate increase if the electrical corporation files with the commission to suspend its rebate tariff for the remainder of that calendar year at least sixty days prior to the change taking effect. The filing with the commission to suspend the electrical corporation's rebate tariff shall include the calculation reflecting that the maximum average retail rate increase will be reached and supporting documentation reflecting that the maximum average retail rate increase will be reached. The commission shall rule on the suspension filing within sixty days of the date it is filed. If the commission determines that the maximum average retail rate increase will be reached the commission shall approve the tariff suspension. The electric utility shall continue to process and pay applicable solar rebates until a final commission ruling; however, if the continued payment causes the electric utility to pay rebates that cause it to exceed the maximum average retail rate increase, the expenditures shall be considered prudently incurred costs as contemplated by subdivision (4) of subsection 2 of this section and shall be recoverable as such by the electric utility. As a condition of receiving a rebate, customers shall transfer to the electric utility all right, title, and interest in and to the renewable energy credits associated with the new or expanded solar electric system that qualified the customer for the solar rebate for a period of ten years from the date the electric utility confirmed that the solar electric system was installed and operational.

4. The department shall, in consultation with the commission, establish by rule a certification process for electricity generated from renewable resources and used to fulfill the requirements of subsection 1 of this section. Certification criteria for renewable energy generation shall be determined by factors that include fuel type, technology, and the environmental impacts of the generating facility. Renewable energy facilities shall not cause undue adverse air, water, or land use impacts, including impacts associated with the gathering of generation feedstocks. If any amount of fossil fuel is used with renewable energy resources, only the portion of electrical output attributable to renewable energy resources shall be used to fulfill the portfolio requirements.

5. In carrying out the provisions of this section, the commission and the department shall include methane generated from the anaerobic digestion of farm animal waste and thermal depolymerization or pyrolysis for converting waste material to energy as renewable energy resources for purposes of this section.

6. The commission shall have the authority to promulgate rules for the implementation of this section, but only to the extent such rules are consistent with, and do not delay the implementation of, the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

393.1075. CITATION OF LAW — DEFINITIONS — POLICY TO VALUE DEMAND-SIDE INVESTMENTS EQUAL TO TRADITIONAL INVESTMENTS — DEVELOPMENT OF COST RECOVERY MECHANISMS — COSTS NOT TO BE ASSIGNED TO CUSTOMERS, WHEN — RULEMAKING AUTHORITY — ANNUAL REPORT — CERTAIN CHARGES TO APPEAR ON BILL. — 1. This section shall be known as the "Missouri Energy Efficiency Investment Act".

2. As used in this section, the following terms shall mean:

(1) "Commission", the Missouri public service commission;

(2) "Demand response", measures that decrease peak demand or shift demand to off-peak periods;

(3) "Demand-side program", any program conducted by the utility to modify the net consumption of electricity on the retail customer's side of the electric meter, including but not limited to energy efficiency measures, load management, demand response, and interruptible or curtailable load;

(4) "Energy efficiency", measures that reduce the amount of electricity required to achieve a given end use;

(5) "Interruptible or curtailable rate", a rate under which a customer receives a reduced charge in exchange for agreeing to allow the utility to withdraw the supply of electricity under certain specified conditions;

(6) "Total resource cost test", a test that compares the sum of avoided utility costs and avoided probable environmental compliance costs to the sum of all incremental costs of end-use measures that are implemented due to the program, as defined by the commission in rules.

3. It shall be the policy of the state to value demand-side investments equal to traditional investments in supply and delivery infrastructure and allow recovery of all reasonable and prudent costs of delivering cost-effective demand-side programs. In support of this policy, the commission shall:

(1) Provide timely cost recovery for utilities;

(2) Ensure that utility financial incentives are aligned with helping customers use energy more efficiently and in a manner that sustains or enhances utility customers' incentives to use energy more efficiently; and

(3) Provide timely earnings opportunities associated with cost-effective measurable and verifiable efficiency savings.

4. The commission shall permit electric corporations to implement commission-approved demand-side programs proposed pursuant to this section with a goal of achieving all cost-effective demand-side savings. Recovery for such programs shall not be permitted unless the programs are approved by the commission, result in energy or demand savings and are beneficial to all customers in the customer class in which the programs are proposed, regardless of whether the programs are utilized by all customers. The commission shall consider the total resource cost test a preferred cost-effectiveness test. Programs targeted to low-income customers or general education campaigns do not need to meet a cost-effectiveness test, so long as the commission determines that the program or campaign is in the public interest. Nothing herein shall preclude the approval of demand-side programs that do not meet the test if the costs of the program above the level determined to be cost-effective are funded by the customers participating in the program or through tax or other governmental credits or incentives specifically designed for that purpose.

5. To comply with this section the commission may develop cost recovery mechanisms to further encourage investments in demand-side programs including, in combination and without limitation: capitalization of investments in and expenditures for demand-side programs, rate design modifications, accelerated depreciation on demand-side investments, and allowing the utility to retain a portion of the net benefits of a demand-side program for its shareholders. In setting rates the commission shall fairly apportion the costs and benefits of demand-side programs to each customer class except as provided for in subsection 6 of this section. Prior to approving a rate design modification associated with demand-side cost recovery, the commission shall conclude a docket studying the effects thereof and promulgate an appropriate rule.

6. The commission may reduce or exempt allocation of demand-side expenditures to low-income classes, as defined in an appropriate rate proceeding, as a subclass of residential service.

7. Provided that the customer has notified the electric corporation that the customer elects not to participate in demand-side measures offered by an electrical corporation, none of the costs of demand-side measures of an electric corporation offered under this section or by any other authority, and no other charges implemented in accordance with this section, shall be assigned to any account of any customer, including its affiliates and subsidiaries, meeting one or more of the following criteria:

(1) The customer has one or more accounts within the service territory of the electrical corporation that has a demand of five thousand kilowatts or more;

(2) The customer operates an interstate pipeline pumping station, regardless of size; or

(3) The customer has accounts within the service territory of the electrical corporation that have, in aggregate, a demand of two thousand five hundred kilowatts or more, and the customer has a comprehensive demand-side or energy efficiency program and can demonstrate an achievement of savings at least equal to those expected from utility-provided programs.

8. Customers that have notified the electrical corporation that they do not wish to participate in demand-side programs under this section shall not subsequently be eligible to participate in demand-side programs except under guidelines established by the commission in rulemaking.

9. Customers who participate in demand-side programs initiated after August 1, 2009, shall be required to participate in program funding for a period of time to be established by the commission in rulemaking.

10. Customers electing not to participate in an electric corporation's demand-side programs under this section shall still be allowed to participate in interruptible or curtailable rate schedules or tariffs offered by the electric corporation.

11. The commission shall provide oversight and may adopt rules and procedures and approve corporation-specific settlements and tariff provisions, independent evaluation of demand-side programs, as necessary, to ensure that electric corporations can achieve the goals of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

12. Each electric corporation shall submit an annual report to the commission describing the demand-side programs implemented by the utility in the previous year. The report shall document program expenditures, including incentive payments, peak demand and energy savings impacts and the techniques used to estimate those impacts, avoided costs and the techniques used to estimate those costs, the estimated cost-effectiveness of the demand-side programs, and the net economic benefits of the demand-side programs.

13. Charges attributable to demand-side programs under this section shall be clearly shown as a separate line item on bills to the electrical corporation's customers.

14. (1) Any customer of an electrical corporation who has received a state tax credit under sections 135.350 to 135.362 or under sections 253.545 to 253.561 shall not be eligible for participation in any demand-side program offered by an electrical corporation under this section if such program offers a monetary incentive to the customer**, except as provided in subdivision (4) of this subsection**.

(2) As a condition of participation in any demand-side program offered by an electrical corporation under this section when such program offers a monetary incentive to the customer, the commission shall develop rules that require documentation to be provided by the customer

to the electrical corporation to show that the customer has not received a tax credit listed in subdivision (1) of this subsection.

(3) The penalty for a customer who provides false documentation under subdivision (2) of this subsection shall be a class A misdemeanor.

(4) The provisions of this subsection shall not apply to any low-income customer who would otherwise be eligible to participate in a demand-side program that is offered by an electrical corporation to low-income customers.

15. The commission shall develop rules that provide for disclosure of participants in all demand-side programs offered by electrical corporations under this section when such programs provide monetary incentives to the customer. The disclosure required by this subsection may include, but not be limited to, the following: the name of the participant, or the names of the principles if for a company, the property address, and the amount of the monetary incentive received.

Approved July 3, 2013

HB 148 [SCS HB 148]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Establishes the custody and visitation rights of a deploying military parent

AN ACT to amend chapter 452, RSMo, by adding thereto one new section relating to child custody and visitation for military personnel.

SECTION
A. Enacting clause.
452.413. Military deployment, child custody and visitation, effect of — nondeploying parent requirements — procedure — failure to comply, effect of.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Chapter 452, RSMo, is amended by adding thereto one new section, to be known as section 452.413, to read as follows:

452.413. MILITARY DEPLOYMENT, CHILD CUSTODY AND VISITATION, EFFECT OF — NONDEPLOYING PARENT REQUIREMENTS — PROCEDURE — FAILURE TO COMPLY, EFFECT OF. — 1. As used in this section, the following terms shall mean:

(1) "Deploying parent", a parent of a child less than eighteen years of age whose parental rights have not been terminated by a court of competent jurisdiction or a guardian of a child less than eighteen years of age who is deployed or who has received written orders to deploy with the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or any other reserve component thereof;

(2) "Deployment", military service in compliance with military orders received by a member of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or any other reserve component thereof to report for combat operations, contingency operations, peacekeeping operations, temporary duty (TDY), a remote tour of duty, or other service for which the deploying parent is required to report unaccompanied by any family member. Military service includes a period during which a military parent remains subject to deployment orders and remains deployed on account of sickness, wounds, leave, or other lawful cause;

(3) "Military parent", a parent of a child less than eighteen years of age whose parental rights have not been terminated by a court of competent jurisdiction or a guardian of a child less than eighteen years of age who is a service member of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or any other reserve component thereof;

(4) "Nondeploying parent", a parent or guardian not subject to deployment.

2. If a military parent is required to be separated from a child due to deployment, a court shall not enter a final order modifying the terms establishing custody or visitation contained in an existing order until ninety days after the deployment ends unless there is a written agreement by both parties.

3. In accordance with section 452.412, deployment or the potential for future deployment shall not be the sole factor supporting a change in circumstances or grounds sufficient to support a permanent modification of the custody or visitation terms established in an existing order.

4. (1) An existing order establishing the terms of custody or visitation in place at the time a military parent is deployed may be temporarily modified to make reasonable accommodation for the parties due to the deployment.

(2) A temporary modification order issued under this section shall provide that the deploying parent shall have custody of the child or reasonable visitation, whichever is applicable under the original order, during a period of leave granted to the deploying parent, unless it is not in the best interest of the child.

(3) Any court order modifying a previously ordered custody or visitation due to deployment shall specify that the deployment is the basis for the order and shall be entered by the court as a temporary order.

(4) Any such temporary custody or visitation order shall require the nondeploying parent to provide the court and the deploying parent with written notice of the nondeploying parent's address and telephone number, and update such information within seven days of any change. However, if a valid order of protection under chapter 455 from this or another jurisdiction is in effect that requires that the address or contact information of the parent who is not deployed be kept confidential, the notification shall be made to the court only, and a copy of the order shall be included in the notification. Nothing in this subdivision shall be construed to eliminate the requirements under section 452.377.

(5) Upon motion of a deploying parent, with reasonable advance notice and for good cause shown, the court shall hold an expedited hearing in any custody or visitation matters instituted under this section when the military duties of the deploying parent have a material effect on his or her ability or anticipated ability to appear in person at a regularly scheduled hearing.

5. (1) A temporary modification of such an order automatically ends no later than thirty days after the return of the deploying parent and the original terms of the custody or visitation order in place at the time of deployment are automatically reinstated.

(2) Nothing in this section shall limit the power of the court to conduct an expedited or emergency hearing regarding custody or visitation upon return of the deploying parent, and the court shall do so within ten days of the filing of a motion alleging an immediate danger or irreparable harm to the child.

(3) The nondeploying parent shall bear the burden of showing that reentry of the custody or visitation order in effect before the deployment is no longer in the child's best interests. The court shall set any nonemergency motion by the nondeploying parent for hearing within thirty days of the filing of the motion.

6. (1) Upon motion of the deploying parent or upon motion of a family member of the deploying parent with his or her consent, the court may delegate his or her visitation rights, or a portion of such rights, to a family member with a close and substantial

relationship to the minor child or children for the duration of the deployment if it is in the best interest of the child.

(2) Such delegated visitation time or access does not create an entitlement or standing to assert separate rights to parent time or access for any person other than a parent, and shall terminate by operation of law upon the end of the deployment, as set forth in this section.

(3) Such delegated visitation time shall not exceed the visitation time granted to the deploying parent under the existing order; except that, the court may take into consideration the travel time necessary to transport the child for such delegated visitation time.

(4) In addition, there is a rebuttable presumption that a deployed parent's visitation rights shall not be delegated to a family member who has a history of perpetrating domestic violence as defined under section 455.010 against another family or household member, or delegated to a family member with an individual in the family member's household who has a history of perpetrating domestic violence against another family or household member.

(5) The person or persons to whom delegated visitation time has been granted shall have full legal standing to enforce such rights.

7. Upon motion of a deploying parent and upon reasonable advance notice and for good cause shown, the court shall permit such parent to present testimony and evidence by affidavit or electronic means in support, custody, and visitation matters instituted under this section when the military duties of such parent have a material effect on his or her ability to appear in person at a regularly scheduled hearing. Electronic means includes communication by telephone, video conference, or the internet.

8. Any order entered under this section shall require that the nondeploying parent:

(1) Make the child or children reasonably available to the deploying parent when the deploying parent has leave;

(2) Facilitate opportunities for telephonic and electronic mail contact between the deploying parent and the child or children during deployment; and

(3) Receive timely information regarding the deploying parent's leave schedule.

9. (1) If there is no existing order establishing the terms of custody and visitation and it appears that deployment is imminent, upon the filing of initial pleadings and motion by either parent, the court shall expedite a hearing to establish temporary custody or visitation to ensure the deploying parent has access to the child, to ensure disclosure of information, to grant other rights and duties set forth in this section, and to provide other appropriate relief.

(2) Any initial pleading filed to establish custody or visitation for a child of a deploying parent shall be so identified at the time of filing by stating in the text of the pleading the specific facts related to deployment.

10. (1) Since military necessity may preclude court adjudication before deployment, the parties shall cooperate with each other in an effort to reach a mutually agreeable resolution of custody, visitation, and child support.

(2) A deploying parent shall provide a copy of his or her orders to the nondeploying parent promptly and without delay prior to deployment. Notification shall be made within ten days of receipt of deployment orders. If less than ten days notice is received by the deploying parent, notice shall be given immediately upon receipt of military orders. If all or part of the orders are classified or restricted as to release, the deploying parent shall provide, under the terms of this subdivision, all such nonclassified or nonrestricted information to the nondeploying parent.

11. In an action brought under this chapter, whenever the court declines to grant or extend a stay of proceedings under the Servicemembers Civil Relief Act, 50 U.S.C.

Appendix Sections 521-522, and decides to proceed in the absence of the deployed parent, the court shall appoint a guardian ad litem to represent the minor child's interests.

12. Service of process on a nondeploying parent whose whereabouts are unknown may be accomplished in accordance with the provisions of section 506.160.

13. In determining whether a parent has failed to exercise visitation rights, the court shall not count any time periods during which the parent did not exercise visitation due to the material effect of such parent's military duties on visitation time.

14. Once an order for custody has been entered in Missouri, any absence of a child from this state during deployment shall be denominated a temporary absence for the purposes of application of the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA). For the duration of the deployment, Missouri shall retain exclusive jurisdiction under the UCCJEA and deployment shall not be used as a basis to assert inconvenience of the forum under the UCCJEA.

15. In making determinations under this section, the court may award attorney's fees and costs based on the court's consideration of:

(1) The failure of either party to reasonably accommodate the other party in custody or visitation matters related to a military parent's service;

(2) Unreasonable delay caused by either party in resolving custody or visitation related to a military parent's service;

(3) Failure of either party to timely provide military orders, income, earnings, or payment information, housing or education information, or physical location of the child to the other party; and

(4) Other factors as the court may consider appropriate and as may be required by law.

Approved July 3, 2013

HB 152 [SCS HB 152]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Allows school districts to authorize and commission school officers to enforce laws relating to crimes committed on school grounds, at school activities, and on school buses

AN ACT to repeal section 162.215, RSMo, and to enact in lieu thereof two new sections relating to school officers.

SECTION
A. Enacting clause.
162.215. School officers may be commissioned to enforce certain criminal laws.
1. Officer training, Missouri state training center to develop curriculum and certification requirements.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Section 162.215, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 162.215 and 1, to read as follows:

162.215. SCHOOL OFFICERS MAY BE COMMISSIONED TO ENFORCE CERTAIN CRIMINAL LAWS. — 1. The school board of **[**a district with its administrative headquarters located within a home rule city with more than forty-eight thousand but fewer than forty-nine thousand

inhabitants**] any school district** may authorize and commission school officers to enforce laws relating to crimes committed on school premises, at school activities, and on school buses operating within the school district only upon the execution of a memorandum of understanding with each municipal law enforcement agency and county sheriff's office which has law enforcement jurisdiction over the school district's premises and location of school activities, provided that the memorandum shall not grant statewide arrest authority. School officers shall be licensed peace officers, as defined in section 590.010, and shall comply with the provisions of chapter 590. The powers and duties of a peace officer shall continue throughout the employee's tenure as a school officer.

2. School officers shall abide by district school board policies, all terms and conditions defined within the executed memorandum of understanding with each municipal law enforcement agency and county sheriff's office which has law enforcement jurisdiction over the school district's premises and location of school activities, and shall consult with and coordinate activities through the school superintendent or the superintendent's designee. School officers' authority shall be limited to crimes committed on school premises, at school activities, and on school buses operating within the jurisdiction of the executed memorandum of understanding. All crimes involving any sexual offense or any felony involving the threat or use of force shall remain under the authority of the local jurisdiction where the crime occurred. School officers may conduct any justified stop on school property and enforce any local violation that occurs on school grounds. School officers shall have the authority to stop, detain, and arrest for crimes committed on school property, at school activities, and on school buses.

SECTION 1. OFFICER TRAINING, MISSOURI STATE TRAINING CENTER TO DEVELOP CURRICULUM AND CERTIFICATION REQUIREMENTS. — The Missouri state training center for the D.A.R.E. program shall develop the curriculum and certification requirements for school resource officers. At a minimum, school resource officers must complete forty hours of basic school resource officer training to include legal operations within an educational environment, intruder training and planning, juvenile law, and any other relevant topics relating to the job and functions of a school resource officer.

Approved July 11, 2013

HB 159 [HCS HB 159]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Allows an exemption from the proof of residency or domicile requirement to register a child for school whose parent or guardian is serving on specified active duty military orders

AN ACT to repeal section 167.020, RSMo, and to enact in lieu thereof one new section relating to school district residency for children of certain military members, with a penalty provision.

SECTION

A. Enacting clause.

167.020. Registration requirements — residency — homeless child or youth defined — recovery of costs, when — records to be requested, provided, when.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Section 167.020, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.020, to read as follows:

167.020. REGISTRATION REQUIREMENTS — RESIDENCY — HOMELESS CHILD OR YOUTH DEFINED — RECOVERY OF COSTS, WHEN — RECORDS TO BE REQUESTED, PROVIDED, WHEN. — 1. As used in this section, the term "homeless child" or "homeless youth" shall mean a person less than twenty-one years of age who lacks a fixed, regular and adequate nighttime residence, including a child or youth who:

(1) Is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; is living in motels, hotels, or camping grounds due to lack of alternative adequate accommodations; is living in emergency or transitional shelters; is abandoned in hospitals; or is awaiting foster care placement;

(2) Has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

(3) Is living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

(4) Is a migratory child or youth who qualifies as homeless because the child or youth is living in circumstances described in subdivisions (1) to (3) of this subsection.

2. In order to register a pupil, the parent or legal guardian of the pupil or the pupil himself or herself shall provide, at the time of registration, one of the following:

(1) Proof of residency in the district. Except as otherwise provided in section 167.151, the term "residency" shall mean that a person both physically resides within a school district and is domiciled within that district or, in the case of a private school student suspected of having a disability under the Individuals With Disabilities Education Act, 20 U.S.C. Section 1412, et seq, that the student attends private school within that district. The domicile of a minor child shall be the domicile of a parent, military guardian pursuant to a military-issued guardianship or court-appointed legal guardian**. For instances in which the family of a student living in Missouri co-locates to live with other family members or live in a military family support community because one or both of the child's parents are deployed out of state or deployed within Missouri under Title 32 or Title 10 active duty orders, the student may attend the school district in which the family member's residence or family support community is located. If the active duty orders expire during the school year, the student may finish the school year in that district**; or

(2) Proof that the person registering the student has requested a waiver under subsection 3 of this section within the last forty-five days. In instances where there is reason to suspect that admission of the pupil will create an immediate danger to the safety of other pupils and employees of the district, the superintendent or the superintendent's designee may convene a hearing within five working days of the request to register and determine whether or not the pupil may register.

3. Any person subject to the requirements of subsection 2 of this section may request a waiver from the district board of any of those requirements on the basis of hardship or good cause. Under no circumstances shall athletic ability be a valid basis of hardship or good cause for the issuance of a waiver of the requirements of subsection 2 of this section. The district board or committee of the board appointed by the president and which shall have full authority to act in lieu of the board shall convene a hearing as soon as possible, but no later than forty-five days after receipt of the waiver request made under this subsection or the waiver request shall be granted. The district board or committee of the board may grant the request for a waiver of any requirement of subsection 2 of this section. The district board or committee of the board may also reject the request for a waiver in which case the pupil shall not be allowed to register. Any person aggrieved by a decision of a district board or committee of the board on a request for a waiver under this subsection may appeal such decision to the circuit court in the county where the school district is located.

4. Any person who knowingly submits false information to satisfy any requirement of subsection 2 of this section is guilty of a class A misdemeanor.

5. In addition to any other penalties authorized by law, a district board may file a civil action to recover, from the parent, military guardian or legal guardian of the pupil, the costs of school attendance for any pupil who was enrolled at a school in the district and whose parent, military guardian or legal guardian filed false information to satisfy any requirement of subsection 2 of this section.

6. Subsection 2 of this section shall not apply to a pupil who is a homeless child or youth, or a pupil attending a school not in the pupil's district of residence as a participant in an interdistrict transfer program established under a court-ordered desegregation program, a pupil who is a ward of the state and has been placed in a residential care facility by state officials, a pupil who has been placed in a residential care facility due to a mental illness or developmental disability, a pupil attending a school pursuant to sections 167.121 and 167.151, a pupil placed in a residential facility by a juvenile court, a pupil with a disability identified under state eligibility criteria if the student is in the district for reasons other than accessing the district's educational program, or a pupil attending a regional or cooperative alternative education program or an alternative education program on a contractual basis.

7. Within two business days of enrolling a pupil, the school official enrolling a pupil, including any special education pupil, shall request those records required by district policy for student transfer and those discipline records required by subsection 9 of section 160.261 from all schools previously attended by the pupil within the last twelve months. Any school district that receives a request for such records from another school district enrolling a pupil that had previously attended a school in such district shall respond to such request within five business days of receiving the request. School districts may report or disclose education records to law enforcement and juvenile justice authorities if the disclosure concerns law enforcement's or juvenile justice authorities' ability to effectively serve, prior to adjudication, the student whose records are released. The officials and authorities to whom such information is disclosed must comply with applicable restrictions set forth in 20 U.S.C. Section 1232g (b)(1)(E).

Approved July 10, 2013

HB 163 [HB 163]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding elections

AN ACT to repeal sections 77.030, 78.090, 190.335, 473.730, 473.733, and 473.737, RSMo, and to enact in lieu thereof seven new section relating to elections, with an emergency clause.

SECTION

A. Enacting clause.
77.030. Division of city into wards — council members, terms.
78.090. Election, primary — held when — elimination of primary, when.
96.229. Charter hospitals, election to be governed by nonprofit corporation law, procedure.
190.335. Central dispatch for emergency services, alternative funding by county sales tax, procedure, ballot form, rate of tax — collection, limitations — adoption of alternate tax, telephone tax to expire, when — board appointment and election, qualification, terms — continuation of board in Greene County — board appointment in Christian, Taney, and St. Francois counties.
473.730. Public administrators — qualifications — election — oath — bond — public administrator deemed public office, duties — salaried public administrators deemed county officials — City of St. Louis, appointments of administrators.

473.733. Certificate and oath — bond, how sued on.
473.737. Administrators to have separate offices — St. Louis administrator in civil courts building — certain public administrators to have secretaries — clerical personnel to be provided, when.
B. Emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 77.030, 78.090, 190.335, 473.730, 473.733, and 473.737, RSMo, is repealed and seven new section enacted in lieu thereof, to be known as section 77.030, 78.090, 96.229, 190.335, 473.730, 473.733, and 473.737, to read as follows:

77.030. DIVISION OF CITY INTO WARDS — COUNCIL MEMBERS, TERMS. — 1. Unless it elects to be governed by subsection 2 of this section, the council shall by ordinance divide the city into not less than four wards, and two councilmen shall be elected from each of such wards by the qualified voters thereof at the first election for councilmen in cities hereafter adopting the provisions of this chapter; the one receiving the highest number of votes in each ward shall hold his office for two years, and the one receiving the next highest number of votes shall hold his office for one year; but thereafter each ward shall elect annually one councilman, who shall hold his office for two years.

2. In lieu of electing councilmen as provided in subsection 1 of this section, the council may elect to establish wards and elect councilmen as provided in this subsection. If the council so elects, it shall, by ordinance, divide the city into not less than four wards, and one councilman shall be elected from each of such wards by the qualified voters thereof at the first election for councilmen held in the city after it adopts the provisions of this subsection. At the first election held under this subsection the councilmen elected from the odd-numbered wards shall be elected for a term of one year and the councilmen elected from the even-numbered wards shall be elected for a term of two years. At each annual election held thereafter, successors for councilmen whose terms expire in such year shall be elected for a term of two years.

3. (1) Council members may serve four-year terms if the two-year terms provided under subsection 1 or 2 of this section have been extended to four years by ordinance or by approval of a majority of the voters voting on the proposal.

(2) The ballot of submission shall be in substantially the following form:

Shall the terms of council members which are currently set at two years in..... (city) be extended to four years for members elected after August 28, 2013?

[ ] YES [ ] NO

(3) If an ordinance is passed or a majority of the voters voting approve the proposal authorized in this subsection, the members of council who would serve two years under subsections 1 and 2 of this section shall be elected to four-year terms beginning with any election occurring after the adoption of the ordinance or approval of the ballot question.

78.090. ELECTION, PRIMARY — HELD WHEN — ELIMINATION OF PRIMARY, WHEN. — **1.** Candidates to be voted for at all general municipal elections at which a mayor and councilmen are to be elected under the provisions of sections 78.010 to **[**78.420**]** **78.400** shall be nominated by a primary election, **except as provided in this section,** and no other names shall be placed upon the general ballot except those selected in the manner herein prescribed. The primary election for such nomination shall be held on the first Tuesday after the first Monday in February preceding the municipal election.

2. (1) In lieu of conducting a primary election under this section, any city organized under sections 78.010 to 78.400 may, by order or ordinance, provide for the elimination of the primary election and the conduct of elections for mayor and councilman as provided in this subsection.

(2) Any person desiring to become a candidate for mayor or councilman shall file with the city clerk a signed statement of such candidacy, stating whether such person is a resident of the city and a qualified voter of the city, that the person desires to be a candidate for nomination to the office of mayor or councilman to be voted upon at the next municipal election for such office, that the person is eligible for such office, that the person requests to be placed on the ballot, and that such person will serve if elected. Such statement shall be sworn to or affirmed before the city clerk.

(3) Under the requirements of section 115.023, the city clerk shall notify the requisite election authority who shall cause the official ballots to be printed, and the names of the candidates shall appear on the ballots in the order that their statements of candidacy were filed with the city clerk. Above the names of the candidates shall appear the words "Vote for (number to be elected)". The ballot shall also include a warning that voting for more than the total number of candidates to be elected to any office invalidates the ballot.

96.229. CHARTER HOSPITALS, ELECTION TO BE GOVERNED BY NONPROFIT CORPORATION LAW, PROCEDURE. — 1. Notwithstanding subsection 5 of section 96.150 regarding the lease of substantially all of a hospital where the board of trustees is lessor, a city in which a hospital is located that:

(1) Is organized and operated under this chapter;

(2) Has not accepted appropriated funds from the city during the prior twenty years; and

(3) Is licensed by the department of health and senior services for two hundred beds or more pursuant to sections 197.010 to 197.120,

shall not have authority to sell, lease, or otherwise transfer all or substantially all of the property from a hospital organized under this chapter, both real and personal, except in accordance with this section.

2. Upon filing with the city clerk of a resolution adopted by no less than two-thirds of the incumbent members of the board of trustees to sell, lease, or otherwise transfer all or substantially all of the hospital property, both real and personal, for reasons specified in the resolution, the clerk shall present the resolution to the city council. If a majority of the incumbent members of the city council determine that sale, lease, or other transfer of the hospital property is desirable, the city council shall submit to the voters of the city the question in substantially the following form:

"Shall the city council of . . . . . , Missouri and the board of trustees of . . . . . hospital be authorized to sell (or lease or otherwise transfer) the property, real and personal, of . . . . . hospital as approved by, and in accordance with, the resolution of the board of trustees authorizing such sale (or lease or transfer)?"

A majority of the votes cast on such question shall be required in order to approve and authorize such sale, lease or other transfer. If the question receives less than the required majority, then the city council and the board of trustees shall have no power to sell, lease or otherwise transfer the property, real and personal, of the hospital unless and until the city council has submitted another question to authorize such sale, lease or transfer authorized under this section and such question is approved by the required majority of the qualified voters voting thereon. However, in no event shall a question under this section be submitted to the voters sooner than twelve months from the date of the last question under this section and after the adoption of another resolution by no less than two-thirds of the board of trustees and a subsequent vote by a majority of the city council to again submit the question to the voters.

3. Upon passage of such question by the voters, the board of trustees shall sell and dispose of such property, or lease or transfer such property, in the manner proposed by

the board of trustees. The deed of the board of trustees, duly authorized by the board of trustees and duly acknowledged and recorded, shall be sufficient to convey to the purchaser all the rights, title, interest, and estate in the hospital property.

4. No sale, lease, or other transfer of such hospital property shall be authorized or effective unless such transaction provides sufficient proceeds to be available to be applied to the payment of all interest and principal of any outstanding valid indebtedness incurred for purchase of the site or construction of the hospital, or for any repairs, alterations, improvements, or additions thereto, or for operation of the hospital.

5. Assets donated to the hospital pursuant to section 96.210 shall be used to provide health care services in the city and in the geographic region previously served by the hospital, except as otherwise prescribed by the terms of the deed, gift, devise, or bequest.

190.335. CENTRAL DISPATCH FOR EMERGENCY SERVICES, ALTERNATIVE FUNDING BY COUNTY SALES TAX, PROCEDURE, BALLOT FORM, RATE OF TAX — COLLECTION, LIMITATIONS — ADOPTION OF ALTERNATE TAX, TELEPHONE TAX TO EXPIRE, WHEN — BOARD APPOINTMENT AND ELECTION, QUALIFICATION, TERMS — CONTINUATION OF BOARD IN GREENE COUNTY — BOARD APPOINTMENT IN CHRISTIAN, TANEY, AND ST. FRANCOIS COUNTIES. — 1. In lieu of the tax levy authorized under section 190.305 for emergency telephone services, the county commission of any county may impose a county sales tax for the provision of central dispatching of fire protection, including law enforcement agencies, emergency ambulance service or any other emergency services, including emergency telephone services, which shall be collectively referred to herein as "emergency services", and which may also include the purchase and maintenance of communications and emergency equipment, including the operational costs associated therein, in accordance with the provisions of this section.

2. Such county commission may, by a majority vote of its members, submit to the voters of the county, at a public election, a proposal to authorize the county commission to impose a tax under the provisions of this section. If the residents of the county present a petition signed by a number of residents equal to ten percent of those in the county who voted in the most recent gubernatorial election, then the commission shall submit such a proposal to the voters of the county.

3. The ballot of submission shall be in substantially the following form:

Shall the county of ..... (insert name of county) impose a county sales tax of ..... (insert rate of percent) percent for the purpose of providing central dispatching of fire protection, emergency ambulance service, including emergency telephone services, and other emergency services?

[ ] YES [ ] NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance shall be in effect as provided herein. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the county commission shall have no power to impose the tax authorized by this section unless and until the county commission shall again have submitted another proposal to authorize the county commission to impose the tax under the provisions of this section, and such proposal is approved by a majority of the qualified voters voting thereon.

4. The sales tax may be imposed at a rate not to exceed one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any county adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525. The sales tax shall not be collected prior to thirty-six months before operation of the central dispatching of emergency services.

5. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under this section.

6. Any tax imposed pursuant to section 190.305 shall terminate at the end of the tax year in which the tax imposed pursuant to this section for emergency services is certified by the board to be fully operational. Any revenues collected from the tax authorized under section 190.305 shall be credited for the purposes for which they were intended.

7. At least once each calendar year, the board shall establish a tax rate, not to exceed the amount authorized, that together with any surplus revenues carried forward will produce sufficient revenues to fund the expenditures authorized by this act. Amounts collected in excess of that necessary within a given year shall be carried forward to subsequent years. The board shall make its determination of such tax rate each year no later than September first and shall fix the new rate which shall be collected as provided in this act. Immediately upon making its determination and fixing the rate, the board shall publish in its minutes the new rate, and it shall notify every retailer by mail of the new rate.

8. Immediately upon the affirmative vote of voters of such a county on the ballot proposal to establish a county sales tax pursuant to the provisions of this section, the county commission shall appoint the initial members of a board to administer the funds and oversee the provision of emergency services in the county. Beginning with the general election in 1994, all board members shall be elected according to this section and other applicable laws of this state. At the time of the appointment of the initial members of the board, the commission shall relinquish and no longer exercise the duties prescribed in this chapter with regard to the provision of emergency services and such duties shall be exercised by the board.

9. The initial board shall consist of seven members appointed without regard to political affiliation, who shall be selected from, and who shall represent, the fire protection districts, ambulance districts, sheriff's department, municipalities, any other emergency services and the general public. This initial board shall serve until its successor board is duly elected and installed in office. The commission shall ensure geographic representation of the county by appointing no more than four members from each district of the county commission.

10. Beginning in 1994, three members shall be elected from each district of the county commission and one member shall be elected at large, such member to be the chairman of the board. Of those first elected, four members from districts of the county commission shall be elected for terms of two years and two members from districts of the county commission and the member at large shall be elected for terms of four years. In 1996, and thereafter, all terms of office shall be four years. **Notwithstanding any other provision of law, if there is no candidate for an open position on the board, then no election shall be held for that position and it shall be considered vacant, to be filled pursuant to the provisions of section 190.339, and, if there is only one candidate for each open position, no election shall be held and the candidate or candidates shall assume office at the same time and in the same manner as if elected.**

11. Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary, in any county of the first classification with more than two hundred forty thousand three hundred but fewer than two hundred forty thousand four hundred inhabitants, any emergency telephone service 911 board appointed by the county under section 190.309 which is in existence on the date the voters approve a sales tax under this section shall continue to exist and shall have the powers set forth under section 190.339.

12. (1) Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary, in any county of the second classification with more than fifty-four thousand two hundred but fewer than fifty-four thousand three hundred inhabitants or any county of the first classification with more than fifty thousand but fewer than seventy thousand inhabitants that has approved a sales tax under this section, the county commission shall appoint the members of the board to administer the funds and oversee the provision of emergency services in the county.

(2) The board shall consist of seven members appointed without regard to political affiliation. Except as provided in subdivision (4) of this subsection, each member shall be one of the following:

(a) The head of any of the county's fire protection districts, or a designee;
(b) The head of any of the county's ambulance districts, or a designee;
(c) The county sheriff, or a designee;
(d) The head of any of the police departments in the county, or a designee; and
(e) The head of any of the county's emergency management organizations, or a designee.

(3) Upon the appointment of the board under this subsection, the board shall have the power provided in section 190.339 and shall exercise all powers and duties exercised by the county commission under this chapter, and the commission shall relinquish all powers and duties relating to the provision of emergency services under this chapter to the board.

(4) In any county of the first classification with more than fifty thousand but fewer than seventy thousand inhabitants, each of the entities listed in subdivision (2) of this subsection shall be represented on the board by at least one member.

473.730. PUBLIC ADMINISTRATORS — QUALIFICATIONS — ELECTION — OATH — BOND — PUBLIC ADMINISTRATOR DEEMED PUBLIC OFFICE, DUTIES — SALARIED PUBLIC ADMINISTRATORS DEEMED COUNTY OFFICIALS — CITY OF ST. LOUIS, APPOINTMENTS OF ADMINISTRATORS. — 1. Every county in this state, **[**and**]** **except** the city of St. Louis, shall elect a public administrator at the general election in the year 1880, and every four years thereafter, who shall be ex officio public guardian and conservator in and for the public administrator's county. A candidate for public administrator shall be at least twenty-one years of age and a resident of the state of Missouri and the county in which he or she is a candidate for at least one year prior to the date of the general election for such office. The candidate shall also be a registered voter and shall be current in the payment of all personal and business taxes. Before entering on the duties of the public administrator's office, the public administrator shall take the oath required by the constitution, and enter into bond to the state of Missouri in a sum not less than ten thousand dollars, with two or more securities, approved by the court and conditioned that the public administrator will faithfully discharge all the duties of the public administrator's office, which bond shall be given and oath of office taken on or before the first day of January following the public administrator's election, and it shall be the duty of the judge of the court to require the public administrator to make a statement annually, under oath, of the amount of property in the public administrator's hands or under the public administrator's control as such administrator, for the purpose of ascertaining the amount of bond necessary to secure such property; and such court may from time to time, as occasion shall require, demand additional security of such administrator, and, in default of giving the same within twenty days after such demand, may remove the administrator and appoint another.

2. The public administrator in all counties, in the performance of the duties required by chapters 473, 474, and 475, is a public officer. The duties specified by section 475.120 are discretionary. The county shall defend and indemnify the public administrator against any alleged breach of duty, provided that any such alleged breach of duty arose out of an act or omission occurring within the scope of duty or employment.

3. After January 1, 2001, all salaried public administrators shall be considered county officials for purposes of section 50.333, subject to the minimum salary requirements set forth in section 473.742.

4. The public administrator for the city of St. Louis shall be appointed by a majority of the circuit judges and associate circuit judges of the twenty-second judicial circuit, en banc. Such public administrator shall meet the same qualifications and requirements specified in subsection 1 of this section for elected public administrators. The elected public administrator holding office on the effective date of this section shall continue to hold such office for the remainder of his or her term.

473.733. CERTIFICATE AND OATH — BOND, HOW SUED ON. — The public administrator's certificate of election, **if applicable,** official oath and bond shall be filed and recorded with the probate clerk, and copies thereof, certified under the seal of such court, shall be evidence. Any person injured by the breach of such bond may sue upon the same in the name of the state for his own use.

473.737. ADMINISTRATORS TO HAVE SEPARATE OFFICES — ST. LOUIS ADMINISTRATOR IN CIVIL COURTS BUILDING — CERTAIN PUBLIC ADMINISTRATORS TO HAVE SECRETARIES — CLERICAL PERSONNEL TO BE PROVIDED, WHEN. — 1. Each public administrator elected **or appointed**, as now or as hereafter provided for in sections 473.730 to 473.767, is hereby declared to be an officer for the county in which such administrator is elected **[**and for the city of St. Louis, if elected therein**] or appointed**. The county commissions of each county in this state shall make suitable provision for an office for the public administrator in the courthouse of the county if suitable space may be had for such an office, and shall be provided as soon as the county commission shall be of the opinion that the business in charge of the public administrator is such as to reasonably require a separate office for the convenience of the public. The public administrator of the city of St. Louis shall have suitable and convenient offices provided for him or her in the civil courts building by that city.

2. Each public administrator of a county, except a county of the first classification having a charter form of government, in which a state mental hospital is located, or any county of the second classification which contains a habilitation center operated by the department of mental health and which does not adjoin a county of the first classification shall be entitled to one secretary for one hundred cases or more handled by the office of the public administrator in the immediately preceding calendar year. Each secretary employed pursuant to the provisions of this subsection shall be paid in the same pay range as a court clerk II in the circuit court personnel system. All compensation paid secretaries employed pursuant to the provisions of this subsection shall be paid out of the county treasury and the commissioner of administration shall annually reimburse each county for the compensation so paid upon proper demand being made out of appropriations made for that purpose. The public administrator in such counties may also appoint a person to act as public administrator to serve during the absence of the public administrator.

3. The governing bodies of each county and each city not within a county of this state may provide clerical personnel, not qualifying as status of deputy, for the public administrator of the county, and such personnel shall be provided when the governing body is of the opinion that the business in charge of the public administrator is such as to reasonably require such personnel for the welfare of the public.

SECTION B. EFFECTIVE DATE. — Because of the need to ensure local hospitals can continue the purpose of providing the best care and treatment of the sick, disabled, and infirm persons as decided on by the people in the affected community, the enactment of section 96.229 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 96.229 of this act shall be in full force and effect upon its passage its passage and approval.

Approved May 15, 2013

HB 175 [SS SCS HCS HB 175]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding the collection of special assessments and delinquent property taxes

AN ACT to repeal sections 54.280, 67.457, 67.463, 67.469, 67.1521, 140.050, 140.150, 140.160, 140.230, 140.290, 140.405, 140.460, 140.470, and 140.665, RSMo, and to enact in lieu thereof fifteen new sections relating to procedures for the collection of local government funds.

SECTION

A. Enacting clause.
54.280. County collector-treasurer, duties — fees authorized.
67.457. Establishment of neighborhood improvement districts — procedure — notice of elections, contents — alternatives, petition, contents — maintenance costs, assessment — recording requirements.
67.463. Public hearing, procedure — apportionment of costs — special assessments, notice — payment and collection of assessments.
67.469. Assessment treated as tax lien, payable upon foreclosure.
67.1521. Special assessments, petition, funds, how collected — added to annual real estate bill — separate fund required, when.
140.050. Clerk to make back tax book — delivery to collector, collection — correction of omissions.
140.115. Lien prohibited on property in back tax book, when.
140.150. Lands, lots, mineral rights, and royalty interests subject to sale, when.
140.160. Limitation of actions, exceptions — county auditor to annually audit.
140.230. Foreclosure sale surplus — deposited in treasury — escheats, when.
140.290. Certificate of purchase — contents — fee — nonresidents.
140.405. Purchaser of property at delinquent land tax auction, deed issued to, when — notice of right of redemption — redemption of property first, when — loss of interest, when.
140.460. Execution of conveyance — form.
140.470. Variations from form.
140.665. Law applies to counties and cities and certain officers.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 54.280, 67.457, 67.463, 67.469, 67.1521, 140.050, 140.150, 140.160, 140.230, 140.290, 140.405, 140.460, 140.470, and 140.665, RSMo, are repealed and fifteen new sections enacted in lieu thereof, to be known as sections 54.280, 67.457, 67.463, 67.469, 67.1521, 140.050, 140.115, 140.150, 140.160, 140.230, 140.290, 140.405, 140.460, 140.470, and 140.665, to read as follows:

54.280. COUNTY COLLECTOR-TREASURER, DUTIES — FEES AUTHORIZED. — 1. The county collector-treasurer of counties having adopted or which may hereafter adopt township organization shall have the power to collect all current, back, and delinquent real and personal property taxes, including merchants' and manufacturers' licenses, taxes on railroads and utilities, and other corporations, the current and delinquent or nonresident lands or town lots, and all other local taxes, including ditch and levee taxes, and to prosecute for and make sale thereof, the same that is now or may hereafter be vested in the county collectors under the general laws of this state. The collector-treasurer shall, at the time of making his annual settlement in each year, deposit the tax books in the office of the county clerk, and within thirty days thereafter the clerk shall make, in a book to be called "the back tax book", a correct list, in numerical order, of all tracts of land and town lots which have been returned delinquent, and return said list to the collector-treasurer, taking his or her receipt therefor.

2. Notwithstanding any other provision of law to the contrary, for the collection of all current **real estate and personal property taxes** and current delinquent **real estate and**

personal property taxes, the collector-treasurer shall collect on behalf of the county the following fees to be deposited into the county general fund:

(1) In any county in which the total amount of **real estate and personal property** taxes levied for any one year is five million dollars or less, a fee of three percent on the total amount of **real estate and personal property** taxes levied;

(2) In any county in which the total amount of **real estate and personal property** taxes levied for any one year exceeds five million dollars but is equal to or less than nine million dollars, a fee of two and one-half percent on the total amount of **real estate and personal property** taxes levied;

(3) In any county in which the total amount of **real estate and personal property** taxes levied for any one year is greater than nine million dollars but equal to or less than thirteen million dollars, a fee of two percent on the total amount of **real estate and personal property** taxes levied;

(4) In any county in which the total amount of **real estate and personal property** taxes levied for any one year is greater than thirteen million dollars, a fee of one and one-half percent on the total amount of **real estate and personal property** taxes levied.

67.457. ESTABLISHMENT OF NEIGHBORHOOD IMPROVEMENT DISTRICTS — PROCEDURE — NOTICE OF ELECTIONS, CONTENTS — ALTERNATIVES, PETITION, CONTENTS — MAINTENANCE COSTS, ASSESSMENT — RECORDING REQUIREMENTS. — 1. To establish a neighborhood improvement district, the governing body of any city or county shall comply with either of the procedures described in subsection 2 or 3 of this section.

2. The governing body of any city or county proposing to create a neighborhood improvement district may by resolution submit the question of creating such district to all qualified voters residing within such district at a general or special election called for that purpose. Such resolution shall set forth the project name for the proposed improvement, the general nature of the proposed improvement, the estimated cost of such improvement, the boundaries of the proposed neighborhood improvement district to be assessed, and the proposed method or methods of assessment of real property within the district, including any provision for the annual assessment of maintenance costs of the improvement in each year during the term of the bonds issued for the original improvement and after such bonds are paid in full. The governing body of the city or county may create a neighborhood improvement district when the question of creating such district has been approved by the vote of the percentage of electors within such district voting thereon that is equal to the percentage of voter approval required for the issuance of general obligation bonds of such city or county under article VI, section 26 of the constitution of this state. The notice of election containing the question of creating a neighborhood improvement district shall contain the project name for the proposed improvement, the general nature of the proposed improvement, the estimated cost of such improvement, the boundaries of the proposed neighborhood improvement district to be assessed, the proposed method or methods of assessment of real property within the district, including any provision for the annual assessment of maintenance costs of the improvement in each year after the bonds issued for the original improvement are paid in full, and a statement that the final cost of such improvement assessed against real property within the district and the amount of general obligation bonds issued therefor shall not exceed the estimated cost of such improvement, as stated in such notice, by more than twenty-five percent, and that the annual assessment for maintenance costs of the improvements shall not exceed the estimated annual maintenance cost, as stated in such notice, by more than twenty-five percent. The ballot upon which the question of creating a neighborhood improvement district is submitted to the qualified voters residing within the proposed district shall contain a question in substantially the following form:

Shall ..... (name of city or county) be authorized to create a neighborhood improvement district proposed for the ..... (project name for the proposed improvement) and incur indebtedness and issue general obligation bonds to pay for all

or part of the cost of public improvements within such district, the cost of all indebtedness so incurred to be assessed by the governing body of the ..... (city or county) on the real property benefitted by such improvements for a period of ..... years, and, if included in the resolution, an assessment in each year thereafter with the proceeds thereof used solely for maintenance of the improvement?

3. As an alternative to the procedure described in subsection 2 of this section, the governing body of a city or county may create a neighborhood improvement district when a proper petition has been signed by the owners of record of at least two-thirds by area of all real property located within such proposed district. Each owner of record of real property located in the proposed district is allowed one signature. Any person, corporation, or limited liability partnership owning more than one parcel of land located in such proposed district shall be allowed only one signature on such petition. The petition, in order to become effective, shall be filed with the city clerk or county clerk. A proper petition for the creation of a neighborhood improvement district shall set forth the project name for the proposed improvement, the general nature of the proposed improvement, the estimated cost of such improvement, the boundaries of the proposed neighborhood improvement district to be assessed, the proposed method or methods of assessment of real property within the district, including any provision for the annual assessment of maintenance costs of the improvement in each year during the term of the bonds issued for the original improvement and after such bonds are paid in full, a notice that the names of the signers may not be withdrawn later than seven days after the petition is filed with the city clerk or county clerk, and a notice that the final cost of such improvement assessed against real property within the district and the amount of general obligation bonds issued therefor shall not exceed the estimated cost of such improvement, as stated in such petition, by more than twenty-five percent, and that the annual assessment for maintenance costs of the improvements shall not exceed the estimated annual maintenance cost, as stated in such petition, by more than twenty-five percent.

4. Upon receiving the requisite voter approval at an election or upon the filing of a proper petition with the city clerk or county clerk, the governing body may by resolution or ordinance determine the advisability of the improvement and may order that the district be established and that preliminary plans and specifications for the improvement be made. Such resolution or ordinance shall state and make findings as to the project name for the proposed improvement, the nature of the improvement, the estimated cost of such improvement, the boundaries of the neighborhood improvement district to be assessed, the proposed method or methods of assessment of real property within the district, including any provision for the annual assessment of maintenance costs of the improvement in each year after the bonds issued for the original improvement are paid in full, and shall also state that the final cost of such improvement assessed against the real property within the neighborhood improvement district and the amount of general obligation bonds issued therefor shall not, without a new election or petition, exceed the estimated cost of such improvement by more than twenty-five percent.

5. The boundaries of the proposed district shall be described by metes and bounds, streets or other sufficiently specific description. The area of the neighborhood improvement district finally determined by the governing body of the city or county to be assessed may be less than, but shall not exceed, the total area comprising such district.

6. In any neighborhood improvement district organized prior to August 28, 1994, an assessment may be levied and collected after the original period approved for assessment of property within the district has expired, with the proceeds thereof used solely for maintenance of the improvement, if the residents of the neighborhood improvement district either vote to assess real property within the district for the maintenance costs in the manner prescribed in subsection 2 of this section or if the owners of two-thirds of the area of all real property located within the district sign a petition for such purpose in the same manner as prescribed in subsection 3 of this section.

7. Prior to any assessment hereafter being levied against any real property within any neighborhood improvement district, and prior to any lien enforceable under either chapter 140 or 141 being imposed after August 28, 2013, against any real property within a neighborhood improvement district, the clerk of the governing body establishing the neighborhood improvement district shall cause to be recorded with the recorder of deeds for the county in which any portion of the neighborhood improvement district is located a document conforming to the provisions of sections 59.310 and 59.313, and which shall contain at least the following information:

(1) All owners of record of real property located within the neighborhood improvement district at the time of recording, who shall be identified in the document as grantors and indexed by the recorder, as required under section 59.440;

(2) The governing body establishing the neighborhood improvement district and the title of any official or agency responsible for collecting or enforcing any assessments, who shall be identified in the document as grantees and indexed by the recorder, as required under section 59.440;

(3) The legal description of the property within the neighborhood improvement district which may either be the metes and bounds description authorized in subsection 5 of this section or the legal description of each lot or parcel within the neighborhood improvement district; and

(4) The identifying number of the resolution or ordinance creating the neighborhood improvement district, or a copy of such resolution or ordinance.

67.463. PUBLIC HEARING, PROCEDURE — APPORTIONMENT OF COSTS — SPECIAL ASSESSMENTS, NOTICE — PAYMENT AND COLLECTION OF ASSESSMENTS. — 1. At the hearing to consider the proposed improvements and assessments, the governing body shall hear and pass upon all objections to the proposed improvements and proposed assessments, if any, and may amend the proposed improvements, and the plans and specifications therefor, or assessments as to any property, and thereupon by ordinance or resolution the governing body of the city or county shall order that the improvement be made and direct that financing for the cost thereof be obtained as provided in sections 67.453 to 67.475.

2. After construction of the improvement has been completed in accordance with the plans and specifications therefor, the governing body shall compute the final costs of the improvement and apportion the costs among the property benefitted by such improvement in such equitable manner as the governing body shall determine, charging each parcel of property with its proportionate share of the costs, and by resolution or ordinance, assess the final cost of the improvement or the amount of general obligation bonds issued or to be issued therefor as special assessments against the property described in the assessment roll.

3. After the passage or adoption of the ordinance or resolution assessing the special assessments, the city clerk or county clerk shall mail a notice to each property owner within the district which sets forth a description of each parcel of real property to be assessed which is owned by such owner, the special assessment assigned to such property, and a statement that the property owner may pay such assessment in full, together with interest accrued thereon from the effective date of such ordinance or resolution, on or before a specified date determined by the effective date of the ordinance or resolution, or may pay such assessment in annual installments as provided in subsection 4 of this section.

4. The special assessments shall be assessed upon the property included therein concurrent with general property taxes, and shall be payable in substantially equal annual installments for a duration stated in the ballot measure prescribed in subsection 2 of section 67.457 or in the petition prescribed in subsection 3 of section 67.457, and, if authorized, an assessment in each year thereafter levied and collected in the same manner with the proceeds thereof used solely for maintenance of the improvement, taking into account such assessments and interest thereon, as the governing body determines. The first installment shall be payable after the first collection

of general property taxes following the adoption of the assessment ordinance or resolution unless such ordinance or resolution was adopted and certified too late to permit its collection at such time. All assessments shall bear interest at such rate as the governing body determines, not to exceed the rate permitted for bonds by section 108.170. Interest on the assessment between the effective date of the ordinance or resolution assessing the assessment and the date the first installment is payable shall be added to the first installment. The interest for one year on all unpaid installments shall be added to each subsequent installment until paid. In the case of a special assessment by a city, all of the installments, together with the interest accrued or to accrue thereon, may be certified by the city clerk to the county clerk in one instrument at the same time. Such certification shall be good for all of the installments, and the interest thereon payable as special assessments.

5. Special assessments shall be collected and paid over to the city treasurer or county treasurer in the same manner as taxes of the city or county are collected and paid. In any **county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants and any** county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants, the county collector may collect a fee as prescribed by section 52.260 for collection of assessments under this section.

67.469. ASSESSMENT TREATED AS TAX LIEN, PAYABLE UPON FORECLOSURE. — A special assessment authorized under the provisions of sections 67.453 to 67.475 shall be a lien, from the date of the assessment, on the property against which it is assessed on behalf of the city or county assessing the same to the same extent as a tax upon real property. The lien may be foreclosed in the same manner as a tax upon real property by land tax sale pursuant to chapter 140 or **[**by judicial foreclosure proceeding**]**, **if applicable to that county, chapter 141, or** at the option of the governing body**, by judicial foreclosure proceeding**. Upon the foreclosure of any such lien, whether by land tax sale or by judicial foreclosure proceeding, the entire remaining assessment may become due and payable and may be recoverable in such foreclosure proceeding at the option of the governing body.

67.1521. SPECIAL ASSESSMENTS, PETITION, FUNDS, HOW COLLECTED — ADDED TO ANNUAL REAL ESTATE BILL — SEPARATE FUND REQUIRED, WHEN. — 1. A district may levy by resolution one or more special assessments against real property within its boundaries, upon receipt of and in accordance with a petition signed by:

(1) Owners of real property collectively owning more than fifty percent by assessed value of real property within the boundaries of the district; and

(2) More than fifty percent per capita of the owners of all real property within the boundaries of the district.

2. The special assessment petition shall be in substantially the following form:

The ..... (insert name of district) Community Improvement District ("District") shall be authorized to levy special assessments against real property benefitted within the District for the purpose of providing revenue for ..... (insert general description of specific service and/or projects) in the district, such special assessments to be levied against each tract, lot or parcel of real property listed below within the district which receives special benefit as a result of such service and/or projects, the cost of which shall be allocated among this property by ..... (insert method of allocation, e.g., per square foot of property, per square foot on each square foot of improvement, or by abutting foot of property abutting streets, roads, highways, parks or other improvements, or any other reasonable method) in an amount not to exceed ..... dollars per (insert unit of measure). Such authorization to levy the special assessment shall expire on ..... (insert date). The tracts of land located in the district which will receive special benefit from this service and/or projects are: ..... (list of properties by common addresses and legal descriptions).

3. The method for allocating such special assessments set forth in the petition may be any reasonable method which results in imposing assessments upon real property benefitted in relation to the benefit conferred upon each respective tract, lot or parcel of real property and the cost to provide such benefit.

4. By resolution of the board, the district may levy a special assessment rate lower than the rate ceiling set forth in the petition authorizing the special assessment and may increase such lowered special assessment rate to a level not exceeding the special assessment rate ceiling set forth in the petition without further approval of the real property owners; provided that a district imposing a special assessment pursuant to this section may not repeal or amend such special assessment or lower the rate of such special assessment if such repeal, amendment or lower rate will impair the district's ability to pay any liabilities that it has incurred, money that it has borrowed or obligations that it has issued.

5. Each special assessment which is due and owing shall constitute a perpetual lien against each tract, lot or parcel of property from which it is derived. Such lien may be foreclosed in the same manner as any other special assessment lien as provided in section 88.861. Notwithstanding the provisions of this subsection and section 67.1541 to the contrary, **[**in any county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants,**]** the county collector may, upon certification by the district for collection, add each special assessment to the annual real estate tax bill for the property and collect the assessment in the same manner the collector uses for real estate taxes. **[**In said counties, each**]** **Any** special assessment remaining unpaid on the first day of January annually is delinquent and enforcement of collection of the delinquent bill by the county collector shall be governed by the laws concerning delinquent and back taxes. The lien may be foreclosed in the same manner as a tax upon real property by land tax sale under chapter 140 or, if applicable to that county, chapter 141.

6. A separate fund or account shall be created by the district for each special assessment levied and each fund or account shall be identifiable by a suitable title. The proceeds of such assessments shall be credited to such fund or account. Such fund or account shall be used solely to pay the costs incurred in undertaking the specified service or project.

7. Upon completion of the specified service or project or both, the balance remaining in the fund or account established for such specified service or project or both shall be returned or credited against the amount of the original assessment of each parcel of property pro rata based on the method of assessment of such special assessment.

8. Any funds in a fund or account created pursuant to this section which are not needed for current expenditures may be invested by the board in accordance with applicable laws relating to the investment of funds of the city in which the district is located.

9. The authority of the district to levy special assessments shall be independent of the limitations and authorities of the municipality in which it is located; specifically, the provisions of section 88.812 shall not apply to any district.

140.050. CLERK TO MAKE BACK TAX BOOK — DELIVERY TO COLLECTOR, COLLECTION — CORRECTION OF OMISSIONS. — 1. Except as provided in section 52.361, the county clerk shall file the delinquent lists in the county clerk's office and within ten days thereafter make, under the seal of the commission, the lists into a back tax book as provided in section 140.060.

2. Except as provided in section 52.361, when completed, the clerk shall deliver the book **or an electronic copy thereof** to the collector taking duplicate receipts therefor, one of which the clerk shall file in the clerk's office and the other the clerk shall file with the director of revenue. The clerk shall charge the collector with the aggregate amount of taxes, interest, and clerk's fees contained in the back tax book.

3. The collector shall collect such back taxes and may levy upon, seize and distrain tangible personal property and may sell such property for taxes.

4. In the city of St. Louis, the city comptroller or other proper officer shall return the back tax book together with the uncollected tax bills within thirty days to the city collector.

5. If any county commission or clerk in counties not having a county auditor fails to comply with section 140.040, and this section, to the extent that the collection of taxes cannot be enforced by law, the county commission or clerk, or their successors in office, shall correct such omissions at once and return the back tax book to the collector who shall collect such taxes.

140.115. LIEN PROHIBITED ON PROPERTY IN BACK TAX BOOK, WHEN. — Any person other than the owner or a mortgagee or other lienholder described in section 139.070 who pays the original taxes, as charged against the tract of land or town lot described in the back tax book together with interest from the day upon which the tax first became delinquent at the rate specified in section 140.100 shall not invoke a lien on said property or person without the knowledge and consent of the owner. Any such lien so invoked on said property or person without the knowledge and consent of the owner shall be null and void.

140.150. LANDS, LOTS, MINERAL RIGHTS, AND ROYALTY INTERESTS SUBJECT TO SALE, WHEN. — 1. All lands, lots, mineral rights, and royalty interests on which taxes or **[**neighborhood improvement district**]** special assessments are delinquent and unpaid are subject to sale to discharge the lien for the delinquent and unpaid taxes or unpaid special assessments as provided for in this chapter on the fourth Monday in August of each year.

2. No real property, lots, mineral rights, or royalty interests shall be sold for state, county or city taxes or special assessments without judicial proceedings, unless the notice of sale contains the names of all record owners thereof, or the names of all owners appearing on the land tax book and all other information required by law. Delinquent taxes or unpaid special assessments, penalty, interest and costs due thereon may be paid to the county collector at any time before the property is sold therefor. The collector shall send notices to the publicly recorded owner of record before any delinquent and unpaid taxes or unpaid special assessments as specified in this section subject to sale are published. The first notice shall be by first class mail. A second notice shall be sent by certified mail only if the assessed valuation of the property is greater than one thousand dollars. If the assessed valuation of the property is not greater than one thousand dollars, only the first notice shall be required. If any second notice sent by certified mail under this section is returned to the collector unsigned, then notice shall be sent before the sale by first class mail to both the owner of record and the occupant of the real property. The postage for the mailing of the notices shall be paid out of the county treasury, and such costs shall be added to the costs of conducting the sale, and the county treasury shall be reimbursed to the extent that such postage costs are recovered at the sale. The failure of the taxpayer or the publicly recorded owner to receive the notice provided for in this section shall not relieve the taxpayer or publicly recorded owner of any tax liability imposed by law.

3. The entry in the back tax book by the county clerk of the delinquent lands, lots, mineral rights, and royalty interests constitutes a levy upon the delinquent lands, lots, mineral rights, and royalty interests for the purpose of enforcing the lien of delinquent and unpaid taxes or unpaid special assessments **[**as provided in section 67.469**]**, together with penalty, interest and costs.

140.160. LIMITATION OF ACTIONS, EXCEPTIONS — COUNTY AUDITOR TO ANNUALLY AUDIT. — 1. No proceedings for the sale of land and lots for delinquent taxes pursuant to this chapter or unpaid special assessments **[**as provided in section 67.469**]**, relating to the collection of delinquent and back taxes and unpaid special assessments and providing for foreclosure sale and redemption of land and lots therefor, shall be valid unless initial proceedings therefor shall be commenced within three years after delinquency of such taxes and unpaid special assessments, and any sale held pursuant to initial proceedings commenced within such period

of three years shall be deemed to have been in compliance with the provisions of said law insofar as the time at which such sales are to be had is specified therein; provided further, that in suits or actions to collect delinquent drainage and/or levee assessments on real estate such suits or actions shall be commenced within three years after delinquency, otherwise no suit or action therefor shall be commenced, had or maintained, except that the three-year limitation described in this subsection shall not be applicable if any written instrument conveys any real estate having a tax-exempt status, if such instrument causes such real estate to again become taxable real property and if such instrument has not been recorded in the office of the recorder in the county in which the real estate has been situated. Such three-year limitation shall only be applicable once the recording of the title has occurred.

2. The county auditor in all counties having a county auditor shall annually audit collections, deposits, and supporting reports of the collector and provide a copy of such audit to the county collector and to the governing body of the county. A copy of the audit may be provided to all applicable taxing entities within the county at the discretion of the county collector.

140.230. FORECLOSURE SALE SURPLUS — DEPOSITED IN TREASURY — ESCHEATS, WHEN. — 1. When real estate has been sold for taxes or other debt by the sheriff or collector of any county within the state of Missouri, and the same sells for a greater amount than the debt or taxes and all costs in the case it shall be the duty of the sheriff or collector of the county, when such sale has been or may hereafter be made, to make a written statement describing each parcel or tract of land sold by him for a greater amount than the debt or taxes and all costs in the case together with the amount of surplus money in each case. The statement shall be subscribed and sworn to by the sheriff or collector making it before some officer competent to administer oaths within this state, and then presented to the county commission of the county where the sale has been or may be made; and on the approval of the statement by the commission, the sheriff or collector making the same shall pay the surplus money into the county treasury, take the receipt in duplicate of the treasurer for the surplus of money and retain one of the duplicate receipts himself and file the other with the county commission, and thereupon the commission shall charge the treasurer with the amount.

2. The treasurer shall place such moneys in the county treasury to be held for the use and benefit of the person entitled to such moneys or to the credit of the school fund of the county, to be held in trust for the term of three years for the publicly recorded owner or owners of the property sold at **the time of** the delinquent land tax auction or their legal representatives. At the end of three years, if such fund shall not be called for **as part of a redemption or collector's deed issuance**, then it shall become a permanent school fund of the county.

3. County commissions shall compel owners or agents to make satisfactory proof of their claims before receiving their money; provided, that no county shall pay interest to the claimant of any such fund.

140.290. CERTIFICATE OF PURCHASE — CONTENTS — FEE — NONRESIDENTS. — 1. After payment shall have been made the county collector shall give the purchaser a certificate in writing, to be designated as a certificate of purchase, which shall carry a numerical number and which shall describe the land so purchased, each tract or lot separately stated, the total amount of the tax, with penalty, interest and costs, and the year or years of delinquency for which said lands or lots were sold, separately stated, and the aggregate of all such taxes, penalty, interest and costs, and the sum bid on each tract.

2. If the purchaser bid for any tract or lot of land a sum in excess of the delinquent tax, penalty, interest and costs for which said tract or lot of land was sold, such excess sum shall also be noted in the certificate of purchase, in a separate column to be provided therefor. Such certificate of purchase shall also recite the name and address of the owner or reputed owner if known, and if unknown then the party or parties to whom each tract or lot of land was assessed,

together with the address of such party, if known, and shall also have incorporated therein the name and address of the purchaser. Such certificate of purchase shall also contain the true date of the sale and the time when the purchaser will be entitled to a deed for said land, if not redeemed as in this chapter provided, and the rate of interest that such certificate of purchase shall bear, which rate of interest shall not exceed the sum of ten percent per annum. Such certificate shall be authenticated by the county collector, who shall record the same in a permanent record book in his office before delivery to the purchaser.

3. Such certificate shall be assignable, but no assignment thereof shall be valid unless endorsed on such certificate and acknowledged before some officer authorized to take acknowledgment of deeds and an entry of such assignment entered in the record of said certificate of purchase in the office of the county collector.

4. **[**For each certificate of purchase issued, including the recording of the same, the county collector shall be entitled to receive and retain a fee of fifty cents, to be paid by the purchaser and treated as a part of the cost of the sale, and so noted on the certificate. For noting any assignment of any certificate the county collector shall be entitled to a fee of twenty-five cents, to be paid by the person requesting such recital of assignment, and which shall not be treated as a part of the cost of the sale.**]** For each certificate of purchase issued, as a part of the cost of the sale, the purchaser shall pay to the collector the fee necessary to record such certificate of purchase in the office of the county recorder. The collector shall record the certificate of purchase before delivering such certificate of purchase to the purchaser.

5. No collector shall be authorized to issue a certificate of purchase to any nonresident of the state of Missouri, however, any nonresident as described in subsection 2 of section 140.190 may appoint an agent, and such agent shall comply with the provisions of section 140.190 pertaining to a nonresident.

6. This section shall not apply to any post-third-year tax sale, except for nonresidents as provided in subsection 5 of this section.

140.405. PURCHASER OF PROPERTY AT DELINQUENT LAND TAX AUCTION, DEED ISSUED TO, WHEN — NOTICE OF RIGHT OF REDEMPTION — REDEMPTION OF PROPERTY FIRST, WHEN — LOSS OF INTEREST, WHEN. — 1. Any person purchasing property at a delinquent land tax auction shall not acquire the deed to the real estate, as provided for in section 140.250 or 140.420, until the person meets the requirements of this section, except that such requirements shall not apply to post-third-year sales, which shall be conducted under subsection 4 of section 140.250. The purchaser shall obtain a title search report from a licensed attorney or licensed title company detailing the ownership and encumbrances on the property. Such title search report shall be declared invalid if the effective date is more than one hundred twenty days from the date the purchaser applies for a collector's deed under section 140.250 or 140.420.

2. At least ninety days prior to the date when a purchaser is authorized to acquire the deed, the purchaser shall notify the owner of record and any person who holds a publicly recorded unreleased deed of trust, mortgage, lease, lien, judgment, or any other publicly recorded claim upon that real estate of such person's right to redeem the property. Notice shall be sent by both first class mail and certified mail return receipt requested to such person's last known available address. If the certified mail return receipt is returned signed, the first class mail notice is not returned, the first class mail notice is refused where noted by the United States Postal Service, or any combination thereof, notice shall be presumed received by the recipient. At the conclusion of the applicable redemption period, the purchaser shall make an affidavit in accordance with subsection 4 of this section.

3. If the owner of record or **the holder of** any other publicly recorded claim on the property intends to transfer ownership or execute any additional liens or encumbrances on the property, such owner shall first redeem such property under section 140.340. The failure to comply with redeeming the property first before executing any of such actions or agreements on the property shall require the owner of record or any other publicly recorded claim on the

property to reimburse the purchaser for the total bid as recorded on the certificate of purchase and all the costs of the sale required in sections 140.150 to 140.405.

4. In the case that both the certified notice return receipt card is returned unsigned and the first class mail is returned for any reason except refusal, where the notice is returned undeliverable, then the purchaser shall attempt additional notice and certify in the purchaser's affidavit to the collector that such additional notice was attempted and by what means.

5. The purchaser shall notify the county collector by affidavit of the date that every required notice was sent to the owner of record and, if applicable, any other publicly recorded claim on the property. To the affidavit, the purchaser shall attach a copy of a valid title search report as described in subsection 1 of this section as well as completed copies of the following for each recipient:

(1) **Notices of right to redeem sent by** first class mail;

(2) **Notices of right to redeem sent by** certified mail **[**notice**]**;

(3) Addressed envelopes **for all notices,** as they appeared immediately before mailing;

(4) Certified mail receipt as it appeared upon its return; and

(5) Any returned regular mailed envelopes. As provided in this section, at such time the purchaser notifies the collector by affidavit that all the ninety days' notice requirements of this section have been met, the purchaser is authorized to acquire the deed, provided that a collector's deed shall not be acquired before the expiration date of the redemption period as provided in section 140.340.

6. If any real estate is purchased at a third-offering tax auction and has a publicly recorded unreleased deed of trust, mortgage, lease, lien, judgment, or any other publicly recorded claim upon the real estate under this section, the purchaser of said property shall within forty-five days after the purchase at the sale notify such person of the person's right to redeem the property within ninety days from the postmark date on the notice. Notice shall be sent by both first class mail and certified mail return receipt requested to such person's last known available address. The purchaser shall notify the county collector by affidavit of the date the required notice was sent to the owner of record and, if applicable, **and the holder of** any other publicly recorded claim on the property, that such person shall have ninety days to redeem said property or be forever barred from redeeming said property.

7. If the county collector chooses to have the title search done then the county collector may charge the purchaser the cost of the title search before giving the purchaser a deed pursuant to section 140.420.

8. If the property is redeemed, the person redeeming the property shall pay the costs incurred by the purchaser in providing notice under this section. Recoverable costs on any property sold at a tax sale shall include the title search, postage, and costs for the recording of any certificate of purchase issued and for recording the release of such certificate of purchase and all the costs of the sale required in sections 140.150 to 140.405.

9. Failure of the purchaser to comply with this section shall result in such purchaser's loss of all interest in the real estate.

140.460. EXECUTION OF CONVEYANCE — FORM. — 1. Such conveyance shall be executed by the county collector, under his hand and seal, **[**witnessed by the county clerk**]** and acknowledged before the county recorder or any other officer authorized to take acknowledgments and the same shall be recorded in the recorder's office before delivery; a fee for recording shall be paid by the purchaser and shall be included in the costs of sale.

2. Such deed shall be prima facie evidence that the property conveyed was subject to taxation at the time assessed, that the taxes were delinquent and unpaid at the time of sale, of the regularity of the sale of the premises described in the deed, and of the regularity of all prior proceedings, that said land or lot had not been redeemed and that the period therefor had elapsed, and prima facie evidence of a good and valid title in fee simple in the grantee of said deed; and such deed shall be in the following form, as nearly as the nature of the case will admit, namely:

Whereas, A. B. did, on the . . . . . day of . . . . . ., 20. . ., produce to the undersigned, C. D., collector of the county of in the state of Missouri, a certificate of purchase, in writing, bearing date the . . . . . day of . . . . . 20. ., signed by E. F., who at the last mentioned date was collector of said county, from which it appears that the said A. B. did, on the . . . . . day of . . . . . ., 20. . , purchase at public auction at the door of the courthouse in said county, the tract, parcel or lot of land lastly in this indenture described, and which lot was sold to . . . . . for the sum of . . . . . dollars and . . . . . cents, being the amount due on the following tracts or lots of land, returned delinquent in the name of G. H., for nonpayment of taxes, costs and charges for the year . . . . . , namely: (Here set out the lands offered for sale); which said lands have been recorded, among other tracts, in the office of said collector, as delinquent for the nonpayment of taxes, costs, and charges due for the year last aforesaid, and legal publication made of the sale of said lands; and it appearing that the said A. B. is the legal owner of said certificate of purchase and the time fixed by law for redeeming the land therein described having now expired, the said G. H. nor any person in his behalf having paid or tendered the amount due the said A. B. on account of the aforesaid purchase, and for the taxes by him since paid, and the said A. B., having demanded a deed for the tract of land mentioned in said certificate, and which was the least quantity of the tract above described that would sell for the amount due thereon for taxes, costs and charges, as above specified, and it appearing from the records of said county collector's office that the aforesaid lands were legally liable for taxation, and has been duly assessed and properly charged on the tax book with the taxes for the years . . . . . .;

Therefore, this indenture, made this . . . . . day of. . . . ., 20. . ., between the state of Missouri, by C. D., collector of said . . . . . county, of the first part, and the said A. B., of the second part, Witnesseth: That the said party of the first part, for and in consideration of the premises, has granted, bargained and sold unto the said party of the second part, his heirs and assigns, forever, the tract or parcel of land mentioned in said certificate, situate in the county of . . . . . ., and state of Missouri, and described as follows, namely: (Here set out the particular tract or parcel sold), To have and to hold the said last mentioned tract or parcel of land, with the appurtenances thereto belonging, to the said party of the second part, his heirs and assigns forever, in as full and ample a manner as the collector of said county is empowered by law to sell the same.

In Testimony Whereof, the said C. D., collector of said county of . . . . . ., has hereunto set his hand, and affixed his official seal, the day and year last above written.

Witness: . . . . . (L.S.)

Collector of. . . . . County.

State of Missouri, ... County, ss:

Before me, the undersigned, ..., in and for said county, this day, personally came the above-named C. D., collector of said county, and acknowledged that he executed the foregoing deed for the uses and purposes therein mentioned.

In Witness Whereof, I have hereunto set my hand and seal this . . . . . day of. . . . . ., 20. . . . .

. . . . . (L.S.)

140.470. VARIATIONS FROM FORM. — **[**1.**]** In case circumstances should exist requiring any variation from the foregoing form, in the recital part thereof, the necessary change shall be made by the county collector executing such deed, and the same shall not be vitiated by any such change, provided the substance be retained.

[2. The county collector shall be entitled to demand and receive from the person applying therefor, for each tax deed, one dollar and fifty cents, which shall include the acknowledgment.**]**

140.665. LAW APPLIES TO COUNTIES AND CITIES AND CERTAIN OFFICERS. — Whenever the word "collector" is used in sections 140.050 to 140.660, as applicable to counties which have

adopted township organization, it shall be construed to mean **["**"treasurer and ex officio collector"**]** **"collector-treasurer"**. Where applicable it shall also refer to the collector, or other proper officer, collecting taxes in any city or town. Where applicable the word "county" as used in sections 140.050 to 140.660 shall be construed "city" and the words "county clerk" shall be construed "city clerk or other proper officer".

Approved July 1, 2013

HB 184 [SS HB 184]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding the sales tax on motor vehicles, the transient guest tax in Pettis County, and enhanced enterprise zones and establishes the Missouri Works Program

AN ACT to repeal sections 32.087, 67.1010, 135.960, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and 144.615, RSMo, and to enact in lieu thereof twenty new sections relating to taxation.

SECTION

A. Enacting clause.
32.087. Local sales taxes, procedures and duties of director of revenue, generally — effective date of tax — duty of retailers and director of revenue — exemptions — discounts allowed — penalties — motor vehicle and boat sales, mobile telecommunications services — bond required — annual report of director, contents — delinquent payments — reapproval, effect, procedures.
67.1010. Tax revenues to be administered by commission for promotion of tourism, powers and duties (Pettis County).
135.960. Public hearing required — ordinance requirements — expiration date — annual report.
144.020. Rate of tax — tickets, notice of sales tax — lease or rental of personal property exempt from tax, when.
144.021. Imposition of tax — seller's duties.
144.069. Sales of motor vehicles, trailers, boats and outboard motors imposed at address of owner — some leases deemed imposed at address of lessee.
144.071. Rescission of sale requires tax refund, when.
144.440. Purchase price of motor vehicles, trailers, boats and outboard motors to be disclosed, when — payment of tax, when — inapplicability to manufactured homes.
144.450. Exemptions from use tax.
144.455. Tax on motor vehicles and trailers, purpose of — receipts credited as constitutionally required.
144.525. Motor vehicles, haulers, boats and outboard motors, state and local tax, rate, how computed, exception — outboard motors, when, computation.
144.610. Tax imposed, property subject, exclusions, who liable.
144.613. Boats and boat motors — tax to be paid before registration issued.
144.615. Exemptions.
620.2000. Citation of law.
620.2005. Definitions.
620.2010. Retention of withholding tax for new jobs, when — tax credits authorized, requirements — alternate incentives.
620.2015. Relocation of business, factor in determining eligibility — benefits, requirements — written agreement required.
620.2020. Participation procedures, department duties, qualified company duties — maximum tax credits allowed, allocation — prohibited acts — report, contents — rulemaking authority — sunset date.
1. Nonseverability clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 32.087, 67.1010, 135.960, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and

144.615, RSMo, are repealed and twenty new sections enacted in lieu thereof, to be known as sections 32.087, 67.1010, 135.960, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, 144.615, 620.2000, 620.2005, 620.2010, 620.2015, 620.2020, and 1, to read as follows:

32.087. LOCAL SALES TAXES, PROCEDURES AND DUTIES OF DIRECTOR OF REVENUE, GENERALLY — EFFECTIVE DATE OF TAX — DUTY OF RETAILERS AND DIRECTOR OF REVENUE — EXEMPTIONS — DISCOUNTS ALLOWED — PENALTIES — MOTOR VEHICLE AND BOAT SALES, MOBILE TELECOMMUNICATIONS SERVICES — BOND REQUIRED — ANNUAL REPORT OF DIRECTOR, CONTENTS — DELINQUENT PAYMENTS — REAPPROVAL, EFFECT, PROCEDURES. — 1. Within ten days after the adoption of any ordinance or order in favor of adoption of any local sales tax authorized under the local sales tax law by the voters of a taxing entity, the governing body or official of such taxing entity shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance or order. The ordinance or order shall reflect the effective date thereof.

2. Any local sales tax so adopted shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the local sales tax, except as provided in subsection 18 of this section**, and shall be imposed on all transactions on which the Missouri state sales tax is imposed**.

3. Every retailer within the jurisdiction of one or more taxing entities which has imposed one or more local sales taxes under the local sales tax law shall add all taxes so imposed along with the tax imposed by the sales tax law of the state of Missouri to the sale price and, when added, the combined tax shall constitute a part of the price, and shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. The combined rate of the state sales tax and all local sales taxes shall be the sum of the rates, multiplying the combined rate times the amount of the sale.

4. The brackets required to be established by the director of revenue under the provisions of section 144.285 shall be based upon the sum of the combined rate of the state sales tax and all local sales taxes imposed under the provisions of the local sales tax law.

5. **(1)** The ordinance or order imposing a local sales tax under the local sales tax law shall impose **a tax** upon all **[**sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail**]** **transactions upon which the Missouri state sales tax is imposed** to the extent and in the manner provided in sections 144.010 to 144.525, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the sum of the combined rate of the state sales tax or state highway use tax and all local sales taxes imposed under the provisions of the local sales tax law.

(2) Notwithstanding any other provision of law to the contrary, local taxing jurisdictions, except those in which voters have previously approved a local use tax under section 144.757, shall have placed on the ballot on or after the general election in November 2014, but no later than the general election in November 2016, whether to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales tax under section 144.020 and purchased from a source other than a licensed Missouri dealer. The ballot question presented to the local voters shall contain substantially the following language:

Shall the ..... (local jurisdiction's name) discontinue applying and collecting the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer? Approval of this measure will result in a reduction of local revenue to provide for vital services for ..... (local jurisdiction's name) and it will place Missouri dealers of motor vehicles, outboard motors, boats, and trailers at a competitive disadvantage to non-Missouri dealers of motor vehicles, outboard motors, boats, and trailers.

[ ] YES [ ] NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(3) If the ballot question set forth in subdivision (2) of this subsection receives a majority of the votes cast in favor of the proposal, or if the local taxing jurisdiction fails to place the ballot question before the voters on or before the general election in November 2016, the local taxing jurisdiction shall cease applying the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer.

(4) In addition to the requirement that the ballot question set forth in subdivision (2) of this subsection be placed before the voters, the governing body of any local taxing jurisdiction that had previously imposed a local use tax on the use of motor vehicles, trailers, boats, and outboard motors may, at any time, place a proposal on the ballot at any election to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are in favor of the proposal to repeal application of the local sales tax to such titling, then the local sales tax shall no longer be applied to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal application of the local sales tax to such titling, such application shall remain in effect.

(5) In addition to the requirement that the ballot question set forth in subdivision (2) of this subsection be placed before the voters on or after the general election in November 2014, and on or before the general election in November 2016, whenever the governing body of any local taxing jurisdiction imposing a local sales tax on the sale of motor vehicles, trailers, boats, and outboard motors receives a petition, signed by fifteen percent of the registered voters of such jurisdiction voting in the last gubernatorial election, calling for a proposal to be placed on the ballot at any election to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer, the governing body shall submit to the voters of such jurisdiction a proposal to repeal application of the local sales tax to such titling. If a majority of the votes cast by the registered voters voting thereon are in favor of the proposal to repeal application of the local sales tax to such titling, then the local sales tax shall no longer be applied to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal application of the local sales tax to such titling, such application shall remain in effect.

(6) Nothing in this subsection shall be construed to authorize the voters of any jurisdiction to repeal application of any state sales or use tax.

(7) If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is repealed, such repeal shall take effect on the first day of the second calendar quarter after the election. If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is required to cease to be applied or collected due to failure of a local taxing jurisdiction to hold an election pursuant to subdivision (2) of this subsection, such cessation shall take effect on March 1, 2017.

6. On and after the effective date of any local sales tax imposed under the provisions of the local sales tax law, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect in addition to the sales tax for the state of Missouri all additional local sales taxes authorized under the authority of the local sales tax law. All local sales taxes imposed under the

local sales tax law together with all taxes imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

7. All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of any local sales tax imposed under the local sales tax law except as modified by the local sales tax law.

8. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services under the provisions of sections 144.010 to 144.525, as these sections now read and as they may hereafter be amended, it being the intent of this general assembly to ensure that the same sales tax exemptions granted from the state sales tax law also be granted under the local sales tax law, are hereby made applicable to the imposition and collection of all local sales taxes imposed under the local sales tax law.

9. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of the local sales tax law, and no additional permit or exemption certificate or retail certificate shall be required; except that the director of revenue may prescribe a form of exemption certificate for an exemption from any local sales tax imposed by the local sales tax law.

10. All discounts allowed the retailer under the provisions of the state sales tax law for the collection of and for payment of taxes under the provisions of the state sales tax law are hereby allowed and made applicable to any local sales tax collected under the provisions of the local sales tax law.

11. The penalties provided in section 32.057 and sections 144.010 to 144.525 for a violation of the provisions of those sections are hereby made applicable to violations of the provisions of the local sales tax law.

12. (1) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, all sales, except the sale of motor vehicles, trailers, boats, and outboard motors **required to be titled under the laws of the state of Missouri**, shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's agent or employee shall be deemed to be consummated at the place of business from which he works.

(2) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, **the sales tax upon the titling of** all **[**sales of**]** motor vehicles, trailers, boats, and outboard motors shall be **[**deemed to be consummated**] imposed** at the **rate in effect at the location of the** residence of the purchaser and not at the place of business of the retailer, or the place of business from which the retailer's agent or employee works.

(3) For the purposes of any local tax imposed by an ordinance or under the local sales tax law on charges for mobile telecommunications services, all taxes of mobile telecommunications service shall be imposed as provided in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended.

13. Local sales taxes **[**imposed pursuant to the local sales tax law**] shall not be imposed on the seller [**on the purchase and sale**]** of motor vehicles, trailers, boats, and outboard motors **[**shall not be collected and remitted by the seller,**] required to be titled under the laws of the state of Missouri**, but shall be collected **from the purchaser** by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within a taxing entity imposing a local sales tax under the local sales tax law.

14. The director of revenue and any of his deputies, assistants and employees who have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the hands of the director of revenue under the provisions of the local sales tax law shall enter a surety bond or bonds payable to any and all taxing entities in whose behalf such funds have been collected under the local sales tax law in the amount of one hundred thousand dollars for each such tax; but the director of revenue may enter into a blanket bond covering himself and all such deputies, assistants and employees. The cost of any premium for such bonds shall be paid by the director of revenue from the share of the collections under the sales tax law retained by the director of revenue for the benefit of the state.

15. The director of revenue shall annually report on his management of each trust fund which is created under the local sales tax law and administration of each local sales tax imposed under the local sales tax law. He shall provide each taxing entity imposing one or more local sales taxes authorized by the local sales tax law with a detailed accounting of the source of all funds received by him for the taxing entity. Notwithstanding any other provisions of law, the state auditor shall annually audit each trust fund. A copy of the director's report and annual audit shall be forwarded to each taxing entity imposing one or more local sales taxes.

16. Within the boundaries of any taxing entity where one or more local sales taxes have been imposed, if any person is delinquent in the payment of the amount required to be paid by him under the local sales tax law or in the event a determination has been made against him for taxes and penalty under the local sales tax law, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525. Where the director of revenue has determined that suit must be filed against any person for the collection of delinquent taxes due the state under the state sales tax law, and where such person is also delinquent in payment of taxes under the local sales tax law, the director of revenue shall notify the taxing entity in the event any person fails or refuses to pay the amount of any local sales tax due so that appropriate action may be taken by the taxing entity.

17. Where property is seized by the director of revenue under the provisions of any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax imposed by the local sales tax law, the director of revenue shall permit the taxing entity to join in any sale of property to pay the delinquent taxes and penalties due the state and to the taxing entity under the local sales tax law. The proceeds from such sale shall first be applied to all sums due the state, and the remainder, if any, shall be applied to all sums due such taxing entity.

18. If a local sales tax has been in effect for at least one year under the provisions of the local sales tax law and voters approve reimposition of the same local sales tax at the same rate at an election as provided for in the local sales tax law prior to the date such tax is due to expire, the tax so reimposed shall become effective the first day of the first calendar quarter after the director receives a certified copy of the ordinance, order or resolution accompanied by a map clearly showing the boundaries thereof and the results of such election, provided that such ordinance, order or resolution and all necessary accompanying materials are received by the director at least thirty days prior to the expiration of such tax. Any administrative cost or expense incurred by the state as a result of the provisions of this subsection shall be paid by the city or county reimposing such tax.

67.1010. TAX REVENUES TO BE ADMINISTERED BY COMMISSION FOR PROMOTION OF TOURISM, POWERS AND DUTIES (PETTIS COUNTY). — Any tax, and the revenues derived from the tax, imposed under the provisions of sections 67.1006 to 67.1012 shall be administered by the tourism commission, appointed under the provisions of sections 67.1006 to 67.1012. The revenues received from the tax shall be deposited by the commission in a special fund and used solely for the promotion of tourism within the county with at least fifty percent of the revenue

used for joint efforts to promote a state operated facility for the first five years the tax is in effect. After the expiration of five years, the commission shall decide on the use of the moneys. **[**None of the revenue from the tax shall be used for salaries.**]**

135.960. PUBLIC HEARING REQUIRED — ORDINANCE REQUIREMENTS — EXPIRATION DATE — ANNUAL REPORT. — 1. Any governing authority that desires to have any portion of a city or unincorporated area of a county under its control designated as an enhanced enterprise zone shall hold a public hearing for the purpose of obtaining the opinion and suggestions of those persons who will be affected by such designation. **[**The governing authority shall notify the director of such hearing at least thirty days prior thereto and shall publish notice of such hearing in a newspaper of general circulation in the area to be affected by such designation at least twenty days prior to the date of the hearing but not more than thirty days prior to such hearing. Such notice shall state the time, location, date, and purpose of the hearing. The director, or the director's designee, shall attend such hearing.**]**

2. After a public hearing is held as required in subsection 1 of this section, the governing authority may**, [**file a petition with the department requesting the designation of**] by a majority vote of the members of the governing authority, adopt an ordinance or resolution designating** a specific area as an enhanced enterprise zone. Such **[**petition**] ordinance** shall include, in addition to a description of the physical, social, and economic characteristics of the area:

(1) A plan to provide adequate police protection within the area;

(2) A specific and practical process for individual businesses to obtain waivers from burdensome local regulations, ordinances, and orders which serve to discourage economic development within the area to be designated an enhanced enterprise zone, except that such waivers shall not substantially endanger the health or safety of the employees of any such business or the residents of the area;

(3) A description of what other specific actions will be taken to support and encourage private investment within the area;

(4) A plan to ensure that resources are available to assist area residents to participate in increased development through self-help efforts and in ameliorating any negative effects of designation of the area as an enhanced enterprise zone;

(5) A statement describing the projected positive and negative effects of designation of the area as an enhanced enterprise zone;

(6) A specific plan to provide assistance to any person or business dislocated as a result of activities within the enhanced enterprise zone. Such plan shall determine the need of dislocated persons for relocation assistance; provide, prior to displacement, information about the type, location, and price of comparable housing or commercial property; provide information concerning state and federal programs for relocation assistance and provide other advisory services to displaced persons. Public agencies may choose to provide assistance under the Uniform Relocation and Real Property Acquisition Act, 42 U.S.C. Section 4601, et seq., to meet the requirements of this subdivision; and

(7) A description or plan that demonstrates the requirements of subsection 4 of section 135.953.

3. An enhanced enterprise zone designation shall **[**be effective upon such approval by the department and shall**]** expire in twenty-five years.

4. Each designated enhanced enterprise zone board shall report to the director on an annual basis regarding the status of the zone and business activity within the zone.

144.020. RATE OF TAX — TICKETS, NOTICE OF SALES TAX — LEASE OR RENTAL OF PERSONAL PROPERTY EXEMPT FROM TAX, WHEN. — 1. A tax is hereby levied and imposed **for the privilege of titling new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are**

required to be titled under the laws of the state of Missouri and, except as provided in subdivision (9) of this subsection, upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state. The rate of tax shall be as follows:

(1) Upon every retail sale in this state of tangible personal property, **[**including but not limited to**]** **excluding** motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats and outboard motors **required to be titled under the laws of the state of Missouri and subject to tax under subdivision (9) of this subsection**, a tax equivalent to four percent of the purchase price paid or charged, or in case such sale involves the exchange of property, a tax equivalent to four percent of the consideration paid or charged, including the fair market value of the property exchanged at the time and place of the exchange, except as otherwise provided in section 144.025;

(2) A tax equivalent to four percent of the amount paid for admission and seating accommodations, or fees paid to, or in any place of amusement, entertainment or recreation, games and athletic events;

(3) A tax equivalent to four percent of the basic rate paid or charged on all sales of electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(4) A tax equivalent to four percent on the basic rate paid or charged on all sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto; except that, the payment made by telecommunications subscribers or others, pursuant to section 144.060, and any amounts paid for access to the internet or interactive computer services shall not be considered as amounts paid for telecommunications services;

(5) A tax equivalent to four percent of the basic rate paid or charged for all sales of services for transmission of messages of telegraph companies;

(6) A tax equivalent to four percent on the amount of sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are regularly served to the public;

(7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(8) A tax equivalent to four percent of the amount paid or charged for rental or lease of tangible personal property, provided that if the lessor or renter of any tangible personal property had previously purchased the property under the conditions of "sale at retail" or leased or rented the property and the tax was paid at the time of purchase, lease or rental, the lessor, sublessor, renter or subrenter shall not apply or collect the tax on the subsequent lease, sublease, rental or subrental receipts from that property. The purchase, rental or lease of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors shall be taxed and the tax paid as provided in this section and section 144.070. In no event shall the rental or lease of boats and outboard motors be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of amusement, entertainment or recreation. Rental and leased boats or outboard motors shall be taxed under the provisions of the sales tax laws as provided under such laws for motor vehicles and trailers. Tangible personal property which is exempt from the sales or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the lease or rental thereof.

(9) A tax equivalent to four percent of the purchase price, as defined in section 144.070, of new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri. This tax is imposed on the person titling such property, and shall be paid according to the procedures in section 144.440.

2. All tickets sold which are sold under the provisions of sections 144.010 to 144.525 which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the words "This ticket is subject to a sales tax.".

144.021. IMPOSITION OF TAX — SELLER'S DUTIES. — The purpose and intent of sections 144.010 to 144.510 is to impose a tax upon the privilege of engaging in the business, in this state, of selling tangible personal property and those services listed in section 144.020 **and for the privilege of titling new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri**. **Except as otherwise provided,** the primary tax burden is placed upon the seller making the taxable sales of property or service and is levied at the rate provided for in section 144.020. Excluding **subdivision (9) of subsection 1 of section 144.020 and** sections 144.070, 144.440 and 144.450, the extent to which a seller is required to collect the tax from the purchaser of the taxable property or service is governed by section 144.285 and in no way affects sections 144.080 and 144.100, which require all sellers to report to the director of revenue their "gross receipts", defined herein to mean the aggregate amount of the sales price of all sales at retail, and remit tax at four percent of their gross receipts.

144.069. SALES OF MOTOR VEHICLES, TRAILERS, BOATS AND OUTBOARD MOTORS IMPOSED AT ADDRESS OF OWNER — SOME LEASES DEEMED IMPOSED AT ADDRESS OF LESSEE. — All sales **taxes associated with the titling** of motor vehicles, trailers, boats and outboard motors **under the laws of Missouri** shall be **[**deemed to be consummated**]** **imposed** at the **rate in effect at the location of the** address of the owner thereof, and all **sales taxes associated with the titling of vehicles under** leases of over sixty-day duration of motor vehicles, trailers, boats and outboard motors **[**subject to sales taxes under this chapter**]** shall be **[**deemed to be consummated**]** **imposed at the rate in effect,** unless the vehicle, trailer, boat or motor has been registered and sales taxes have been paid prior to the consummation of the lease agreement at the **location of the** address of the lessee thereof on the date the lease is consummated, and all applicable sales taxes levied by any political subdivision shall be collected on such sales **from the purchaser or lessee** by the state department of revenue on that basis.

144.071. RESCISSION OF SALE REQUIRES TAX REFUND, WHEN. — 1. In all cases where the purchaser of a motor vehicle, trailer, boat or outboard motor rescinds the sale of that motor vehicle, trailer, boat or outboard motor and receives a refund of the purchase price and returns the motor vehicle, trailer, boat or outboard motor to the seller within sixty calendar days from the date of the sale, **any [**the sales or use**]** tax paid to the department of revenue shall be refunded to the purchaser upon proper application to the director of revenue.

2. In any rescission whereby a seller reacquires title to the motor vehicle, trailer, boat or outboard motor sold by him and the reacquisition is within sixty calendar days from the date of the original sale, the person reacquiring the motor vehicle, trailer, boat or outboard motor shall be entitled to a refund of any **[**sales or use**]** tax paid as a result of the reacquisition of the motor vehicle, trailer, boat or outboard motor, upon proper application to the director of revenue.

3. Any city or county **[**sales or use**]** tax refunds shall be deducted by the director of revenue from the next remittance made to that city or county.

4. Each claim for refund must be made within one year after payment of the tax on which the refund is claimed.

5. As used in this section, the term "boat" includes all motorboats and vessels as the terms "motorboat" and "vessel" are defined in section 306.010.

144.440. PURCHASE PRICE OF MOTOR VEHICLES, TRAILERS, BOATS AND OUTBOARD MOTORS TO BE DISCLOSED, WHEN — PAYMENT OF TAX, WHEN — INAPPLICABILITY TO MANUFACTURED HOMES. — 1. **[**In addition to all other taxes now or hereafter levied and imposed upon every person for the privilege of using the highways or waterways of this state, there is hereby levied and imposed a tax equivalent to four percent of the purchase price, as defined in section 144.070, which is paid or charged on new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri.

2.**]** At the time the owner of any **[**such**]** motor vehicle, trailer, boat, or outboard motor makes application to the director of revenue for an official certificate of title and the registration of the same as otherwise provided by law, he shall present to the director of revenue evidence satisfactory to the director showing the purchase price paid by or charged to the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, or that the motor vehicle, trailer, boat, or outboard motor is not subject to the tax herein provided and, if the motor vehicle, trailer, boat, or outboard motor is subject to the tax herein provided, the applicant shall pay or cause to be paid to the director of revenue the tax provided herein.

[3.**]** **2.** In the event that the purchase price is unknown or undisclosed, or that the evidence thereof is not satisfactory to the director of revenue, the same shall be fixed by appraisement by the director.

[4.**]** **3.** No certificate of title shall be issued for such motor vehicle, trailer, boat, or outboard motor unless the tax for the privilege of using the highways or waters of this state has been paid or the vehicle, trailer, boat, or outboard motor is registered under the provisions of subsection 5 of this section.

[5.**]** **4.** The owner of any motor vehicle, trailer, boat, or outboard motor which is to be used exclusively for rental or lease purposes may pay the tax due thereon required in section 144.020 at the time of registration or in lieu thereof may pay a **[**use**]** **sales** tax as provided in sections 144.010, 144.020, 144.070 and 144.440. A **[**use**]** **sales** tax shall be charged and paid on the amount charged for each rental or lease agreement while the motor vehicle, trailer, boat, or outboard motor is domiciled in the state. If the owner elects to pay upon each rental or lease, he shall make an affidavit to that effect in such form as the director of revenue shall require and shall remit the tax due at such times as the director of revenue shall require.

[6.**]** **5.** In the event that any leasing company which rents or leases motor vehicles, trailers, boats, or outboard motors elects to collect a **[**use**]** **sales** tax**[**,**]** all of its lease receipt**s** would be subject to the **[**use**]** **sales** tax**[**,**]** regardless of whether or not the leasing company previously paid a sales tax when the vehicle, trailer, boat, or outboard motor was originally purchased.

[7.**]** **6.** The provisions of this section, and the tax imposed by this section, shall not apply to manufactured homes.

144.450. EXEMPTIONS FROM USE TAX. — In order to avoid double taxation under the provisions of sections 144.010 to 144.510, any person who purchases a motor vehicle, trailer, manufactured home, boat, or outboard motor in any other state and seeks to register or obtain a certificate of title for it in this state shall be credited with the amount of any sales tax or use tax shown to have been previously paid by him on the purchase price of such motor vehicle, trailer, boat, or outboard motor in such other state. The tax imposed by **subdivision (9) of subsection 1 of** section **[**144.440**]** **144.020** shall not apply:

(1) **[**To motor vehicles, trailers, boats, or outboard motors on account of which the sales tax provided by sections 144.010 to 144.510 shall have been paid;

(2)**]** To motor vehicles, trailers, boats, or outboard motors brought into this state by a person moving any such vehicle, trailer, boat, or outboard motor into Missouri from another state who

shall have registered and in good faith regularly operated any such motor vehicle, trailer, boat, or outboard motor in such other state at least ninety days prior to the time it is registered in this state;

[(3)**] (2)** To motor vehicles, trailers, boats, or outboard motors acquired by registered dealers for resale;

[(4)**] (3)** To motor vehicles, trailers, boats, or outboard motors purchased, owned or used by any religious, charitable or eleemosynary institution for use in the conduct of regular religious, charitable or eleemosynary functions and activities;

[(5)**] (4)** To motor vehicles owned and used by religious organizations in transferring pupils to and from schools supported by such organization;

[(6)**] (5)** Where the motor vehicle, trailer, boat, or outboard motor has been acquired by the applicant for a certificate of title therefor by gift or under a will or by inheritance, and the tax hereby imposed has been paid by the donor or decedent;

[(7)**] (6)** To any motor vehicle, trailer, boat, or outboard motor owned or used by the state of Missouri or any other political subdivision thereof, or by an educational institution supported by public funds; or

[(8)**] (7)** To farm tractors.

144.455. TAX ON MOTOR VEHICLES AND TRAILERS, PURPOSE OF — RECEIPTS CREDITED AS CONSTITUTIONALLY REQUIRED. — The tax imposed by **subdivision (9) of subsection 1 of** section **[**144.440**] 144.020** on motor vehicles and trailers is levied for the purpose of providing revenue to be used by this state to defray in whole or in part the cost of constructing, widening, reconstructing, maintaining, resurfacing and repairing the public highways, roads and streets of this state, and the cost and expenses incurred in the administration and enforcement of **subdivision (9) of subsection 1 of section 144.020 and** sections 144.440 to 144.455, and for no other purpose whatsoever, and all revenue collected or received by the director of revenue from the tax imposed by **subdivision (9) of subsection 1 of** section **[**144.440**] 144.020** on motor vehicles and trailers shall be promptly deposited **[**in the state treasury to the credit of the state highway department fund**] as dictated by article IV, section 30(b) of the Constitution of Missouri**.

144.525. MOTOR VEHICLES, HAULERS, BOATS AND OUTBOARD MOTORS, STATE AND LOCAL TAX, RATE, HOW COMPUTED, EXCEPTION — OUTBOARD MOTORS, WHEN, COMPUTATION. — Notwithstanding any other provision of law, the amount of any state and local sales **[**or use**]** taxes due on the purchase of a motor vehicle, trailer, boat or outboard motor required to be registered under the provisions of sections 301.001 to 301.660 and sections 306.010 to 306.900 shall be computed on the rate of such taxes in effect on the date the purchaser submits application for a certificate of ownership to the director of revenue; except that, in the case of a sale at retail, of an outboard motor by a retail business which is not required to be registered under the provisions of section 301.251, the amount of state and local **[**sales and use**]** taxes due shall be computed on the rate of such taxes in effect as of the calendar date of the retail sale.

144.610. TAX IMPOSED, PROPERTY SUBJECT, EXCLUSIONS, WHO LIABLE. — 1. A tax is imposed for the privilege of storing, using or consuming within this state any article of tangible personal property**, excluding motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors required to be titled under the laws of the state of Missouri and subject to tax under subdivision (9) of subsection 1 of section 144.020,** purchased on or after the effective date of sections 144.600 to 144.745 in an amount equivalent to the percentage imposed on the sales price in the sales tax law in section 144.020. This tax does not apply with respect to the storage, use or consumption of any article of tangible personal property purchased, produced or manufactured outside this state until the transportation of the article has finally come

to rest within this state or until the article has become commingled with the general mass of property of this state.

2. Every person storing, using or consuming in this state tangible personal property **subject to the tax in subsection 1 of this section** is liable for the tax imposed by this law, and the liability shall not be extinguished until the tax is paid to this state, but a receipt from a vendor authorized by the director of revenue under the rules and regulations that he prescribes to collect the tax, given to the purchaser in accordance with the provisions of section 144.650, relieves the purchaser from further liability for the tax to which receipt refers.

3. Because this section no longer imposes a Missouri use tax on the storage, use, or consumption of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors required to be titled under the laws of the state of Missouri, in that the state sales tax is now imposed on the titling of such property, the local sales tax, rather than the local use tax, applies.

144.613. BOATS AND BOAT MOTORS — TAX TO BE PAID BEFORE REGISTRATION ISSUED. — Notwithstanding the provisions of section 144.655, at the time the owner of any new or used boat or boat motor which was acquired after December 31, 1979, in a transaction subject to **[**use**]** tax under **[**the Missouri use tax law**]** **this chapter** makes application to the director of revenue for the registration of the boat or boat motor, he shall present to the director of revenue evidence satisfactory to the director of revenue showing the purchase price, exclusive of any charge incident to the extension of credit, paid by or charged to the applicant in the acquisition of the boat or boat motor, or that no sales or use tax was incurred in its acquisition, and, if **[**sales or use**]** tax was incurred in its acquisition, that the same has been paid, or the applicant shall pay or cause to be paid to the director of revenue the **[**use**]** tax provided by **[**the Missouri use tax law**]** **this chapter** in addition to the registration fees now or hereafter required according to law, and the director of revenue shall not issue a registration for any new or used boat or boat motor subject to **[**use**]** tax **[**as provided in the Missouri use tax law**]** **in this chapter** until the tax levied for the use of the same under **[**sections 144.600 to 144.748**]** **this chapter** has been paid.

144.615. EXEMPTIONS. — There are specifically exempted from the taxes levied in sections 144.600 to 144.745:

(1) Property, the storage, use or consumption of which this state is prohibited from taxing pursuant to the constitution or laws of the United States or of this state;

(2) Property, the gross receipts from the sale of which are required to be included in the measure of the tax imposed pursuant to the Missouri sales tax law;

(3) Tangible personal property, the sale or other transfer of which, if made in this state, would be exempt from or not subject to the Missouri sales tax pursuant to the provisions of subsection 2 of section 144.030;

(4) Motor vehicles, trailers, boats, and outboard motors subject to the tax imposed by section **[**144.440**]** **144.020**;

(5) Tangible personal property which has been subjected to a tax by any other state in this respect to its sales or use; provided, if such tax is less than the tax imposed by sections 144.600 to 144.745, such property, if otherwise taxable, shall be subject to a tax equal to the difference between such tax and the tax imposed by sections 144.600 to 144.745;

(6) Tangible personal property held by processors, retailers, importers, manufacturers, wholesalers, or jobbers solely for resale in the regular course of business;

(7) Personal and household effects and farm machinery used while an individual was a bona fide resident of another state and who thereafter became a resident of this state, or tangible personal property brought into the state by a nonresident for his own storage, use or consumption while temporarily within the state.

620.2000. CITATION OF LAW. — Sections 620.2000 to 620.2020 shall be known and may be cited as the "Missouri Works Program".

620.2005. DEFINITIONS. — As used in sections 620.2000 to 620.2020, the following terms mean:

(1) "Average wage", the new payroll divided by the number of new jobs, or the payroll of the retained jobs divided by the number of retained jobs;

(2) "Commencement of operations", the starting date for the qualified company's first new employee, which shall be no later than twelve months from the date of the approval;

(3) "County average wage", the average wages in each county as determined by the department for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of determining eligibility. The department shall publish the county average wage for each county at least annually. Notwithstanding the provisions of this subdivision to the contrary, for any qualified company that in conjunction with their project is relocating employees from a Missouri county with a higher county average wage, the company shall obtain the endorsement of the governing body of the community from which jobs are being relocated or the county average wage for their project shall be the county average wage for the county from which the employees are being relocated;

(4) "Department", the Missouri department of economic development;

(5) "Director", the director of the department of economic development;

(6) "Employee", a person employed by a qualified company, excluding:

(a) Owners of the qualified company unless the qualified company is participating in an employee stock ownership plan; or

(b) Owners of a non-controlling interest in stock of a qualified company that is publically traded;

(7) "Existing Missouri business", a qualified company that, for the ten-year period preceding submission of a notice of intent to the department, had a physical location in Missouri and full-time employees who routinely perform job duties within Missouri;

(8) "Full-time employee", an employee of the qualified company that is scheduled to work an average of at least thirty-five hours per week for a twelve-month period, and one for which the qualified company offers health insurance and pays at least fifty percent of such insurance premiums. An employee that spends less than fifty percent of the employee's work time at the facility shall be considered to be located at a facility if the employee receives his or her directions and control from that facility, is on the facility's payroll, one hundred percent of the employee's income from such employment is Missouri income, and the employee is paid at or above the applicable percentage of the county average wage;

(9) "Local incentives", the present value of the dollar amount of direct benefit received by a qualified company for a project facility from one or more local political subdivisions, but this term shall not include loans or other funds provided to the qualified company that shall be repaid by the qualified company to the political subdivision;

(10) "NAICS" or "NAICS industry classification", the classification provided by the most recent edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget;

(11) "New capital investment", shall include costs incurred by the qualified company at the project facility after acceptance by the qualified company of the proposal for benefits from the department or the approval notice of intent, whichever occurs first, for real or personal property, and may include the value of finance or capital leases for real or personal property for the term of such lease at the project facility executed after

acceptance by the qualified company of the proposal for benefits from the department or the approval of the notice of intent;

(12) "New direct local revenue", the present value of the dollar amount of direct net new tax revenues of the local political subdivisions likely to be produced by the project over a ten-year period as calculated by the department, excluding local earnings tax, and net new utility revenues, provided the local incentives include a discount or other direct incentives from utilities owned or operated by the political subdivision;

(13) "New job", the number of full-time employees located at the project facility that exceeds the project facility base employment less any decrease in the number of full-time employees at related facilities below the related facility base employment. No job that was created prior to the date of the notice of intent shall be deemed a new job;

(14) "New payroll", the amount of wages paid for all new jobs, located at the project facility during the qualified company's tax year that exceeds the project facility base payroll;

(15) "Notice of intent", a form developed by the department and available online, completed by the qualified company, and submitted to the department stating the qualified company's intent to request benefits under this program;

(16) "Percent of local incentives", the amount of local incentives divided by the amount of new direct local revenue;

(17) "Program", the Missouri works program established in sections 620.2000 to 620.2020;

(18) "Project facility", the building or buildings used by a qualified company at which new or retained jobs and any new capital investment are or will be located. A project facility may include separate buildings located within sixty miles of each other such that their purpose and operations are interrelated; provided that where the buildings making up the project facility are not located within the same county, the average wage of the new payroll shall exceed the applicable percentage of the highest county average wage among the counties in which the buildings are located. Upon approval by the department, a subsequent project facility may be designated if the qualified company demonstrates a need to relocate to the subsequent project facility at any time during the project period;

(19) "Project facility base employment", the greater of the number of full-time employees located at the project facility on the date of the notice of intent or, for the twelve-month period prior to the date of the notice of intent, the average number of full-time employees located at the project facility. In the event the project facility has not been in operation for a full twelve-month period, the average number of full-time employees for the number of months the project facility has been in operation prior to the date of the notice of intent;

(20) "Project facility base payroll", the annualized payroll for the project facility base employment or the total amount of wages paid by the qualified company to full-time employees of the qualified company located at the project facility in the twelve months prior to the notice of intent. For purposes of calculating the benefits under this program, the amount of base payroll shall increase each year based on an appropriate measure, as determined by the department;

(21) "Project period", the time period within which benefits are awarded to a qualified company or within which the qualified company is obligated to perform under an agreement with the department, whichever is greater;

(22) "Projected net fiscal benefit", the total fiscal benefit to the state less any state benefits offered to the qualified company, as determined by the department;

(23) "Qualified company", a firm, partnership, joint venture, association, private or public corporation whether organized for profit or not, or headquarters of such entity registered to do business in Missouri that is the owner or operator of a project facility,

certifies that it offers health insurance to all full-time employees of all facilities located in this state, and certifies that it pays at least fifty percent of such insurance premiums. For the purposes of sections 620.2000 to 620.2020, the term "qualified company" shall not include:

(a) Gambling establishments (NAICS industry group 7132);

(b) Store front consumer-based retail trade establishments (under NAICS sectors 44 and 45), except with respect to any company headquartered in this state with a majority of its full-time employees engaged in operations not within the NAICS codes specified in this subdivision;

(c) Food and drinking places (NAICS subsector 722);

(d) Public utilities (NAICS 221 including water and sewer services);

(e) Any company that is delinquent in the payment of any nonprotested taxes or any other amounts due the state or federal government or any other political subdivision of this state;

(f) Any company requesting benefits for retained jobs that has filed for or has publicly announced its intention to file for bankruptcy protection. However, a company that has filed for or has publicly announced its intention to file for bankruptcy, may be a qualified company provided that such company:

a. Certifies to the department that it plans to reorganize and not to liquidate; and

b. After its bankruptcy petition has been filed, it produces proof, in a form and at times satisfactory to the department, that it is not delinquent in filing any tax returns or making any payment due to the state of Missouri, including but not limited to all tax payments due after the filing of the bankruptcy petition and under the terms of the plan of reorganization.

Any taxpayer who is awarded benefits under this subsection and who files for bankruptcy under Chapter 7 of the United States Bankruptcy Code, Title 11 U.S.C., shall immediately notify the department and shall forfeit such benefits and shall repay the state an amount equal to any state tax credits already redeemed and any withholding taxes already retained;

(g) Educational services (NAICS sector 61);

(h) Religious organizations (NAICS industry group 8131);

(i) Public administration (NAICS sector 92);

(j) Ethanol distillation or production;

(k) Biodiesel production; or

(l) Healthcare and social services (NAICS sector 62).

Notwithstanding any provision of this section to the contrary, the headquarters, administrative offices, or research and development facilities of an otherwise excluded business may qualify for benefits if the offices or facilities serve a multistate territory. In the event a national, state, or regional headquarters operation is not the predominant activity of a project facility, the jobs and investment of such operation shall be considered eligible for benefits under this section if the other requirements are satisfied;

(24) "Related company", shall mean:

(a) A corporation, partnership, trust, or association controlled by the qualified company;

(b) An individual, corporation, partnership, trust, or association in control of the qualified company; or

(c) Corporations, partnerships, trusts or associations controlled by an individual, corporation, partnership, trust, or association in control of the qualified company. As used in this paragraph, "control of a qualified company" shall mean:

a. Ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote in the case of a qualified company that is a corporation;

b. Ownership of at least fifty percent of the capital or profits interest in such qualified company if it is a partnership or association;

c. Ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such qualified company if it is a trust, and ownership shall be determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended;

(25) "Related facility", a facility operated by the qualified company or a related company located in this state that is directly related to the operations of the project facility or in which operations substantially similar to the operations of the project facility are performed;

(26) "Related facility base employment", the greater of the number of full-time employees located at all related facilities on the date of the notice of intent or, for the twelve-month period prior to the date of the notice of intent, the average number of full-time employees located at all related facilities of the qualified company or a related company located in this state;

(27) "Related facility base payroll", the annualized payroll of the related facility base payroll or the total amount of taxable wages paid by the qualified company to full-time employees of the qualified company located at a related facility in the twelve months prior to the filing of the notice of intent. For purposes of calculating the benefits under this program, the amount of related facility base payroll shall increase each year based on an appropriate measure, as determined by the department;

(28) "Rural area", a county in Missouri with a population less than seventy-five thousand or that does not contain an individual city with a population greater than fifty thousand according to the most recent federal decennial census;

(29) "Tax credits", tax credits issued by the department to offset the state taxes imposed by chapters 143 and 148, or which may be sold or refunded as provided for in this program;

(30) "Withholding tax", the state tax imposed by sections 143.191 to 143.265. For purposes of this program, the withholding tax shall be computed using a schedule as determined by the department based on average wages; and

(31) This section is subject to the provisions of section 196.1127.

620.2010. RETENTION OF WITHHOLDING TAX FOR NEW JOBS, WHEN — TAX CREDITS AUTHORIZED, REQUIREMENTS — ALTERNATE INCENTIVES. — 1. In exchange for the consideration provided by the new tax revenues and other economic stimuli that will be generated by the new jobs created, a qualified company may, for a period of five years from the date the new jobs are created, or for a period of six years from the date the new jobs are created if the qualified company is an existing Missouri business, retain an amount equal to the withholding tax as calculated under subdivision (30) of section 620.2005 from the new jobs that would otherwise be withheld and remitted by the qualified company under the provisions of sections 143.191 to 143.265 if:

(1) The qualified company creates ten or more new jobs, and the average wage of the new payroll equals or exceeds ninety percent of the county average wage;

(2) The qualified company creates two or more new jobs at a project facility located in a rural area, the average wage of the new payroll equals or exceeds ninety percent of the county average wage, and the qualified company commits to making at least one hundred thousand dollars of new capital investment at the project facility within two years; or

(3) The qualified company creates two or more new jobs at a project facility located within a zone designated under sections 135.950 to 135.963, the average wage of the new payroll equals or exceeds eighty percent of the county average wage, and the qualified company commits to making at least one hundred thousand dollars in new capital investment at the project facility within two years of approval;

2. In addition to any benefits available under subsection 1 of this section, the department may award a qualified company that satisfies subdivision (1) of subsection 1 of this section additional tax credits, issued each year for a period of five years from the date the new jobs are created, or for a period of six years from the date the new jobs are created if the qualified company is an existing Missouri business, in an amount equal to or less than six percent of new payroll; provided that in no event may the total amount of benefits awarded to a qualified company under this section exceed nine percent of new payroll in any calendar year. The amount of tax credits awarded to a qualified company under this subsection shall not exceed the projected net fiscal benefit to the state, as determined by the department, and shall not exceed the least amount necessary to obtain the qualified company's commitment to initiate the project. In determining the amount of tax credits to award to a qualified company under this subsection, the department shall consider the following factors:

(1) The significance of the qualified company's need for program benefits;

(2) The amount of projected net fiscal benefit to the state of the project and the period in which the state would realize such net fiscal benefit;

(3) The overall size and quality of the proposed project, including the number of new jobs, new capital investment, proposed wages, growth potential of the qualified company, the potential multiplier effect of the project, and similar factors;

(4) The financial stability and creditworthiness of the qualified company;

(5) The level of economic distress in the area;

(6) An evaluation of the competitiveness of alternative locations for the project facility, as applicable; and

(7) The percent of local incentives committed;

3. Upon approval of a notice of intent to receive tax credits under subsections 2 and 5 of this section, the department and the qualified company shall enter into a written agreement covering the applicable project period. The agreement shall specify, at a minimum:

(1) The committed number of new jobs, new payroll, and new capital investment for each year during the project period;

(2) The date or time period during which the tax credits shall be issued, which may be immediately or over a period not to exceed two years from the date of approval of the notice of intent;

(3) Clawback provisions, as may be required by the department; and

(4) Any other provisions the department may require.

4. In lieu of the benefits available under sections 1 and 2 of this section, and in exchange for the consideration provided by the new tax revenues and other economic stimuli that will be generated by the new jobs created by the program, a qualified company may, for a period of five years from the date the new jobs are created, or for a period of six years from the date the new jobs are created if the qualified company is an existing Missouri business, retain an amount equal to the withholding tax as calculated under subdivision (30) of section 620.2005 from the new jobs that would otherwise be withheld and remitted by the qualified company under the provisions of sections 143.191 to 143.265 equal to:

(1) Six percent of new payroll for a period of five years from the date the required number of new jobs were created if the qualified company creates one hundred or more new jobs and the average wage of the new payroll equals or exceeds one hundred twenty

percent of the county average wage of the county in which the project facility is located; or

(2) Seven percent of new payroll for a period of five years from the date the required number of jobs were created if the qualified company creates one hundred or more new jobs and the average wage of the new payroll equals or exceeds one hundred forty percent of the county average wage of the county in which the project facility is located.

The department shall issue a refundable tax credit for any difference between the amount of benefit allowed under this subsection and the amount of withholding tax retained by the company, in the event the withholding tax is not sufficient to provide the entire amount of benefit due to the qualified company under this subsection.

5. In addition to the benefits available under subsections 4 of this section, the department may award a qualified company that satisfies the provisions of subsection 4 of this section additional tax credits, issued each year for a period of five years from the date the new jobs are created, or for a period of six years from the date the new jobs are created if the qualified company is an existing Missouri business, in an amount equal to or less than three percent of new payroll; provided that in no event may the total amount of benefits awarded to a qualified company under this section exceed nine percent of new payroll in any calendar year. The amount of tax credits awarded to a qualified company under this subsection shall not exceed the projected net fiscal benefit to the state, as determined by the department, and shall not exceed the least amount necessary to obtain the qualified company's commitment to initiate the project. In determining the amount of tax credits to award to a qualified company under this subsection, the department shall consider the factors provided under subsection 2 of this section.

6. No benefits shall be available under this section for any qualified company that has performed significant, project-specific site work at the project facility, purchased machinery or equipment related to the project, or has publicly announced its intention to make new capital investment at the project facility prior to receipt of a proposal for benefits under this section or approval of its notice of intent, whichever occurs first.

620.2015. RELOCATION OF BUSINESS, FACTOR IN DETERMINING ELIGIBILITY — BENEFITS, REQUIREMENTS — WRITTEN AGREEMENT REQUIRED. — 1. In exchange for the consideration provided by the tax revenues and other economic stimuli that will be generated by the retention of jobs and the making of new capital investment in this state, a qualified company may be eligible to receive the benefits described in this section if the department determines that there is a significant probability that the qualified company would relocate to another state in the absence of the benefits authorized under this section. In no event shall the total amount of benefits available to all qualified companies under this section exceed six million dollars in any fiscal year.

2. A qualified company meeting the requirements of this section may be authorized to retain an amount not to exceed one hundred percent of the withholding tax from full-time jobs that would otherwise be withheld and remitted by the qualified company under the provisions of sections 143.191 to 143.265, for a period of ten years if the average wage of the retained jobs equals or exceeds ninety percent of the county average wage. In order to receive benefits under this section, a qualified company shall enter into written agreement with the department containing detailed performance requirements and repayment penalties in event of nonperformance. The amount of benefits awarded to a qualified company under this section shall not exceed the projected net fiscal benefit and shall not exceed the least amount necessary to obtain the qualified company's commitment to retain the necessary number of jobs and make the required new capital investment.

3. In order to be eligible to receive benefits under this section, the qualified company shall meet each of the following conditions:

(1) The qualified company shall agree to retain, for a period of ten years from the date of approval of the notice of intent, at least fifty retained jobs; and

(2) The qualified company shall agree to make a new capital investment at the project facility within three years of the approval in an amount equal to one-half the total benefits, available under this section, which are offered to the qualified company by the department.

4. In awarding benefits under this section, the department shall consider the factors set forth in subsection 2 of section 620.2010.

5. Upon approval of a notice of intent to request benefits under this section, the department and the qualified company shall enter into a written agreement covering the applicable project period. The agreement shall specify, at a minimum:

(1) The committed number of retained jobs, payroll, and new capital investment for each year during the project period;

(2) Clawback provisions, as may be required by the department; and

(3) Any other provisions the department may require.

620.2020. PARTICIPATION PROCEDURES, DEPARTMENT DUTIES, QUALIFIED COMPANY DUTIES — MAXIMUM TAX CREDITS ALLOWED, ALLOCATION — PROHIBITED ACTS — REPORT, CONTENTS — RULEMAKING AUTHORITY — SUNSET DATE. — 1. The department shall respond to a written request, by or on behalf of a qualified company, for a proposed benefit award under the provisions of this program within five business days of receipt of such request. Such response shall contain either a proposal of benefits for the qualified company, or a written response refusing to provide such a proposal and stating the reasons for such refusal. A qualified company that intends to seek benefits under the program shall submit to the department a notice of intent. The department shall respond within thirty days to a notice of intent with an approval or a rejection, provided that the department may withhold approval or provide a contingent approval until it is satisfied that proper documentation of eligibility has been provided. Failure to respond on behalf of the department shall result in the notice of intent being deemed approved. A qualified company receiving approval for program benefits may receive additional benefits for subsequent new jobs at the same facility after the full initial project period if the applicable minimum job requirements are met. There shall be no limit on the number of project periods a qualified company may participate in the program, and a qualified company may elect to file a notice of intent to begin a new project period concurrent with an existing project period if the applicable minimum job requirements are achieved, the qualified company provides the department with the required annual reporting, and the qualified company is in compliance with this program and any other state programs in which the qualified company is currently or has previously participated. However, the qualified company shall not receive any further program benefits under the original approval for any new jobs created after the date of the new notice of intent, and any jobs created before the new notice of intent shall not be included as new jobs for purposes of the benefit calculation for the new approval. When a qualified company has filed and received approval of a notice of intent and subsequently files another notice of intent, the department shall apply the definition of project facility under subdivision (18) of section 620.2005 to the new notice of intent as well as all previously approved notices of intent and shall determine the application of the definitions of new job, new payroll, project facility base employment, and project facility base payroll accordingly.

2. Notwithstanding any provision of law to the contrary, the benefits available to the qualified company under any other state programs for which the company is eligible and which utilize withholding tax from the new or retained jobs of the company shall first

be credited to the other state program before the withholding retention level applicable under this program will begin to accrue. If any qualified company also participates in a job training program utilizing withholding tax, the company shall retain no withholding tax under this program, but the department shall issue a refundable tax credit for the full amount of benefit allowed under this program. The calendar year annual maximum amount of tax credits which may be issued to a qualifying company that also participates in a job training program shall be increased by an amount equivalent to the withholding tax retained by that company under a jobs training program.

3. A qualified company receiving benefits under this program shall provide an annual report of the number of jobs and such other information as may be required by the department to document the basis for program benefits available no later than 90 days prior to the end of the qualified company's tax year immediately following the tax year for which the benefits provided under the program are attributed. In such annual report, if the average wage is below the applicable percentage of the county average wage, the qualified company has not maintained the employee insurance as required, or if the number of jobs is below the number required, the qualified company shall not receive tax credits or retain the withholding tax for the balance of the project period. Failure to timely file the annual report required under this section shall result in the forfeiture of tax credits attributable to the year for which the reporting was required and a recapture of withholding taxes retained by the qualified company during such year.

4. The department may withhold the approval of any benefits under this program until it is satisfied that proper documentation has been provided, and shall reduce the benefits to reflect any reduction in full-time employees or payroll. Upon approval by the department, the qualified company may begin the retention of the withholding taxes when it reaches the required number of jobs and the average wage meets or exceeds the applicable percentage of county average wage. Tax credits, if any, may be issued upon satisfaction by the department that the qualified company has exceeded the applicable percentage of county average wage and the required number of jobs.

5. Any qualified company approved for benefits under this program shall provide to the department, upon request, any and all information and records reasonably required to monitor compliance with program requirements. This program shall be considered a business recruitment tax credit under subdivision (4) of subsection 2 of section 135.800, and any qualified company approved for benefits under this program shall be subject to the provisions of section 135.800 to 135.830.

6. Any taxpayer who is awarded benefits under this program who knowingly hires individuals who are not allowed to work legally in the United States shall immediately forfeit such benefits and shall repay the state an amount equal to any state tax credits already redeemed and any withholding taxes already retained.

7. The maximum amount of tax credits that may be authorized under this program for any fiscal year shall be limited as follows, less the amount of any tax credits previously obligated for that fiscal year under any of the tax credit programs referenced in subsection 13 of this section:

(1) For the fiscal year beginning on July 1, 2013, but ending on or before June 30, 2014, no more than one hundred and six million dollars in tax credits may be authorized;

(2) For the fiscal year beginning on July 1, 2014, but ending on or before June 30, 2015, no more than one hundred and eleven million dollars in tax credits may be authorized; and

(3) For any fiscal year beginning on or after July 1, 2015, no more than one hundred and sixteen million dollars in tax credits may be authorized for each fiscal year.

8. For tax credits for the creation of new jobs under section 620.2010, the department shall allocate the annual tax credits based on the date of the approval, reserving such tax credits based on the department's best estimate of new jobs and new

payroll of the project, and any other applicable factors in determining the amount of benefits available to the qualified company under this program. However, the annual issuance of tax credits shall be subject to annual verification of actual payroll by the department. Any authorization of tax credits shall expire if, within two years from the date of commencement of operations, or approval if applicable, the qualified company has failed to meet the applicable minimum job requirements. The qualified company may retain authorized amounts from the withholding tax under the project once the applicable minimum job requirements have been met for the duration of the project period. No benefits shall be provided under this program until the qualified company meets the applicable minimum new job requirements. In the event the qualified company does not meet the applicable minimum new job requirements, the qualified company may submit a new notice of intent or the department may provide a new approval for a new project of the qualified company at the project facility or other facilities.

9. Tax credits provided under this program may be claimed against taxes otherwise imposed by chapters 143 and 148, and may not be carried forward, but shall be claimed within one year of the close of the taxable year for which they were issued. Tax credits provided under this program may be transferred, sold, or assigned by filing a notarized endorsement thereof with the department that names the transferee, the amount of tax credit transferred, and the value received for the credit, as well as any other information reasonably requested by the department. For a qualified company with flow-through tax treatment to its members, partners, or shareholders, the tax credit shall be allowed to members, partners, or shareholders in proportion to their share of ownership on the last day of the qualified company's tax period.

10. Prior to the issuance of tax credits or the qualified company beginning to retain withholding taxes, the department shall verify through the department of revenue and any other applicable state department, that the tax credit applicant does not owe any delinquent income, sales, or use tax or interest or penalties on such taxes, or any delinquent fees or assessments levied by any state department and through the department of insurance, financial institutions and professional registration that the applicant does not owe any delinquent insurance taxes or other fees. Such delinquency shall not affect the approval, except that any tax credits issued shall be first applied to the delinquency and any amount issued shall be reduced by the applicant's tax delinquency. If the department of revenue, the department of insurance, financial institutions and professional registration, or any other state department concludes that a taxpayer is delinquent after June fifteenth but before July first of any year and the application of tax credits to such delinquency causes a tax deficiency on behalf of the taxpayer to arise, then the taxpayer shall be granted thirty days to satisfy the deficiency in which interest, penalties, and additions to tax shall be tolled. After applying all available credits toward a tax delinquency, the administering agency shall notify the appropriate department and that department shall update the amount of outstanding delinquent tax owed by the applicant. If any credits remain after satisfying all insurance, income, sales, and use tax delinquencies, the remaining credits shall be issued to the applicant, subject to the restrictions of other provisions of law.

11. The director of revenue shall issue a refund to the qualified company to the extent that the amount of tax credits allowed under this program exceeds the amount of the qualified company's tax liability under chapter 143 or 148.

12. An employee of a qualified company shall receive full credit for the amount of tax withheld as provided in section 143.211.

13. Notwithstanding any provision of law to the contrary, beginning August 28, 2013, no new benefits shall be authorized for any project that had not received from the department a proposal or approval for such benefits prior to August 28, 2013, under the

development tax credit program created under sections 32.100 to 32.125, the rebuilding communities tax credit program created under section 135.535, the enhanced enterprise zone tax credit program created under sections 135.950 to 135.973, and the Missouri quality jobs program created under sections 620.1875 to 620.1890. The provisions of this subsection shall not be construed to limit or impair the ability of any administering agency to authorize or issue benefits for any project that had received an approval or a proposal from the department under any of the programs referenced in this subsection prior to August 28, 2013, or the ability of any taxpayer to redeem any such tax credits or to retain any withholding tax under an approval issued prior to that date. The provisions of this subsection shall not be construed to limit or in any way impair the ability of any governing authority to provide any local abatement or designate a new zone under the enhanced enterprise zone program created by sections 135.950 to 135.963. Notwithstanding any provision of law to the contrary, no qualified company that is awarded benefits under this program shall:

(1) Simultaneously receive benefits under the programs referenced in this subsection at the same capital investment; or

(2) Receive benefits under the provisions of section 620.1910 for the same jobs.

14. If any provision of sections 620.2000 to 620.2020 or application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application of these sections which can be given effect without the invalid provisions or application, and to this end, the provisions of sections 620.2000 to 620.2020 are hereby declared severable.

15. By no later than January 1, 2014, and the first day of each calendar quarter thereafter, the department shall present a quarterly report to the general assembly detailing the benefits authorized under this program during the immediately preceding calendar quarter to the extent such information may be disclosed under state and federal law. The report shall include, at a minimum:

(1) A list of all approved and disapproved applicants for each tax credit;

(2) A list of the aggregate amount of new or retained jobs that are directly attributable to the tax credits authorized;

(3) A statement of the aggregate amount of new capital investment directly attributable to the tax credits authorized;

(4) Documentation of the estimated net state fiscal benefit for each authorized project and, to the extent available, the actual benefit realized upon completion of such project or activity; and

(5) The department's response time for each request for a proposed benefit award under this program.

16. The department may adopt such rules, statements of policy, procedures, forms, and guidelines as may be necessary to carry out the provisions of sections 620.2000 to 620.2020. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

17. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under sections 620.2000 to 620.2020 shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of this reauthorization of sections 620.2000 to 620.2020; and

(3) Sections 620.2000 to 620.2020 shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under sections 620.2000 to 620.2020 is sunset.

SECTION 1. NONSEVERABILITY CLAUSE. — Notwithstanding the provisions of section 1.140 to the contrary, the provisions of sections 32.087, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and 144.615, as amended by this act, shall be nonseverable, and if any provision is for any reason held to be invalid, such decision shall invalidate all of the remaining provisions of section 32.087, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and 144.615, as amended by this act.

Approved July 11, 2013

HB 196 [SCS HB 196]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding unemployment benefits, requires the Department of Economic Development to establish the Missouri Works Training Program, and establishes the Missouri Works Job Training Joint Legislative Oversight Committee

AN ACT to repeal sections 100.293, 135.284, 135.800, 178.760, 178.761, 178.762, 178.763, 178.764, 178.892, 178.893, 178.894, 178.895, 178.896, 288.040, 620.470, 620.472, 620.474, 620.475, 620.476, 620.478, 620.479, 620.480, 620.481, 620.482, 620.1881, and 620.1910, RSMo, and to enact in lieu thereof ten new sections relating to job training programs, with an emergency clause for a certain section.

SECTION

A. Enacting clause.

100.293. Citation — jobs now recommendation committee created, membership, duties — applications — preference given to certain projects — requests granted, determinations required.

135.284. Contingent expiration of certain sections.

135.800. Citation — definitions.

288.040. Eligibility for benefits — exceptions — report, contents.

620.800. Definitions

620.803. Training program established, purpose, funding — oversight committee created, members, report — rulemaking authority — bankruptcy, notification required.

620.806. Missouri Works job development fund established, use of moneys.

620.809. Community College funds created, use of moneys — forms — establishment of projects, procedure, requirements — funding options — issuance of certificates — sunset provisions.

620.1881. Project notice of intent, department to respond with a proposal or a rejection — benefits available — effect on withholding tax — projects eligible for benefits — annual report — cap on tax credits — allocation of tax credits.

620.1910. Citation of law — definitions — qualified manufacturing company and suppliers, retention of withholding taxes, when — maximum retention amount — rulemaking authority — agreement required — report required — sunset provision.

178.760. Definitions.

178.761. Community college districts may contract to provide training, application, agreement provisions.

178.762. Retained jobs credit from withholding, how determined.

178.763. Powers and duties of community college districts providing retained jobs training programs — certificates — notice — board findings — certificates not state or district indebtedness — rulemaking authority — limitation on certificate sales.
178.764. Missouri community college job retention training program fund established — forms, reimbursement from the fund.
178.892. Definitions.
178.893. Agreement, community college district, employer — approval, terms, provisions.
178.894. Job training program costs — new jobs credit from withholding — conditions.
178.895. Certificates, issue of, sale of — refunding certificates, issued when — procedure on issuance — not deemed indebtedness of state or political subdivision — rules and regulations, department of economic development to promulgate, procedure — termination of sales of certificates, when.
178.896. Community college job training program fund established — administration — expiration date.
620.470. Definitions.
620.472. New or expanding industry training program, purpose, funding — qualified industries — rules and regulations, factors to be considered.
620.474. Basic industry retraining program, purpose, funding — qualified industries — rules and regulations, factors to be considered.
620.475. Industry quality and productivity improvement program, centers, activities.
620.476. Activities eligible for reimbursement.
620.478. Job development fund established — appropriations from fund by general assembly.
620.479. Department authorized to contract with other entities.
620.480. Division's power for direct contracting for job training and related services.
620.481. Job training joint legislative oversight committee established — members — duties — expenses.
620.482. Community college business and technology centers, establishment, purpose, funding — rulemaking authority of department, procedure.
B. Emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 100.293, 135.284, 135.800, 178.760, 178.761, 178.762, 178.763, 178.764, 178.892, 178.893, 178.894, 178.895, 178.896, 288.040, 620.470, 620.472, 620.474, 620.475, 620.476, 620.478, 620.479, 620.480, 620.481, 620.482, 620.1881, and 620.1910, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 100.293, 135.284, 135.800, 288.040, 620.800, 620.803, 620.806, 620.809, 620.1881, and 620.1910, to read as follows:

100.293. CITATION — JOBS NOW RECOMMENDATION COMMITTEE CREATED, MEMBERSHIP, DUTIES — APPLICATIONS — PREFERENCE GIVEN TO CERTAIN PROJECTS — REQUESTS GRANTED, DETERMINATIONS REQUIRED. — 1. This section, section 100.277, **and** sections 135.950 to 135.973**[**, and sections 178.760 to 178.764**]** shall be known and may be cited as the "Jobs Now Act".

2. There shall be created a "Jobs Now Recommendation Committee", comprised of representatives of the department of economic development, the department of agriculture, the department of natural resources, and the department of transportation. The committee shall establish application materials and procedures for development agencies to apply to the board for grants or low-interest or interest-free loans for the purpose of funding jobs now projects.

3. Applications shall be submitted simultaneously to the committee and the board. The committee shall review the applications and prepare and submit analyses and recommendations to the board for a determination as to approval or denial of grants or loans from the jobs now fund.

4. In reviewing applications, the board shall give preference to redevelopment projects that protect natural resources or rehabilitate existing dilapidated or inadequate infrastructure in areas defined under section 135.530.

5. After reviewing applications and such other information as the board may require, the board may grant all or a part of a grant or loan request, provided the board determines:

(1) The jobs now project:

(a) Will not happen without the grant or loan from the board; or

(b) Will have a significant local economic impact; or

(c) Demonstrates high levels of job creation;

(2) In the case of a low-interest or interest-free loan, the jobs now project will generate sufficient revenues or the borrower will otherwise have sufficient revenues available to enable the borrower to repay the loan to the jobs now fund, along with any interest to be charged; and

(3) No loan or grant may exceed two million dollars.

135.284. CONTINGENT EXPIRATION OF CERTAIN SECTIONS. — 1. The repeal and reenactment of sections 100.710**[**,**]** **and** 100.840, **[**and 178.892,**]** and the enactment of sections 135.276, 135.277, 135.279, 135.281, and 135.283 shall expire on January 1, 2006, if no essential industry retention projects have been approved by the department of economic development by December 31, 2005. If an essential industry retention project has been approved by the department of economic development by December 31, 2005, the repeal and reenactment of sections 100.710**[**,**]** **and** 100.840, **[**and 178.892,**]** and the enactment of sections 135.276, 135.277, 135.279, 135.281, and 135.283 shall expire on January 1, 2020.

2. Notwithstanding any other provision of law to the contrary, the time for approval of essential industry retention projects as identified in subsection 1 of this section is extended until December 31, 2007, and if an essential industry retention project has been approved by the department of economic development by December 31, 2007, the provisions of subsection 1 of this section shall expire on January 1, 2020.

135.800. CITATION — DEFINITIONS. — 1. The provisions of sections 135.800 to 135.830 shall be known and may be cited as the "Tax Credit Accountability Act of 2004".

2. As used in sections 135.800 to 135.830, the following terms mean:

(1) "Administering agency", the state agency or department charged with administering a particular tax credit program, as set forth by the program's enacting statute; where no department or agency is set forth, the department of revenue;

(2) "Agricultural tax credits", the agricultural product utilization contributor tax credit created pursuant to section 348.430, the new generation cooperative incentive tax credit created pursuant to section 348.432, the family farm breeding livestock loan tax credit created under section 348.505, the qualified beef tax credit created under section 135.679, and the wine and grape production tax credit created pursuant to section 135.700;

(3) "All tax credit programs", or "any tax credit program", the tax credit programs included in the definitions of agricultural tax credits, business recruitment tax credits, community development tax credits, domestic and social tax credits, entrepreneurial tax credits, environmental tax credits, financial and insurance tax credits, housing tax credits, redevelopment tax credits, and training and educational tax credits;

(4) "Business recruitment tax credits", the business facility tax credit created pursuant to sections 135.110 to 135.150 and section 135.258, the enterprise zone tax benefits created pursuant to sections 135.200 to 135.270, the business use incentives for large-scale development programs created pursuant to sections 100.700 to 100.850, the development tax credits created pursuant to sections 32.100 to 32.125, the rebuilding communities tax credit created pursuant to section 135.535, the film production tax credit created pursuant to section 135.750, the enhanced enterprise zone created pursuant to sections 135.950 to 135.975, and the Missouri quality jobs program created pursuant to sections 620.1875 to 620.1900;

(5) "Community development tax credits", the neighborhood assistance tax credit created pursuant to sections 32.100 to 32.125, the family development account tax credit created pursuant to sections 208.750 to 208.775, the dry fire hydrant tax credit created pursuant to section 320.093, and the transportation development tax credit created pursuant to section 135.545;

(6) "Domestic and social tax credits", the youth opportunities tax credit created pursuant to section 135.460 and sections 620.1100 to 620.1103, the shelter for victims of domestic violence created pursuant to section 135.550, the senior citizen or disabled person property tax

credit created pursuant to sections 135.010 to 135.035, the special needs adoption tax credit and children in crisis tax credit created pursuant to sections 135.325 to 135.339, the maternity home tax credit created pursuant to section 135.600, the surviving spouse tax credit created pursuant to section 135.090, the residential treatment agency tax credit created pursuant to section 135.1150, the pregnancy resource center tax credit created pursuant to section 135.630, the food pantry tax credit created pursuant to section 135.647, the health care access fund tax credit created pursuant to section 135.575, the residential dwelling access tax credit created pursuant to section 135.562, and the shared care tax credit created pursuant to section 660.055;

(7) "Entrepreneurial tax credits", the capital tax credit created pursuant to sections 135.400 to 135.429, the certified capital company tax credit created pursuant to sections 135.500 to 135.529, the seed capital tax credit created pursuant to sections 348.300 to 348.318, the new enterprise creation tax credit created pursuant to sections 620.635 to 620.653, the research tax credit created pursuant to section 620.1039, the small business incubator tax credit created pursuant to section 620.495, the guarantee fee tax credit created pursuant to section 135.766, and the new generation cooperative tax credit created pursuant to sections 32.105 to 32.125;

(8) "Environmental tax credits", the charcoal producer tax credit created pursuant to section 135.313, the wood energy tax credit created pursuant to sections 135.300 to 135.311, and the alternative fuel stations tax credit created pursuant to section 135.710;

(9) "Financial and insurance tax credits", the bank franchise tax credit created pursuant to section 148.030, the bank tax credit for S corporations created pursuant to section 143.471, the exam fee tax credit created pursuant to section 148.400, the health insurance pool tax credit created pursuant to section 376.975, the life and health insurance guaranty tax credit created pursuant to section 376.745, the property and casualty guaranty tax credit created pursuant to section 375.774, and the self-employed health insurance tax credit created pursuant to section 143.119;

(10) "Housing tax credits", the neighborhood preservation tax credit created pursuant to sections 135.475 to 135.487, the low-income housing tax credit created pursuant to sections 135.350 to 135.363, and the affordable housing tax credit created pursuant to sections 32.105 to 32.125;

(11) "Recipient", the individual or entity who is the original applicant for and who receives proceeds from a tax credit program directly from the administering agency, the person or entity responsible for the reporting requirements established in section 135.805;

(12) "Redevelopment tax credits", the historic preservation tax credit created pursuant to sections 253.545 to 253.561, the brownfield redevelopment program tax credit created pursuant to sections 447.700 to 447.718, the community development corporations tax credit created pursuant to sections 135.400 to 135.430, the infrastructure tax credit created pursuant to subsection 6 of section 100.286, the bond guarantee tax credit created pursuant to section 100.297, the disabled access tax credit created pursuant to section 135.490, the new markets tax credit created pursuant to section 135.680, and the distressed areas land assemblage tax credit created pursuant to section 99.1205;

(13) "Training and educational tax credits", the **[**community college**]** **Missouri works** new jobs tax credit **and Missouri works retained jobs credit** created pursuant to sections **[**178.892 to 178.896**]** **620.800 to 620.809**.

288.040. ELIGIBILITY FOR BENEFITS — EXCEPTIONS — REPORT, CONTENTS. — 1. A claimant who is unemployed and has been determined to be an insured worker shall be eligible for benefits for any week only if the deputy finds that:

(1) The claimant has registered for work at and thereafter has continued to report at an employment office in accordance with such regulations as the division may prescribe;

(2) The claimant is able to work and is available for work. No person shall be deemed available for work unless such person has been and is actively and earnestly seeking work. Upon the filing of an initial or renewed claim, and prior to the filing of each weekly claim

thereafter, the deputy shall notify each claimant of the number of work search contacts required to constitute an active search for work. No person shall be considered not available for work, pursuant to this subdivision, solely because he or she is a substitute teacher or is on jury duty. A claimant shall not be determined to be ineligible pursuant to this subdivision because of not actively and earnestly seeking work if:

(a) The claimant is participating in training approved pursuant to Section 236 of the Trade Act of 1974, as amended, (19 U.S.C.A. Sec. 2296, as amended);

(b) The claimant is temporarily unemployed through no fault of his or her own and has a definite recall date within eight weeks of his or her first day of unemployment; however, upon application of the employer responsible for the claimant's unemployment, such eight-week period may be extended not to exceed a total of sixteen weeks at the discretion of the director;

(3) The claimant has reported **[**in person**]** to an office of the division as directed by the deputy, but at least once every four weeks, except that a claimant shall be exempted from the reporting requirement of this subdivision if:

(a) The claimant is claiming benefits in accordance with division regulations dealing with partial or temporary total unemployment; or

(b) The claimant is temporarily unemployed through no fault of his or her own and has a definite recall date within eight weeks of his or her first day of unemployment; or

(c) **[**The claimant resides in a county with an unemployment rate, as published by the division, of ten percent or more and in which the county seat is more than forty miles from the nearest division office;

(d)**]** The director of the division of employment security has determined that the claimant belongs to a group or class of workers whose opportunities for reemployment will not be enhanced by reporting **[**in person**]**, or is prevented from reporting due to emergency conditions that limit access by the general public to an office that serves the area where the claimant resides, but only during the time such circumstances exist.

Ineligibility pursuant to this subdivision shall begin on the first day of the week which the claimant was scheduled to claim and shall end on the last day of the week preceding the week during which the claimant does report **[**in person**]** to the division's office;

(4) Prior to the first week of a period of total or partial unemployment for which the claimant claims benefits he or she has been totally or partially unemployed for a waiting period of one week. No more than one waiting week will be required in any benefit year. During calendar year 2008 and each calendar year thereafter, the one-week waiting period shall become compensable once his or her remaining balance on the claim is equal to or less than the compensable amount for the waiting period. No week shall be counted as a week of total or partial unemployment for the purposes of this subsection unless it occurs within the benefit year which includes the week with respect to which the claimant claims benefits;

(5) The claimant has made a claim for benefits within fourteen days from the last day of the week being claimed. The fourteen-day period may, for good cause, be extended to twenty-eight days;

(6) The claimant has reported to an employment office to participate in a reemployment assessment and reemployment services as directed by the deputy or designated staff of an employment office, unless the deputy determines that good cause exists for the claimant's failure to participate in such reemployment assessment and reemployment services. For purposes of this section, "reemployment services" may include, but not be limited to, the following:

(a) Providing an orientation to employment office services;

(b) Providing job search assistance; and

(c) Providing labor market statistics or analysis;

Ineligibility under this subdivision shall begin on the first day of the week which the claimant was scheduled to report for the reemployment assessment or reemployment services and shall

end on the last day of the week preceding the week during which the claimant does report in person to the employment office for such reemployment assessment or reemployment services;

(7) The claimant is participating in reemployment services, such as job search assistance services, as directed by the deputy if the claimant has been determined to be likely to exhaust regular benefits and to need reemployment services pursuant to a profiling system established by the division, unless the deputy determines that:

(a) The individual has completed such reemployment services; or

(b) There is justifiable cause for the claimant's failure to participate in such reemployment services.

2. A claimant shall be ineligible for waiting week credit or benefits for any week for which the deputy finds he or she is or has been suspended by his or her most recent employer for misconduct connected with his or her work. Suspensions of four weeks or more shall be treated as discharges.

3. (1) Benefits based on "service in employment", **[**defined**]** **described** in subsections 7 and 8 of section 288.034, shall be payable in the same amount, on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this law; except that:

(a) With respect to service performed in an instructional, research, or principal administrative capacity for an educational institution, benefits shall not be paid based on such services for any week of unemployment commencing during the period between two successive academic years or terms, or during a similar period between two regular but not successive terms, or during a period of paid sabbatical leave provided for in the individual's contract, to any individual if such individual performs such services in the first of such academic years (or terms) and if there is a contract or a reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms;

(b) With respect to services performed in any capacity (other than instructional, research, or principal administrative capacity) for an educational institution, benefits shall not be paid on the basis of such services to any individual for any week which commences during a period between two successive academic years or terms if such individual performs such services in the first of such academic years or terms and there is a contract or a reasonable assurance that such individual will perform such services in the second of such academic years or terms;

(c) With respect to services described in paragraphs (a) and (b) of this subdivision, benefits shall not be paid on the basis of such services to any individual for any week which commences during an established and customary vacation period or holiday recess if such individual performed such services in the period immediately before such vacation period or holiday recess, and there is reasonable assurance that such individual will perform such services immediately following such vacation period or holiday recess;

(d) With respect to services described in paragraphs (a) and (b) of this subdivision, benefits payable on the basis of services in any such capacity shall be denied as specified in paragraphs (a), (b), and (c) of this subdivision to any individual who performed such services at an educational institution while in the employ of an educational service agency, and for this purpose the term "educational service agency" means a governmental agency or governmental entity which is established and operated exclusively for the purpose of providing such services to one or more educational institutions.

(2) If compensation is denied for any week pursuant to paragraph (b) or (d) of subdivision (1) of this subsection to any individual performing services at an educational institution in any capacity (other than instructional, research or principal administrative capacity), and such individual was not offered an opportunity to perform such services for the second of such academic years or terms, such individual shall be entitled to a retroactive payment of the compensation for each week for which the individual filed a timely claim for compensation and

for which compensation was denied solely by reason of paragraph (b) or (d) of subdivision (1) of this subsection.

4. (1) A claimant shall be ineligible for waiting week credit, benefits or shared work benefits for any week for which he or she is receiving or has received remuneration exceeding his or her weekly benefit amount or shared work benefit amount in the form of:

(a) Compensation for temporary partial disability pursuant to the workers' compensation law of any state or pursuant to a similar law of the United States;

(b) A governmental or other pension, retirement or retired pay, annuity, or other similar periodic payment which is based on the previous work of such claimant to the extent that such payment is provided from funds provided by a base period or chargeable employer pursuant to a plan maintained or contributed to by such employer; but, except for such payments made pursuant to the Social Security Act or the Railroad Retirement Act of 1974 (or the corresponding provisions of prior law), the provisions of this paragraph shall not apply if the services performed for such employer by the claimant after the beginning of the base period (or remuneration for such services) do not affect eligibility for or increase the amount of such pension, retirement or retired pay, annuity or similar payment.

(2) If the remuneration referred to in this subsection is less than the benefits which would otherwise be due, the claimant shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration, and, if such benefit is not a multiple of one dollar, such amount shall be lowered to the next multiple of one dollar.

(3) Notwithstanding the provisions of subdivisions (1) and (2) of this subsection, if a claimant has contributed in any way to the Social Security Act or the Railroad Retirement Act of 1974, or the corresponding provisions of prior law, no part of the payments received pursuant to such federal law shall be deductible from the amount of benefits received pursuant to this chapter.

5. A claimant shall be ineligible for waiting week credit or benefits for any week for which or a part of which he or she has received or is seeking unemployment benefits pursuant to an unemployment insurance law of another state or the United States; provided, that if it be finally determined that the claimant is not entitled to such unemployment benefits, such ineligibility shall not apply.

6. (1) A claimant shall be ineligible for waiting week credit or benefits for any week for which the deputy finds that such claimant's total or partial unemployment is due to a stoppage of work which exists because of a labor dispute in the factory, establishment or other premises in which such claimant is or was last employed. In the event the claimant secures other employment from which he or she is separated during the existence of the labor dispute, the claimant must have obtained bona fide employment as a permanent employee for at least the major part of each of two weeks in such subsequent employment to terminate his or her ineligibility. If, in any case, separate branches of work which are commonly conducted as separate businesses at separate premises are conducted in separate departments of the same premises, each such department shall for the purposes of this subsection be deemed to be a separate factory, establishment or other premises. This subsection shall not apply if it is shown to the satisfaction of the deputy that:

(a) The claimant is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work; and

(b) The claimant does not belong to a grade or class of workers of which, immediately preceding the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in or financing or directly interested in the dispute.

(2) "Stoppage of work" as used in this subsection means a substantial diminution of the activities, production or services at the establishment, plant, factory or premises of the employing unit. This definition shall not apply to a strike where the employees in the bargaining unit who initiated the strike are participating in the strike. Such employees shall not

be eligible for waiting week credit or benefits during the period when the strike is in effect, regardless of diminution, unless the employer has been found guilty of an unfair labor practice by the National Labor Relations Board or a federal court of law for an act or actions preceding or during the strike.

7. On or after January 1, 1978, benefits shall not be paid to any individual on the basis of any services, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, for any week which commences during the period between two successive sport seasons (or similar periods) if such individual performed such services in the first of such seasons (or similar periods) and there is a reasonable assurance that such individual will perform such services in the later of such seasons (or similar periods).

8. Benefits shall not be payable on the basis of services performed by an alien, unless such alien is an individual who was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for purposes of performing such services, or was permanently residing in the United States under color of law at the time such services were performed (including an alien who was lawfully present in the United States as a result of the application of the provisions of Section 212(d)(5) of the Immigration and Nationality Act).

(1) Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits.

(2) In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to such individual are not payable because of such individual's alien status shall be made except upon a preponderance of the evidence.

9. A claimant shall be ineligible for waiting week credit or benefits for any week such claimant has an outstanding penalty which was assessed based upon an overpayment of benefits, as provided for in subsection 9 of section 288.380.

10. The directors of the division of employment security and the division of workforce development shall submit to the governor, the speaker of the house of representatives, and the president pro tem of the senate no later than October 15, 2006, a report outlining their recommendations for how to improve work search verification and claimant reemployment activities. The recommendations shall include, but not limited to how to best utilize "greathires.org", and how to reduce the average duration of unemployment insurance claims. Each calendar year thereafter, the directors shall submit a report containing their recommendations on these issues by December thirty-first of each year.

11. For purposes of this section, a claimant may satisfy reporting requirements provided under this section by reporting by internet communication or any other means deemed acceptable by the division of employment security.

620.800. DEFINITIONS — The following additional terms used in sections 620.800 to 620.809 shall mean:

(1) "Agreement", the agreement between a qualified company, a community college district, and the department concerning a training project. Any such agreement shall comply with the provisions of section 620.017;

(2) "Board of trustees", the board of trustees of a community college district established under the provisions of chapter 178;

(3) "Certificate", a new or retained jobs training certificate issued under section 620.809;

(4) "Committee", the Missouri works job training joint legislative oversight committee, established under the provisions of section 620.803;

(5) "Department", the Missouri department of economic development;

(6) "Employee", a person employed by a qualified company;

(7) "Full-time employee", an employee of the qualified company who is scheduled to work an average of at least thirty-five hours per week for a twelve-month period, and

one to whom the qualified company offers health insurance and pays at least fifty percent of such insurance premiums;

(8) "Local education agency", a community college, two-year state technical college, or technical career education center;

(9) "Missouri works training program", the training program established under sections 620.800 to 620.809;

(10) "New capital investment", costs incurred by the qualified company at the project facility after acceptance by the qualified company of the proposal for benefits from the department or the approval of the notice of intent, whichever occurs first, for real or personal property, that may include the value of finance or capital leases for real or personal property for the term of such lease at the project facility executed after acceptance by the qualified company of the proposal for benefits from the department or approval of the notice of intent;

(11) "New job", the number of full-time employees located at the project facility that exceeds the project facility base employment less any decrease in the number of full-time employees at related facilities below the related facility base employment. No job that was created prior to the date of the notice of intent shall be deemed a new job. An employee who spends less than fifty percent of his or her work time at the facility is still considered to be located at a facility if he or she receives his or her directions and control from that facility, is on the facility's payroll, one hundred percent of the employee's income from such employment is Missouri income, and the employee is paid at or above the applicable percentage of the county's average wage;

(12) "New jobs credit", the credit from withholding remitted by a qualified company provided under subsection 6 of section 620.809;

(13) "Notice of intent", a form developed by the department, completed by the qualified company, and submitted to the department that states the qualified company's intent to request benefits under this program;

(14) "Project facility", the building or buildings used by a qualified company at which new or retained jobs and any new capital investment are or will be located. A project facility may include separate buildings located within sixty miles of each other such that their purpose and operations are interrelated, provided that, if the buildings making up the project facility are not located within the same county, the average wage of the new payroll must exceed the applicable percentage of the highest county average wage among the counties in which the buildings are located. Upon approval by the department, a subsequent project facility may be designated if the qualified company demonstrates a need to relocate to the subsequent project facility at any time during the project period;

(15) "Project facility base employment", the greater of the number of full-time employees located at the project facility on the date of the notice of intent or, for the twelve-month period prior to the date of the notice of intent, the average number of full-time employees located at the project facility. In the event the project facility has not been in operation for a full twelve-month period, the average number of full-time employees for the number of months the project facility has been in operation prior to the date of the notice of intent;

(16) "Qualified company", a firm, partnership, joint venture, association, private or public corporation whether organized for profit or not, or headquarters of such entity registered to do business in Missouri that is the owner or operator of a project facility, offers health insurance to all full-time employees of all facilities located in this state, and pays at least fifty percent of such insurance premiums. For the purposes of sections 620.800 to 620.809, the term "qualified company" shall not mean:

(a) Gambling establishments (NAICS industry group 7132);

(b) Retail trade establishments (NAICS sectors 44 and 45), except with respect to any company headquartered in this state with a majority of its full-time employees engaged in operations not within the NAICS codes specified in this subdivision;

(c) Food services and drinking places (NAICS subsector 722);

(d) Public utilities (NAICS 221 including water and sewer services);

(e) Any company that is delinquent in the payment of any nonprotested taxes or any other amounts due the state or federal government or any other political subdivision of this state;

(f) Any company requesting benefits for retained jobs that has filed for or has publicly announced its intention to file for bankruptcy protection. However, a company that has filed for or has publicly announced its intention to file for bankruptcy may be a qualified company provided that such company:

a. Certifies to the department that it plans to reorganize and not to liquidate; and

b. After its bankruptcy petition has been filed, it produces proof, in a form and at times satisfactory to the department, that it is not delinquent in filing any tax returns or making any payment due to the state of Missouri, including but not limited to all tax payments due after the filing of the bankruptcy petition and under the terms of the plan of reorganization;

(g) Educational services (NAICS sector 61);

(h) Religious organizations (NAICS industry group 8131);

(i) Public administration (NAICS sector 92);

(j) Ethanol distillation or production; or

(k) Biodiesel production.

Notwithstanding any provision of this section to the contrary, the headquarters, administrative offices, or research and development facilities of an otherwise excluded business may qualify for benefits if the offices or facilities serve a multistate territory. In the event a national, state, or regional headquarters operation is not the predominant activity of a project facility, the jobs and investment of such operation shall be considered eligible for benefits under this section if the other requirements are satisfied;

(17) "Related company":

(a) A corporation, partnership, trust, or association controlled by the qualified company;

(b) An individual, corporation, partnership, trust, or association in control of the qualified company; or

(c) Corporations, partnerships, trusts, or associations controlled by an individual, corporation, partnership, trust, or association in control of the qualified company. As used in this subdivision, "control of a corporation" shall mean ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote; "control of a partnership or association" shall mean ownership of at least fifty percent of the capital or profits interest in such partnership or association; "control of a trust" shall mean ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such trust; and "ownership" shall be determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended;

(18) "Related facility", a facility operated by the qualified company or a related company located in this state that is directly related to the operations of the project facility or in which operations substantially similar to the operations of the project facility are performed;

(19) "Related facility base employment", the greater of the number of full-time employees located at all related facilities on the date of the notice of intent or, for the twelve-month period prior to the date of the notice of intent, the average number of full-

time employees located at all related facilities of the qualified company or a related company located in this state;

(20) "Retained jobs", the average number of full-time employees of a qualified company located at the project facility during each month for the calendar year preceding the year in which the notice of intent is submitted;

(21) "Retained jobs credit", the credit from withholding remitted by a qualified company provided under subsection 6 of section 620.809;

(22) "Targeted industry", an industry or one of a cluster of industries identified by the department by rule following a strategic planning process as being critical to the state's economic security and growth;

(23) "Training program", the Missouri works training program established under sections 620.800 to 620.809;

(24) "Training project", the project or projects established through the Missouri works training program for the creation or retention of jobs by providing education and training of workers;

(25) "Training project costs", all necessary and incidental costs of providing program services through the training program, including:

(a) Training materials and supplies;

(b) Wages and benefits of instructors, who may or may not be employed by the eligible industry, and the cost of training such instructors;

(c) Subcontracted services;

(d) On-the-job training;

(e) Training facilities and equipment;

(f) Skill assessment;

(g) Training project and curriculum development;

(h) Travel directly to the training project, including a coordinated transportation program for training if the training can be more effectively provided outside the community where the jobs are to be located;

(i) Payments to third-party training providers and to the eligible industry;

(j) Teaching and assistance provided by educational institutions in the state of Missouri;

(k) In-plant training analysis, including fees for professionals and necessary travel and expenses;

(l) Assessment and preselection tools;

(m) Publicity;

(n) Instructional services;

(o) Rental of instructional facilities with necessary utilities; and

(p) Payment of the principal, premium, and interest on certificates, including capitalized interest, issued to finance a project, and the funding and maintenance of a debt service reserve fund to secure such certificates;

(26) "Training project services", includes, but shall not be limited to, the following:

(a) Job training, which may include, but not be limited to, preemployment training, analysis of the specified training needs for a qualified company, development of training plans, and provision of training through qualified training staff;

(b) Adult basic education and job-related instruction;

(c) Vocational and skill-assessment services and testing;

(d) Training facilities, equipment, materials, and supplies;

(e) On-the-job training;

(f) Administrative expenses equal to fifteen percent of the total training costs;

(g) Subcontracted services with state institutions of higher education, private colleges or universities, or other federal, state, or local agencies;

(h) Contracted or professional services; and

(i) Issuance of certificates, when applicable.

620.803. TRAINING PROGRAM ESTABLISHED, PURPOSE, FUNDING — OVERSIGHT COMMITTEE CREATED, MEMBERS, REPORT — RULEMAKING AUTHORITY — BANKRUPTCY, NOTIFICATION REQUIRED. — 1. The department shall establish a "Missouri Works Training Program" to assist qualified companies in the training of employees in new jobs and the retraining or upgrading of skills of full-time employees in retained jobs as provided in sections 620.800 to 620.809. The training program shall be funded through appropriations to the funds established under sections 620.806 and 620.809. The department shall, to the maximum extent practicable, prioritize funding under the training program to assist qualified companies in targeted industries.

2. There is hereby created the "Missouri Works Job Training Joint Legislative Oversight Committee". The committee shall consist of three members of the Missouri senate appointed by the president pro tempore of the senate and three members of the house of representatives appointed by the speaker of the house. No more than two of the members of the senate and two of the members of the house of representatives shall be from the same political party. Members of the committee shall report to the governor, the president pro tempore of the senate, and the speaker of the house of representatives on all assistance to industries under the provisions of sections 620.800 to 620.809 provided during the preceding fiscal year. The report of the committee shall be delivered no later than October first of each year. The director of the department shall report to the committee such information as the committee may deem necessary for its annual report. Members of the committee shall receive no compensation in addition to their salary as members of the general assembly but may receive their necessary expenses while attending the meetings of the committee, to be paid out of the joint contingent fund.

3. The department shall publish guidelines and may promulgate rules and regulations governing the training program. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

4. The department shall make program applications and guidelines available online.

5. The department may contract with other entities for the purposes of carrying out the provisions of the training program established in sections 620.800 to 620.809. Any assistance through the training program shall be provided under an agreement.

6. Prior to the authorization of any application submitted through the training program, the department shall verify the applicant's tax payment status and offset any delinquencies as provided in section 135.815.

7. Any taxpayer who is awarded benefits under sections 620.800 to 620.809 and who files for bankruptcy under Chapter 7 of the United States Bankruptcy Code, Title 11 U.S.C., as amended shall immediately notify the department, shall forfeit such benefits, and shall repay the state an amount equal to any state tax credits already redeemed and any withholding taxes already retained.

620.806. MISSOURI WORKS JOB DEVELOPMENT FUND ESTABLISHED, USE OF MONEYS. — 1. The Missouri job development fund, formerly established in the state treasury by section 620.478, shall now be known as the "Missouri Works Job Development Fund" and shall be administered by the department for the training program. The fund shall consist of all moneys which may be appropriated to it by the general assembly and also

any gifts, contributions, grants, or bequests received from federal, private or other sources, including, but not limited to, any block grant or other sources of funding relating to job training, school-to-work transition, welfare reform, vocational and technical training, housing, infrastructure, development, and human resource investment programs which may be provided by the federal government or other sources.

2. The department may provide financial assistance through the training program to qualified companies that create new jobs which will result in the need for training, or that make new capital investment relating directly to the retention of jobs in an amount at least five times greater than the amount of any financial assistance. Financial assistance may also be provided to a consortium of qualified companies organized to provide common training to the consortium members' employees. Funds in the Missouri works job development fund shall be appropriated, for financial assistance through the training program, by the general assembly to the department and shall be administered by a local educational agency certified by the department for such purpose. Except for state-sponsored preemployment training, no qualified company shall receive more than fifty percent of its training program costs from the Missouri works job development fund. No funds shall be awarded or reimbursed to any qualified company for the training, retraining, or upgrading of skills of potential employees with the purpose of replacing or supplanting employees engaged in an authorized work stoppage. Upon approval by the department, training project costs, except the purchase of training equipment and training facilities, shall be eligible for reimbursement with funds from the Missouri works job development fund. Notwithstanding any provision of law to the contrary, no qualified company within a service industry shall be eligible for assistance under this subsection unless such qualified company provides services in interstate commerce, which shall mean that the qualified company derives a majority of its annual revenues from out of the state.

3. The department may provide assistance, through appropriations made from the Missouri works job development fund, to business and technology centers. Such assistance shall not include the lending of the state's credit for the payment of any liability of the fund. Such centers may be established by Missouri community colleges, or state-owned postsecondary technical colleges, to provide business and training services for growth industries as determined by current labor market information.

620.809. COMMUNITY COLLEGE FUNDS CREATED, USE OF MONEYS — FORMS — ESTABLISHMENT OF PROJECTS, PROCEDURE, REQUIREMENTS — FUNDING OPTIONS — ISSUANCE OF CERTIFICATES — SUNSET PROVISIONS. — 1. The Missouri community college job training program fund, formerly established in the state treasury by section 178.896, shall now be known as the "Missouri Works Community College New Jobs Training Fund" and shall be administered by the department for the training program. The department of revenue shall credit to the fund, as received, all new jobs credits. The fund shall also consist of any gifts, contributions, grants, or bequests received from federal, private, or other sources. The general assembly, however, shall not provide for any transfer of general revenue funds into the fund. Moneys in the fund shall be disbursed to the department under regular appropriations by the general assembly. The department shall disburse such appropriated funds in a timely manner into the special funds established by community college districts for training projects, which funds shall be used to pay training project costs. Such disbursements shall be made to the special fund for each training project in the same proportion as the new jobs credit remitted by the qualified company participating in such project bears to the total new jobs credit from withholding remitted by all qualified companies participating in projects during the period for which the disbursement is made. All moneys remaining in the fund at the end of any fiscal year shall not lapse to the general revenue fund, as provided in section 33.080, but shall remain in the fund.

2. The Missouri community college job retention training program fund, formerly established in the state treasury by section 178.764, shall now be known as the "Missouri Works Community College Job Retention Training Fund" and shall be administered by the department for the Missouri works training program. The department of revenue shall credit to the fund, as received, all retained jobs credits. The fund shall also consist of any gifts, contributions, grants, or bequests received from federal, private, or other sources. The general assembly, however, shall not provide for any transfer of general revenue funds into the fund. Moneys in the fund shall be disbursed to the department under regular appropriations by the general assembly. The department shall disburse such appropriated funds in a timely manner into the special funds established by community college districts for projects, which funds shall be used to pay training program costs, including the principal, premium, and interest on certificates issued by the district to finance or refinance, in whole or in part, a project. Such disbursements by the department shall be made to the special fund for each project in the same proportion as the retained jobs credit from withholding remitted by the qualified company participating in such project bears to the total retained jobs credit from withholding remitted by qualified companies participating in projects during the period for which the disbursement is made. All moneys remaining in the fund at the end of any fiscal year shall not lapse to the general revenue fund, as provided in section 33.080, but shall remain in the fund.

3. The department of revenue shall develop such forms as are necessary to demonstrate accurately each qualified company's new jobs credit paid into the Missouri works community college new jobs training fund or retained jobs credit paid into the Missouri works community college job retention training fund. The new or retained jobs credits shall be accounted as separate from the normal withholding tax paid to the department of revenue by the qualified company. Reimbursements made by all qualified companies to the Missouri works community college new jobs training fund and the Missouri works community college job retention training fund shall be no less than all allocations made by the department to all community college districts for all projects. The qualified company shall remit the amount of the new or retained jobs credit, as applicable, to the department of revenue in the same manner as provided in sections 143.191 to 143.265.

4. A community college district, with the approval of the department in consultation with the office of administration, may enter into an agreement to establish a training project and provide training project services to a qualified company. As soon as possible after initial contact between a community college district and a potential qualified company regarding the possibility of entering into an agreement, the district shall inform the department of the potential training project. The department shall evaluate the proposed training project within the overall job training efforts of the state to ensure that the training project will not duplicate other job training programs. The department shall have fourteen days from receipt of a notice of intent to approve or disapprove a training project. If no response is received by the qualified company within fourteen days, the training project shall be deemed approved. Disapproval of any training project shall be made in writing and state the reasons for such disapproval. If an agreement is entered into, the district and the qualified company shall notify the department of revenue within fifteen calendar days. In addition to any provisions required under subsection 5 of this section for a qualified company applying to receive a retained job credit, an agreement may provide, but shall not be limited to:

(1) Payment of training project costs, which may be paid from one or a combination of the following sources:

(a) Funds appropriated by the general assembly to the Missouri works community college new jobs training program fund or Missouri works community college job

retention training program fund, as applicable, and disbursed by the department for the purposes consistent with sections 620.800 to 620.809;

(b) Tuition, student fees, or special charges fixed by the board of trustees to defray training project costs in whole or in part;

(2) Payment of training project costs which shall not be deferred for a period longer than eight years;

(3) Costs of on-the-job training for employees which shall include wages or salaries of participating employees. Payments for on-the-job training shall not exceed the average of fifty percent of the total wages paid by the qualified company to each participant during the period of training. Payment for on-the-job training may continue for up to six months from the date the training begins;

(4) A provision which fixes the minimum amount of new or retained jobs credits, or tuition and fee payments which shall be paid for training project costs; and

(5) Any payment required to be made by a qualified company. This payment shall constitute a lien upon the qualified company's business property until paid, shall have equal priority with ordinary taxes and shall not be divested by a judicial sale. Property subject to such lien may be sold for sums due and delinquent at a tax sale, with the same forfeitures, penalties, and consequences as for the nonpayment of ordinary taxes. The purchasers at tax sale shall obtain the property subject to the remaining payments.

5. Any qualified company that submits a notice of intent for retained job credits shall enter into an agreement, providing that the qualified company has:

(1) Maintained at least one hundred full-time employees per year at the project facility for the calendar year preceding the year in which the application is made;

(2) Retained, at the project facility, the same number of employees that existed in the taxable year immediately preceding the year in which application is made; and

(3) Made or agrees to make a new capital investment of greater than five times the amount of any award under this training program at the project facility over a period of two consecutive calendar years, as certified by the qualified company and:

(a) Has made substantial investment in new technology requiring the upgrading of employee skills; or

(b) Is located in a border county of the state and represents a potential risk of relocation from the state; or

(c) Has been determined to represent a substantial risk of relocation from the state by the director of the department of economic development.

6. If an agreement provides that all or part of the training program costs are to be met by receipt of new or retained jobs credit, such new or retained jobs credit from withholding shall be determined and paid as follows:

(1) New or retained jobs credit shall be based upon the wages paid to the employees in the new or retained jobs;

(2) A portion of the total payments made by the qualified companies under sections 143.191 to 143.265 shall be designated as the new or retained jobs credit from withholding. Such portion shall be an amount equal to two and one-half percent of the gross wages paid by the qualified company for each of the first one hundred jobs included in the project and one and one-half percent of the gross wages paid by the qualified company for each of the remaining jobs included in the project. If business or employment conditions cause the amount of the new or retained jobs credit from withholding to be less than the amount projected in the agreement for any time period, then other withholding tax paid by the qualified company under sections 143.191 to 143.265 shall be credited to the applicable fund by the amount of such difference. The qualified company shall remit the amount of the new or retained jobs credit to the department of revenue in the manner prescribed in sections 143.191 to 143.265. When all training program costs have been paid, the new or retained jobs credits shall cease;

(3) The community college district participating in a project shall establish a special fund for and in the name of the training project. All funds appropriated by the general assembly from the funds established under subsections 1 and 2 of this section and disbursed by the department for the training project and other amounts received by the district for training project costs as required by the agreement shall be deposited in the special fund. Amounts held in the special fund shall be used and disbursed by the district only to pay training project costs for such training project. The special fund may be divided into such accounts and subaccounts as shall be provided in the agreement, and amounts held therein may be invested in the same manner as the district's other funds;

(4) Any disbursement for training project costs received from the department under sections 620.800 to 620.809 and deposited into the training project's special fund may be irrevocably pledged by a community college district for the payment of the principal, premium, and interest on the certificate issued by a community college district to finance or refinance, in whole or in part, such training project;

(5) The qualified company shall certify to the department of revenue that the new or retained jobs credit is in accordance with an agreement and shall provide other information the department of revenue may require;

(6) An employee participating in a training project shall receive full credit under section 143.211 for the amount designated as a new or retained jobs credit;

(7) If an agreement provides that all or part of training program costs are to be met by receipt of new or retained jobs credit, the provisions of this subsection shall also apply to any successor to the original qualified company until the principal and interest on the certificates have been paid.

7. To provide funds for the present payment of the training project costs of new or retained jobs training project through the training program, a community college district may borrow money and issue and sell certificates payable from a sufficient portion of the future receipts of payments authorized by the agreement including disbursements from the Missouri works community college new jobs training fund or the Missouri works community college job retention training fund, to the special fund established by the district for each project. The total amount of outstanding certificates sold by all community college districts shall not exceed the total amount authorized under law as of January 1, 2013, unless an increased amount is authorized in writing by a majority of members of the committee. The certificates shall be marketed through financial institutions authorized to do business in Missouri. The receipts shall be pledged to the payment of principal of and interest on the certificates. Certificates may be sold at public sale or at private sale at par, premium, or discount of not less than ninety-five percent of the par value thereof, at the discretion of the board of trustees, and may bear interest at such rate or rates as the board of trustees shall determine, notwithstanding the provisions of section 108.170 to the contrary. However, the provisions of chapter 176 shall not apply to the issuance of such certificates. Certificates may be issued with respect to a single project or multiple projects and may contain terms or conditions as the board of trustees may provide by resolution authorizing the issuance of the certificates.

8. Certificates issued to refund other certificates may be sold at public sale or at private sale as provided in this section, with the proceeds from the sale to be used for the payment of the certificates being refunded. The refunding certificates may be exchanged in payment and discharge of the certificates being refunded, in installments at different times or an entire issue or series at one time. Refunding certificates may be sold or exchanged at any time on, before, or after the maturity of the outstanding certificates to be refunded. They may be issued for the purpose of refunding a like, greater, or lesser principal amount of certificates and may bear a rate of interest that is higher, lower, or equivalent to that of the certificates being renewed or refunded.

9. Before certificates are issued, the board of trustees shall publish once a notice of its intention to issue the certificates, stating the amount, the purpose, and the project or projects for which the certificates are to be issued. A person with standing may, within fifteen days after the publication of the notice, by action in the circuit court of a county in the district, appeal the decision of the board of trustees to issue the certificates. The action of the board of trustees in determining to issue the certificates shall be final and conclusive unless the circuit court finds that the board of trustees has exceeded its legal authority. An action shall not be brought which questions the legality of the certificates, the power of the board of trustees to issue the certificates, the effectiveness of any proceedings relating to the authorization of the project, or the authorization and issuance of the certificates from and after fifteen days from the publication of the notice of intention to issue.

10. The board of trustees shall make a finding based on information supplied by the qualified company that revenues provided in the agreement are sufficient to secure the faithful performance of obligations in the agreement.

11. Certificates issued under this section shall not be deemed to be an indebtedness of the state, the community college district, or any other political subdivision of the state, and the principal and interest on any certificates shall be payable only from the sources provided in subdivision (1) of subsection 4 of this section which are pledged in the agreement.

12. Pursuant to section 23.253 of the Missouri Sunset Act:

(1) The new program authorized under sections 620.800 to 620.809 shall automatically sunset July 1, 2019, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under sections 620.800 to 620.809 shall automatically sunset twelve years after the effective date of the reauthorization of sections 620.800 to 620.809; and

(3) Sections 620.800 to 620.809 shall terminate on September first of the calendar year immediately following the calendar year in which a program authorized under sections 620.800 to 620.809 is sunset.

620.1881. PROJECT NOTICE OF INTENT, DEPARTMENT TO RESPOND WITH A PROPOSAL OR A REJECTION — BENEFITS AVAILABLE — EFFECT ON WITHHOLDING TAX — PROJECTS ELIGIBLE FOR BENEFITS — ANNUAL REPORT — CAP ON TAX CREDITS — ALLOCATION OF TAX CREDITS. — 1. The department of economic development shall respond within thirty days to a company who provides a notice of intent with either an approval or a rejection of the notice of intent. The department shall give preference to qualified companies and projects targeted at an area of the state which has recently been classified as a disaster area by the federal government. Failure to respond on behalf of the department of economic development shall result in the notice of intent being deemed an approval for the purposes of this section. A qualified company who is provided an approval for a project shall be allowed a benefit as provided in this program in the amount and duration provided in this section. A qualified company may receive additional periods for subsequent new jobs at the same facility after the full initial period if the minimum thresholds are met as set forth in sections 620.1875 to 620.1890. There is no limit on the number of periods a qualified company may participate in the program, as long as the minimum thresholds are achieved and the qualified company provides the department with the required reporting and is in proper compliance for this program or other state programs. A qualified company may elect to file a notice of intent to start a new project period concurrent with an existing project period if the minimum thresholds are achieved and the qualified company provides the department with the required reporting and is in proper compliance for this program and other state programs; however, the qualified company may not receive any further benefit under the original approval for jobs created after the date of the new

notice of intent, and any jobs created before the new notice of intent may not be included as new jobs for the purpose of benefit calculation in relation to the new approval. When a qualified company has filed and received approval of a notice of intent and subsequently files another notice of intent, the department shall apply the definition of project facility under subdivision (19) of section 620.1878 to the new notice of intent as well as all previously approved notices of intent and shall determine the application of the definitions of new job, new payroll, project facility base employment, and project facility base payroll accordingly.

2. Notwithstanding any provision of law to the contrary, any qualified company that is awarded benefits under this program may not simultaneously receive tax credits or exemptions under sections 135.100 to 135.150, sections 135.200 to 135.286, section 135.535, or sections 135.900 to 135.906 at the same project facility. The benefits available to the company under any other state programs for which the company is eligible and which utilize withholding tax from the new jobs of the company must first be credited to the other state program before the withholding retention level applicable under the Missouri quality jobs act will begin to accrue. These other state programs include, but are not limited to, the **[**new**]** **Missouri works** jobs training program under sections **[**178.892 to 178.896**]** **620.800 to 620.809**, **[**the job retention program under sections 178.760 to 178.764,**]** the real property tax increment allocation redevelopment act, sections 99.800 to 99.865, or the Missouri downtown and rural economic stimulus act under sections 99.915 to 99.980. If any qualified company also participates in the **[**new**]** **Missouri works** jobs training program in sections **[**178.892 to 178.896**]** **620.800 to 620.809**, the company shall retain no withholding tax, but the department shall issue a refundable tax credit for the full amount of benefit allowed under this subdivision. The calendar year annual maximum amount of tax credits which may be issued to a qualifying company that also participates in the new job training program shall be increased by an amount equivalent to the withholding tax retained by that company under the new jobs training program. However, if the combined benefits of the quality jobs program and the new jobs training program exceed the projected state benefit of the project, as determined by the department of economic development through a cost-benefit analysis, the increase in the maximum tax credits shall be limited to the amount that would not cause the combined benefits to exceed the projected state benefit. Any taxpayer who is awarded benefits under this program who knowingly hires individuals who are not allowed to work legally in the United States shall immediately forfeit such benefits and shall repay the state an amount equal to any state tax credits already redeemed and any withholding taxes already retained.

3. The types of projects and the amount of benefits to be provided are:

(1) Small and expanding business projects: in exchange for the consideration provided by the new tax revenues and other economic stimuli that will be generated by the new jobs created by the program, a qualified company may retain an amount equal to the withholding tax as calculated under subdivision (33) of section 620.1878 from the new jobs that would otherwise be withheld and remitted by the qualified company under the provisions of sections 143.191 to 143.265 for a period of three years from the date the required number of new jobs were created if the average wage of the new payroll equals or exceeds the county average wage or for a period of five years from the date the required number of new jobs were created if the average wage of the new payroll equals or exceeds one hundred twenty percent of the county average wage;

(2) Technology business projects: in exchange for the consideration provided by the new tax revenues and other economic stimuli that will be generated by the new jobs created by the program, a qualified company may retain an amount equal to a maximum of five percent of new payroll for a period of five years from the date the required number of jobs were created from the withholding tax of the new jobs that would otherwise be withheld and remitted by the qualified company under the provisions of sections 143.191 to 143.265 if the average wage of the new payroll equals or exceeds the county average wage. An additional one-half percent of new payroll may be added to the five percent maximum if the average wage of the new payroll in any year exceeds one hundred twenty percent of the county average wage in the county in

which the project facility is located, plus an additional one-half percent of new payroll may be added if the average wage of the new payroll in any year exceeds one hundred forty percent of the average wage in the county in which the project facility is located. The department shall issue a refundable tax credit for any difference between the amount of benefit allowed under this subdivision and the amount of withholding tax retained by the company, in the event the withholding tax is not sufficient to provide the entire amount of benefit due to the qualified company under this subdivision;

(3) High impact projects: in exchange for the consideration provided by the new tax revenues and other economic stimuli that will be generated by the new jobs created by the program, a qualified company may retain an amount from the withholding tax of the new jobs that would otherwise be withheld and remitted by the qualified company under the provisions of sections 143.191 to 143.265, equal to three percent of new payroll for a period of five years from the date the required number of jobs were created if the average wage of the new payroll equals or exceeds the county average wage of the county in which the project facility is located. For high-impact projects in a facility located within two adjacent counties, the new payroll shall equal or exceed the higher county average wage of the adjacent counties. The percentage of payroll allowed under this subdivision shall be three and one-half percent of new payroll if the average wage of the new payroll in any year exceeds one hundred twenty percent of the county average wage in the county in which the project facility is located. The percentage of payroll allowed under this subdivision shall be four percent of new payroll if the average wage of the new payroll in any year exceeds one hundred forty percent of the county average wage in the county in which the project facility is located. An additional one percent of new payroll may be added to these percentages if local incentives equal between ten percent and twenty-four percent of the new direct local revenue; an additional two percent of new payroll is added to these percentages if the local incentives equal between twenty-five percent and forty-nine percent of the new direct local revenue; or an additional three percent of payroll is added to these percentages if the local incentives equal fifty percent or more of the new direct local revenue. The department shall issue a refundable tax credit for any difference between the amount of benefit allowed under this subdivision and the amount of withholding tax retained by the company, in the event the withholding tax is not sufficient to provide the entire amount of benefit due to the qualified company under this subdivision;

(4) Job retention projects: a qualified company may receive a tax credit for the retention of jobs in this state, provided the qualified company and the project meets all of the following conditions:

(a) For each of the twenty-four months preceding the year in which application for the program is made the qualified company must have maintained at least one thousand full-time employees at the employer's site in the state at which the jobs are based, and the average wage of such employees must meet or exceed the county average wage;

(b) The qualified company retained at the project facility the level of full-time employees that existed in the taxable year immediately preceding the year in which application for the program is made;

(c) The qualified company is considered to have a significant statewide effect on the economy, and has been determined to represent a substantial risk of relocation from the state by the quality jobs advisory task force established in section 620.1887; provided, however, until such time as the initial at-large members of the quality jobs advisory task force are appointed, this determination shall be made by the director of the department of economic development;

(d) The qualified company in the project facility will cause to be invested a minimum of seventy million dollars in new investment prior to the end of two years or will cause to be invested a minimum of thirty million dollars in new investment prior to the end of two years and maintain an annual payroll of at least seventy million dollars during each of the years for which a credit is claimed; and

(e) The local taxing entities shall provide local incentives of at least fifty percent of the new direct local revenues created by the project over a ten-year period. The quality jobs advisory task force may recommend to the department of economic development that appropriate penalties be applied to the company for violating the agreement. The amount of the job retention credit granted may be equal to up to fifty percent of the amount of withholding tax generated by the full-time jobs at the project facility for a period of five years. The calendar year annual maximum amount of tax credit that may be issued to any qualified company for a job retention project or combination of job retention projects shall be seven hundred fifty thousand dollars per year, but the maximum amount may be increased up to one million dollars if such action is proposed by the department and approved by the quality jobs advisory task force established in section 620.1887; provided, however, until such time as the initial at-large members of the quality jobs advisory task force are appointed, this determination shall be made by the director of the department of economic development. In considering such a request, the task force shall rely on economic modeling and other information supplied by the department when requesting the increased limit on behalf of the job retention project. In no event shall the total amount of all tax credits issued for the entire job retention program under this subdivision exceed three million dollars annually. Notwithstanding the above, no tax credits shall be issued for job retention projects approved by the department after August 30, 2013;

(5) Small business job retention and flood survivor relief: a qualified company may receive a tax credit under sections 620.1875 to 620.1890 for the retention of jobs and flood survivor relief in this state for each job retained over a three-year period, provided that:

(a) The qualified company did not receive any state or federal benefits, incentives, or tax relief or abatement in locating its facility in a flood plain;

(b) The qualified company and related companies have fewer than one hundred employees at the time application for the program is made;

(c) The average wage of the qualified company's and related companies' employees must meet or exceed the county average wage;

(d) All of the qualified company's and related companies' facilities are located in this state;

(e) The facilities at the primary business site in this state have been directly damaged by floodwater rising above the level of a five hundred year flood at least two years, but fewer than eight years, prior to the time application is made;

(f) The qualified company made significant efforts to protect the facilities prior to any impending danger from rising floodwaters;

(g) For each year it receives tax credits under sections 620.1875 to 620.1890, the qualified company and related companies retained, at the company's facilities in this state, at least the level of full-time, year-round employees that existed in the taxable year immediately preceding the year in which application for the program is made; and

(h) In the years it receives tax credits under sections 620.1875 to 620.1890, the company cumulatively invests at least two million dollars in capital improvements in facilities and equipment located at such facilities that are not located within a five hundred year flood plain as designated by the Federal Emergency Management Agency, and amended from time to time. The amount of the small business job retention and flood survivor relief credit granted may be equal to up to one hundred percent of the amount of withholding tax generated by the full-time jobs at the project facility for a period of three years. The calendar year annual maximum amount of tax credit that may be issued to any qualified company for a small business job retention and survivor relief project shall be two hundred fifty thousand dollars per year, but the maximum amount may be increased up to five hundred thousand dollars if such action is proposed by the department and approved by the quality jobs advisory task force established in section 620.1887. In considering such a request, the task force shall rely on economic modeling and other information supplied by the department when requesting an increase in the limit on behalf of the small business job retention and flood survivor relief project. In no event shall the total amount of all tax credits issued for the entire small business job retention and flood survivor

relief program under this subdivision exceed five hundred thousand dollars annually. Notwithstanding the provisions of this subdivision to the contrary, no tax credits shall be issued for small business job retention and flood survivor relief projects approved by the department after August 30, 2010.

4. The qualified company shall provide an annual report of the number of jobs and such other information as may be required by the department to document the basis for the benefits of this program. The department may withhold the approval of any benefits until it is satisfied that proper documentation has been provided, and shall reduce the benefits to reflect any reduction in full-time employees or new payroll. Upon approval by the department, the qualified company may begin the retention of the withholding taxes when it reaches the minimum number of new jobs and the average wage exceeds the county average wage. Tax credits, if any, may be issued upon satisfaction by the department that the qualified company has exceeded the county average wage and the minimum number of new jobs. In such annual report, if the average wage is below the county average wage, the qualified company has not maintained the employee insurance as required, or if the number of new jobs is below the minimum, the qualified company shall not receive tax credits or retain the withholding tax for the balance of the benefit period. In the case of a qualified company that initially filed a notice of intent and received an approval from the department for high-impact benefits and the minimum number of new jobs in an annual report is below the minimum for high-impact projects, the company shall not receive tax credits for the balance of the benefit period but may continue to retain the withholding taxes if it otherwise meets the requirements of a small and expanding business under this program.

5. The maximum calendar year annual tax credits issued for the entire program shall not exceed eighty million dollars. Notwithstanding any provision of law to the contrary, the maximum annual tax credits authorized under section 135.535 are hereby reduced from ten million dollars to eight million dollars, with the balance of two million dollars transferred to this program. There shall be no limit on the amount of withholding taxes that may be retained by approved companies under this program.

6. The department shall allocate the annual tax credits based on the date of the approval, reserving such tax credits based on the department's best estimate of new jobs and new payroll of the project, and the other factors in the determination of benefits of this program. However, the annual issuance of tax credits is subject to the annual verification of the actual new payroll. The allocation of tax credits for the period assigned to a project shall expire if, within two years from the date of commencement of operations, or approval if applicable, the minimum thresholds have not been achieved. The qualified company may retain authorized amounts from the withholding tax under this section once the minimum new jobs thresholds are met for the duration of the project period. No benefits shall be provided under this program until the qualified company meets the minimum new jobs thresholds. In the event the qualified company does not meet the minimum new job threshold, the qualified company may submit a new notice of intent or the department may provide a new approval for a new project of the qualified company at the project facility or other facilities.

7. For a qualified company with flow-through tax treatment to its members, partners, or shareholders, the tax credit shall be allowed to members, partners, or shareholders in proportion to their share of ownership on the last day of the qualified company's tax period.

8. Tax credits may be claimed against taxes otherwise imposed by chapters 143 and 148, and may not be carried forward but shall be claimed within one year of the close of the taxable year for which they were issued, except as provided under subdivision (4) of subsection 3 of this section.

9. Tax credits authorized by this section may be transferred, sold, or assigned by filing a notarized endorsement thereof with the department that names the transferee, the amount of tax credit transferred, and the value received for the credit, as well as any other information reasonably requested by the department.

10. Prior to the issuance of tax credits, the department shall verify through the department of revenue, or any other state department, that the tax credit applicant does not owe any delinquent income, sales, or use tax or interest or penalties on such taxes, or any delinquent fees or assessments levied by any state department and through the department of insurance, financial institutions and professional registration that the applicant does not owe any delinquent insurance taxes. Such delinquency shall not affect the authorization of the application for such tax credits, except that at issuance credits shall be first applied to the delinquency and any amount issued shall be reduced by the applicant's tax delinquency. If the department of revenue or the department of insurance, financial institutions and professional registration, or any other state department, concludes that a taxpayer is delinquent after June fifteenth but before July first of any year and the application of tax credits to such delinquency causes a tax deficiency on behalf of the taxpayer to arise, then the taxpayer shall be granted thirty days to satisfy the deficiency in which interest, penalties, and additions to tax shall be tolled. After applying all available credits toward a tax delinquency, the administering agency shall notify the appropriate department and that department shall update the amount of outstanding delinquent tax owed by the applicant. If any credits remain after satisfying all insurance, income, sales, and use tax delinquencies, the remaining credits shall be issued to the applicant, subject to the restrictions of other provisions of law.

11. Except as provided under subdivision (4) of subsection 3 of this section, the director of revenue shall issue a refund to the qualified company to the extent that the amount of credits allowed in this section exceeds the amount of the qualified company's income tax.

12. An employee of a qualified company will receive full credit for the amount of tax withheld as provided in section 143.211.

13. If any provision of sections 620.1875 to 620.1890 or application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application of these sections which can be given effect without the invalid provisions or application, and to this end, the provisions of sections 620.1875 to 620.1890 are hereby declared severable.

620.1910. CITATION OF LAW — DEFINITIONS — QUALIFIED MANUFACTURING COMPANY AND SUPPLIERS, RETENTION OF WITHHOLDING TAXES, WHEN — MAXIMUM RETENTION AMOUNT — RULEMAKING AUTHORITY — AGREEMENT REQUIRED — REPORT REQUIRED — SUNSET PROVISION. — 1. This section shall be known and may be cited as the "Manufacturing Jobs Act".

2. As used in this section, the following terms mean:

(1) "Approval", a document submitted by the department to the qualified manufacturing company or qualified supplier that states the benefits that may be provided under this section;

(2) "Capital investment", expenditures made by a qualified manufacturing company to retool or reconfigure a manufacturing facility directly related to the manufacturing of a new product or the expansion or modification of the manufacture of an existing product;

(3) "County average wage", the same meaning as such term is defined in section 620.1878;

(4) "Department", the department of economic development;

(5) "Facility", a building or buildings located in Missouri at which the qualified manufacturing company manufactures a product;

(6) "Full-time job", a job for which a person is compensated for an average of at least thirty-five hours per week for a twelve-month period, and one for which the qualified manufacturing company or qualified supplier offers health insurance and pays at least fifty percent of such insurance premiums;

(7) "NAICS industry classification", the most recent edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget;

(8) "New job", the same meaning as such term is defined in section 620.1878;

(9) "New product", a new model or line of a manufactured good that has not been manufactured in Missouri by the qualified manufacturing company at any time prior to the date of the notice of intent, or an existing brand, model, or line of a manufactured good that is redesigned with more than seventy-five percent new exterior body parts and incorporates new powertrain options;

(10) "Notice of intent", a form developed by the department, completed by the qualified manufacturing company or qualified supplier and submitted to the department which states the qualified manufacturing company's or qualified supplier's intent to create new jobs or retain current jobs and make additional capital investment, as applicable, and request benefits under this section. The notice of intent shall specify the minimum number of such new or retained jobs and the minimum amount of such capital investment;

(11) "Qualified manufacturing company", a business with a NAICS code of 33611 that:

(a) Manufactures goods at a facility in Missouri;

(b) In the case of the manufacture of a new product, commits to make a capital investment of at least seventy-five thousand dollars per retained job within no more than two years of the date the qualified manufacturing company begins to retain withholding tax under this section, or in the case of the modification or expansion of the manufacture of an existing product, commits to make a capital investment of at least fifty thousand dollars per retained job within no more than two years of the date the qualified manufacturing company begins to retain withholding tax under this section;

(c) Manufactures a new product or has commenced making capital improvements to the facility necessary for the manufacturing of such new product, or modifies or expands the manufacture of an existing product or has commenced making capital improvements to the facility necessary for the modification or expansion of the manufacture of such existing product; and

(d) Continues to meet the requirements of paragraphs (a) to (c) of this subdivision for the withholding period;

(12) "Qualified supplier", a manufacturing company that:

(a) Attests to the department that it derives more than ten percent of the total annual sales of the company from sales to a qualified manufacturing company;

(b) Adds five or more new jobs;

(c) Has an average wage, as defined in section 135.950, for such new jobs that are equal to or exceed the lower of the county average wage for Missouri as determined by the department using NAICS industry classifications, but not lower than sixty percent of the statewide average wage; and

(d) Provides health insurance for all full-time jobs and pays at least fifty percent of the premiums of such insurance;

(13) "Retained job", the number of full-time jobs of persons employed by the qualified manufacturing company located at the facility that existed as of the last working day of the month immediately preceding the month in which notice of intent is submitted;

(14) "Statewide average wage", an amount equal to the quotient of the sum of the total gross wages paid for the corresponding four calendar quarters divided by the average annual employment for such four calendar quarters, which shall be computed using the Quarterly Census of Employment and Wages Data for All Private Ownership Businesses in Missouri, as published by the Bureau of Labor Statistics of the United States Department of Labor;

(15) "Withholding period", the seven- or ten-year period in which a qualified manufacturing company may receive benefits under this section;

(16) "Withholding tax", the same meaning as such term is defined in section 620.1878.

3. The department shall respond within thirty days to a qualified manufacturing company or a qualified supplier who provides a notice of intent with either an approval or a rejection of the notice of intent. Failure to respond on behalf of the department shall result in the notice of intent being deemed an approval for the purposes of this section.

4. A qualified manufacturing company that manufactures a new product may, upon the department's approval of a notice of intent and the execution of an agreement that meets the requirements of subsection 9 of this section, but no earlier than January 1, 2012, retain one hundred percent of the withholding tax from full-time jobs at the facility for a period of ten years. A qualified manufacturing company that modifies or expands the manufacture of an existing product may, upon the department's approval of a notice of intent and the execution of an agreement that meets the requirements of subsection 9 of this section, but no earlier than January 1, 2012, retain fifty percent of the withholding tax from full-time jobs at the facility for a period of seven years. Except as otherwise allowed under subsection 7 of this section, the commencement of the withholding period may be delayed by no more than twenty-four months after execution of the agreement at the option of the qualified manufacturing company. Such qualified manufacturing company shall be eligible for participation in the Missouri quality jobs program in sections 620.1875 to 620.1890 for any new jobs for which it does not retain withholding tax under this section, provided all qualifications for such program are met.

5. A qualified supplier may, upon approval of a notice of intent by the department, retain all withholding tax from new jobs for a period of three years from the date of approval of the notice of intent or for a period of five years if the supplier pays wages for the new jobs equal to or greater than one hundred twenty percent of county average wage. Notwithstanding any other provision of law to the contrary, a qualified supplier that is awarded benefits under this section shall not receive any tax credit or exemption or be entitled to retain withholding under sections 100.700 to 100.850, sections 135.100 to 135.150, sections 135.200 to 135.286, section 135.535, sections 135.900 to 135.906, sections 135.950 to 135.970, or section 620.1881 for the same jobs.

6. Notwithstanding any other provision of law to the contrary, the maximum amount of withholding tax that may be retained by any one qualified manufacturing company under this section shall not exceed ten million dollars per calendar year. The aggregate amount of withholding tax that may be retained by all qualified manufacturing companies under this section shall not exceed fifteen million dollars per calendar year.

7. Notwithstanding any other provision of law to the contrary, any qualified manufacturing company that is awarded benefits under this section shall not simultaneously receive tax credits or exemptions under sections 100.700 to 100.850, sections 135.100 to 135.150, sections 135.200 to 135.286, section 135.535, or sections 135.900 to 135.906 for the jobs created or retained or capital improvement which qualified for benefits under this section. The benefits available to the qualified manufacturing company under any other state programs for which the qualified manufacturing company is eligible and which utilize withholding tax from the jobs at the facility shall first be credited to the other state program before the applicable withholding period for benefits provided under this section shall begin. These other state programs include, but are not limited to, the **[**new**]** **Missouri works** jobs training program under sections **[**178.892 to 178.896**]** **620.800 to 620.809**, **[**the job retention program under sections 178.760 to 178.764,**]** the real property tax increment allocation redevelopment act under sections 99.800 to 99.865, or the Missouri downtown and rural economic stimulus act under sections 99.915 to 99.980. If any qualified manufacturing company also participates in the **[**new**]** **Missouri works** jobs training program in sections **[**178.892 to 178.896**]** **620.800 to 620.809**, such qualified manufacturing company shall not retain any withholding tax that has already been allocated for use in the new jobs training program. Any qualified manufacturing company or qualified supplier that is awarded benefits under this program and knowingly hires individuals who are not allowed to work legally in the United States shall immediately forfeit such benefits and shall repay the state an amount equal to any withholding taxes already retained. Subsection 5 of section 285.530 shall not apply to qualified manufacturing companies or qualified suppliers which are awarded benefits under this program.

8. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject

to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.

9. Within six months of completion of a notice of intent required under this section, the qualified manufacturing company shall enter into an agreement with the department that memorializes the content of the notice of intent, the requirements of this section, and the consequences for failing to meet such requirements, which shall include the following:

(1) If the amount of capital investment made by the qualified manufacturing company is not made within the two-year period provided for such investment, the qualified manufacturing company shall immediately cease retaining any withholding tax with respect to jobs at the facility and it shall forfeit all rights to retain withholding tax for the remainder of the withholding period. In addition, the qualified manufacturing company shall repay any amounts of withholding tax retained plus interest of five percent per annum. However, in the event that such capital investment shortfall is due to economic conditions beyond the control of the qualified manufacturing company, the director may, at the qualified manufacturing company's request, suspend rather than terminate its privilege to retain withholding tax under this section for up to three years. Any such suspension shall extend the withholding period by the same amount of time. No more than one such suspension shall be granted to a qualified manufacturing company;

(2) If the qualified manufacturing company discontinues the manufacturing of the new product and does not replace it with a subsequent or additional new product manufactured at the facility at any time during the withholding period, the qualified manufacturing company shall immediately cease retaining any withholding tax with respect to jobs at that facility and it shall forfeit all rights to retain withholding tax for the remainder of the withholding period.

10. Prior to March first each year, the department shall provide a report to the general assembly including the names of participating qualified manufacturing companies or qualified suppliers, location of such companies or suppliers, the annual amount of benefits provided, the estimated net state fiscal impact including direct and indirect new state taxes derived, and the number of new jobs created or jobs retained.

11. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset October 12, 2016, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

[178.760. DEFINITIONS. — As used in sections 178.760 to 178.764, the following terms mean:

(1) "Agreement", the agreement between an employer and a community college district concerning a project. An agreement may be for a period not to exceed ten years when the program services associated with a project are not in excess of five hundred thousand dollars. For a project where the associated program costs are greater than five hundred thousand dollars, the agreement may not exceed a period of eight years;

(2) "Board of trustees", the board of trustees of a community college district;

(3) "Capital investment", an investment in research and development, working capital, and real and tangible personal business property except inventory or property intended for sale to customers. Trucks, truck trailers, truck semi-trailers, rail and barge vehicles and other rolling stock for hire, track, switches, barges, bridges, tunnels, rail yards, and spurs shall not qualify as a capital investment. The amount of such

investment shall be the original cost of the property if owned, or eight times the net annual rental rate if leased;

(4) "Certificate", industrial retained jobs training certificates issued under section 178.763;

(5) "Date of commencement of the project", the date of the agreement;

(6) "Employee", the person employed in a retained job;

(7) "Employer", the person maintaining retained jobs in conjunction with a project;

(8) "Industry", a business located within this state which enters into an agreement with a community college district and which is engaged in interstate or intrastate commerce for the purpose of manufacturing, processing, or assembling products, conducting research and development, or providing services in interstate commerce, but excluding retail services;

(9) "Program costs", all necessary and incidental costs of providing program services, including payment of the principal, premium, and interest on certificates, including capitalized interest, issued to finance a project, funding and maintenance of a debt service reserve fund to secure such certificates and wages, salaries and benefits of employees participating in on-the-job training;

(10) "Program services" includes, but is not limited to, the following:

(a) Retained jobs training;

(b) Adult basic education and job-related instruction;

(c) Vocational and skill-assessment services and testing;

(d) Training facilities, equipment, materials, and supplies;

(e) On-the-job training;

(f) Administrative expenses equal to seventeen percent of the total training costs, two percent to be paid to the department of economic development for deposit into the Missouri job development fund created under section 620.478;

(g) Subcontracted services with state institutions of higher education, private colleges or universities, or other federal, state, or local agencies;

(h) Contracted or professional services; and

(i) Issuance of certificates;

(11) "Project", a training arrangement which is the subject of an agreement entered into between the community college district and an employer to provide program services that is not also the subject of an agreement entered into between a community college district and an employer to provide program services under sections 178.892 to 178.896;

(12) "Retained job", a job in a stable industry, not including jobs for recalled workers, which was in existence for at least two consecutive calendar years preceding the year in which the application for the retained jobs training program was made;

(13) "Retained jobs credit from withholding", the credit as provided in section 178.762;

(14) "Retained jobs training program", or "program", the project or projects established by a community college district for the retention of jobs, by providing education and training of workers for existing jobs for stable industry in the state;

(15) "Stable industry", a business that otherwise meets the definition of industry and retains existing jobs. To be a stable industry, the business shall have:

(a) Maintained at least one hundred employees per year at the employer's site in the state at which the jobs are based, for each of the two calendar years preceding the year in which application for the program is made;

(b) Retained at that site the level of employment that existed in the taxable year immediately preceding the year in which application for the program is made; and

(c) Made or agree to make a capital investment aggregating at least one million dollars to acquire or improve long-term assets (including leased facilities) such as property, plant, or equipment (excluding program costs) at the employer's site in the state at which jobs are based over a period of three consecutive calendar years, as certified by the employer and:

a. Have made substantial investment in new technology requiring the upgrading of worker's skills; or

b. Be located in a border county of the state and represent a potential risk of relocation from the state; or

c. Be determined to represent a substantial risk of relocation from the state by the director of the department of economic development;

(16) "Total training costs", costs of training, including supplies, wages and benefits of instructors, subcontracted services, on-the-job training, training facilities, equipment, skill assessment, and all program services excluding issuance of certificates.**]**

[178.761. COMMUNITY COLLEGE DISTRICTS MAY CONTRACT TO PROVIDE TRAINING, APPLICATION, AGREEMENT PROVISIONS. — A community college district, with the approval of the department of economic development in consultation with the office of administration, may enter into an agreement to establish a project and provide program services to an employer. As soon as possible after initial contact between a community college district and a potential employer regarding the possibility of entering into an agreement, the district shall inform the division of workforce development of the department of economic development and the office of administration about the potential project. The division of workforce development shall evaluate the proposed project within the overall job training efforts of the state to ensure that the project will not duplicate other job training programs. The department of economic development shall have fourteen days from receipt of the application to approve or disapprove projects. If no response is received by the community college within fourteen days, the projects are approved. Any project that is disapproved must be in writing stating the reasons for the disapproval. If an agreement is entered into, the district and the employer shall notify the department of revenue within fifteen calendar days. An agreement may provide, but is not limited to:

(1) Payment of program costs, including deferred costs, which may be paid from one or a combination of the following sources:

(a) Funds appropriated by the general assembly from the Missouri community college job retention program fund and disbursed by the division of workforce development in respect of retained jobs credit from withholding to be received or derived from retained employment resulting from the project;

(b) Tuition, student fees, or special charges fixed by the board of trustees to defray program costs in whole or in part;

(c) Guarantee of payments to be received under paragraph (a) or (b) of this subdivision;

(2) Payment of program costs shall not be deferred for a period longer than ten years if program costs do not exceed five hundred thousand dollars, or eight years if program costs exceed five hundred thousand dollars from the date of commencement of the project;

(3) Costs of on-the-job training for employees shall include wages or salaries of participating employees. Payments for on-the-job training shall not exceed the average of fifty percent of the total percent of the total wages paid by the employer to each participant during the period of training. Payment for on-the-job training may continue for up to six months from the date of the employer's capital investment;

(4) A provision which fixes the minimum amount of retained jobs credit from withholding, or tuition and fee payments which shall be paid for program costs;

(5) Any payment required to be made by an employer is a lien upon the employer's business property until paid and has equal precedence with ordinary taxes and shall not be divested by a judicial sale. Property subject to the lien may be sold for sums due and delinquent at a tax sale, with the same forfeitures, penalties, and consequences as for the nonpayment of ordinary taxes. The purchasers at tax sale obtain the property subject to the remaining payments.**]**

[178.762. RETAINED JOBS CREDIT FROM WITHHOLDING, HOW DETERMINED. — If an agreement provides that all or part of program costs are to be met by receipt of retained jobs credit from withholding, such retained jobs credit from withholding shall be determined and paid as follows:

(1) Retained jobs credit from withholding shall be based upon the wages paid to the employees in the retained jobs;

(2) A portion of the total payments made by the employer under section 143.221 shall be designated as the retained jobs credit from withholding. Such portion shall be an amount equal to two and one-half percent of the gross wages paid by the employer for each of the first one hundred jobs included in the project and one and one-half percent of the gross wages paid by the employer for each of the remaining jobs included in the project. If business or employment conditions cause the amount of the retained jobs credit from withholding to be less than the amount projected in the agreement for any time period, then other withholding tax paid by the employer under section 143.221 shall be credited to the Missouri community college retained job training fund by the amount of such difference. The employer shall remit the amount of the retained jobs credit to the department of revenue in the manner prescribed in section 178.764. When all program costs, including the principal, premium, and interest on the certificates have been paid, the employer credits shall cease;

(3) The community college district participating in a project shall establish a special fund for and in the name of the project. All funds appropriated by the general assembly from the Missouri community college job training retention program fund and disbursed by the division of workforce development for the project and other amounts received by the district in respect of the project and required by the agreement to be used to pay program costs for the project shall be deposited in the special fund. Amounts held in the special fund may be used and disbursed by the district only to pay program costs for the project. The special fund may be divided into such accounts and subaccounts as shall be provided in the agreement, and amounts held therein may be invested in investments which are legal for the investment of the district's other funds;

(4) Any disbursement in respect of a project received from the division of workforce development under sections 178.760 to 178.764 and the special fund into which it is paid may be irrevocably pledged by a community college district for the payment of the principal, premium, and interest on the certificate issued by a community college district to finance or refinance, in whole or in part, the project;

(5) The employer shall certify to the department of revenue that the credit from withholding is in accordance with an agreement and shall provide other information the department may require;

(6) An employee participating in a project will receive full credit for the amount designated as a retained jobs credit from withholding and withheld as provided in section 143.221;

(7) If an agreement provides that all or part of program costs are to be met by receipt of retained jobs credit from withholding, the provisions of this subsection shall

also apply to any successor to the original employer until such time as the principal and interest on the certificates have been paid.**]**

[178.763. POWERS AND DUTIES OF COMMUNITY COLLEGE DISTRICTS PROVIDING RETAINED JOBS TRAINING PROGRAMS — CERTIFICATES — NOTICE — BOARD FINDINGS — CERTIFICATES NOT STATE OR DISTRICT INDEBTEDNESS — RULEMAKING AUTHORITY — LIMITATION ON CERTIFICATE SALES. — 1. To provide funds for the present payment of the costs of retained jobs training programs, a community college district may borrow money and issue and sell certificates payable from a sufficient portion of the future receipts of payments authorized by the agreement including disbursements from the Missouri community college job retention training program to the special fund established by the district for each project. The total amount of outstanding certificates sold by all community college districts shall not exceed fifteen million dollars, unless an increased amount is authorized in writing by a majority of members of the Missouri job training joint legislative oversight committee. The certificates shall be marketed through financial institutions authorized to do business in Missouri.

The receipts shall be pledged to the payment of principal of and interest on the certificates. Certificates may be sold at public sale or at private sale at par, premium, or discount of not less than ninety-five percent of the par value thereof, at the discretion of the board of trustees, and may bear interest at such rate or rates as the board of trustees shall determine, notwithstanding the provisions of section 108.170 to the contrary. However, chapter 176 does not apply to the issuance of these certificates. Certificates may be issued with respect to a single project or multiple projects and may contain terms or conditions as the board of trustees may provide by resolution authorizing the issuance of the certificates.

2. Certificates issued to refund other certificates may be sold at public sale or at private sale as provided in this section with the proceeds from the sale to be used for the payment of the certificates being refunded. The refunding certificates may be exchanged in payment and discharge of the certificates being refunded, in installments at different times or an entire issue or series at one time. Refunding certificates may be sold or exchanged at any time on, before, or after the maturity of the outstanding certificates to be refunded. They may be issued for the purpose of refunding a like, greater, or lesser principal amount of certificates and may bear a higher, lower, or equivalent rate of interest than the certificates being renewed or refunded.

3. Before certificates are issued, the board of trustees shall publish once a notice of its intention to issue the certificates, stating the amount, the purpose, and the project or projects for which the certificates are to be issued. A person may, within fifteen days after the publication of the notice, by action in the circuit court of a county in the district, appeal the decision of the board of trustees to issue the certificates. The action of the board of trustees in determining to issue the certificates is final and conclusive unless the circuit court finds that the board of trustees has exceeded its legal authority. An action shall not be brought which questions the legality of the certificates, the power of the board of trustees to issue the certificates, the effectiveness of any proceedings relating to the authorization of the project, or the authorization and issuance of the certificates from and after fifteen days from the publication of the notice of intention to issue.

4. The board of trustees shall make a finding based on information supplied by the employer that revenues provided in the agreement are sufficient to secure the faithful performance of obligations in the agreement.

5. Certificates issued under this section shall not be deemed to be an indebtedness of the state or the community college district or of any other political

subdivision of the state, and the principal and interest on such certificates shall be payable only from the sources provided in subdivision (1) of section 178.761 which are pledged in the agreement.

6. The department of economic development shall coordinate the retained jobs training program, and may promulgate rules that districts will use in developing projects with industrial retained jobs training proposals which shall include rules providing for the coordination of such proposals with the service delivery areas established in the state to administer federal funds pursuant to the federal Workforce Investment Act. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536.

7. No community college district may sell certificates as described in this section after July 1, 2014.**]**

[178.764. MISSOURI COMMUNITY COLLEGE JOB RETENTION TRAINING PROGRAM FUND ESTABLISHED — FORMS, REIMBURSEMENT FROM THE FUND. — 1. There is hereby established within the state treasury a special fund, to be known as the "Missouri Community College Job Retention Training Program Fund", to be administered by the division of workforce development. The department of revenue shall credit to the community college job retention training program fund, as received, all retained jobs credit from withholding remitted by employers pursuant to section 178.762. The fund shall also consist of any gifts, contributions, grants, or bequests received from federal, private, or other sources. The general assembly, however, shall not provide for any transfer of general revenue funds into the community college job retention training program fund. Moneys in the Missouri community college job retention training program fund shall be disbursed to the division of workforce development pursuant to regular appropriations by the general assembly. The division shall disburse such appropriated funds in a timely manner into the special funds established by community college districts for projects, which funds shall be used to pay program costs, including the principal, premium, and interest on certificates issued by the district to finance or refinance, in whole or in part, a project. Such disbursements by the division of workforce development shall be made to the special fund for each project in the same proportion as the retained jobs credit from withholding remitted by the employer participating in such project bears to the total retained jobs credit from withholding remitted by all employers participating in projects during the period for which the disbursement is made. Moneys for retained jobs training programs established under sections 178.760 to 178.764 shall be obtained from appropriations made by the general assembly from the Missouri community college job retention training program fund. All moneys remaining in the Missouri community college job retention training program fund at the end of any fiscal year shall not lapse to the general revenue fund, as provided in section 33.080, but shall remain in the Missouri community college job retention training program fund.

2. The department of revenue shall develop such forms as are necessary to demonstrate accurately each employer's retained jobs credit from withholding paid into the Missouri community college job retention training program fund. The retained jobs credit from withholding shall be accounted as separate from the normal withholding tax paid to the department of revenue by the employer. Reimbursements made by all employers to the Missouri community college job retention training program fund shall be no less than all allocations made by the division of workforce development to all community college districts for all job retention projects. The employer shall remit the amount of the retained job credit to the department of revenue in the same manner as provided in sections 143.191 to 143.265.**]**

[178.892. DEFINITIONS. — As used in sections 178.892 to 178.896, the following terms mean:

(1) "Agreement", the agreement, between an employer and a community college district, concerning a project. An agreement may be for a period not to exceed ten years when the program services associated with a project are not in excess of five hundred thousand dollars. For a project where associated program costs are greater than five hundred thousand dollars, the agreement may not exceed a period of eight years. No agreement shall be entered into between an employer and a community college district which involves the training of potential employees with the purpose of replacing or supplanting employees engaged in an authorized work stoppage;

(2) "Board of trustees", the board of trustees of a community college district;

(3) "Certificate", industrial new jobs training certificates issued pursuant to section 178.895;

(4) "Date of commencement of the project", the date of the agreement;

(5) "Employee", the person employed in a new job;

(6) "Employer", the person providing new jobs in conjunction with a project;

(7) "Essential industry", a business that otherwise meets the definition of industry but instead of creating new jobs maintains existing jobs. To be an essential industry, the business must have maintained at least two thousand jobs each year for a period of four years preceding the year in which application for the program authorized by sections 178.892 to 178.896 is made and must be located in a home rule city with more than twenty-six thousand but less than twenty-seven thousand inhabitants located in any county with a charter form of government and with more than one million inhabitants;

(8) "Existing job", a job in an essential industry that pays wages or salary greater than the average of the county in which the project will be located;

(9) "Industry", a business located within the state of Missouri which enters into an agreement with a community college district and which is engaged in interstate or intrastate commerce for the purpose of manufacturing, processing, or assembling products, conducting research and development, or providing services in interstate commerce, but excluding retail services. "Industry" does not include a business which closes or substantially reduces its operation in one area of the state and relocates substantially the same operation in another area of the state. This does not prohibit a business from expanding its operations in another area of the state provided that existing operations of a similar nature are not closed or substantially reduced;

(10) "New job", a job in a new or expanding industry not including jobs of recalled workers, or replacement jobs or other jobs that formerly existed in the industry in the state. For an essential industry, an existing job shall be considered a new job for the purposes of the new job training programs;

(11) "New jobs credit from withholding", the credit as provided in section 178.894;

(12) "New jobs training program" or "program", the project or projects established by a community college district for the creation of jobs by providing education and training of workers for new jobs for new or expanding industry in the state;

(13) "Program costs", all necessary and incidental costs of providing program services including payment of the principal of, premium, if any, and interest on certificates, including capitalized interest, issued to finance a project, funding and maintenance of a debt service reserve fund to secure such certificates and wages, salaries and benefits of employees participating in on-the-job training;

(14) "Program services" includes, but is not limited to, the following:

(a) New jobs training;

(b) Adult basic education and job-related instruction;
(c) Vocational and skill-assessment services and testing;
(d) Training facilities, equipment, materials, and supplies;
(e) On-the-job training;
(f) Administrative expenses equal to fifteen percent of the total training costs;
(g) Subcontracted services with state institutions of higher education, private colleges or universities, or other federal, state, or local agencies;
(h) Contracted or professional services; and (i) Issuance of certificates;
(15) "Project", a training arrangement which is the subject of an agreement entered into between the community college district and an employer to provide program services;
(16) "Total training costs", costs of training, including supplies, wages and benefits of instructors, subcontracted services, on-the-job training, training facilities, equipment, skill assessment and all program services excluding issuance of certificates.**]**

[178.893. AGREEMENT, COMMUNITY COLLEGE DISTRICT, EMPLOYER — APPROVAL, TERMS, PROVISIONS. — A community college district, with the approval of the department of economic development in consultation with the office of administration, may enter into an agreement to establish a project and provide program services to an employer. As soon as possible after initial contact between a community college district and a potential employer regarding the possibility of entering into an agreement, the district shall inform the division of job development and training of the department of economic development and the office of administration about the potential project. The division of job development and training shall evaluate the proposed project within the overall job training efforts of the state to ensure that the project will not duplicate other job training programs. The department of economic development shall have fourteen days from receipt of the application to approve or disapprove projects. If no response is received by the community college within fourteen days the projects are approved. Any project that is disapproved must be in writing stating the reasons for the disapproval. If an agreement is entered into, the district and the employer shall notify the department of revenue within fifteen calendar days. An agreement may provide, but is not limited to:
(1) Payment of program costs, including deferred costs, which may be paid from one or a combination of the following sources:
(a) Funds appropriated by the general assembly from the Missouri community college job training program fund and disbursed by the division of job development and training in respect of new jobs credit from withholding to be received or derived from new employment resulting from the project;
(b) Tuition, student fees, or special charges fixed by the board of trustees to defray program costs in whole or in part;
(c) Guarantee of payments to be received under paragraph (a) or (b) of this subdivision;
(2) Payment of program costs shall not be deferred for a period longer than ten years if program costs do not exceed five hundred thousand dollars, or eight years if program costs exceed five hundred thousand dollars from the date of commencement of the project;
(3) Costs of on-the-job training for employees, shall include wages or salaries of participating employees. Payments for on-the-job training shall not exceed the average of fifty percent of the total percent of the total wages paid by the employer to each participant during the period of training. Payment for on-the-job training may continue for up to six months after the placement of the participant in the new job;

(4) A provision which fixes the minimum amount of new jobs credit from withholding, or tuition and fee payments which shall be paid for program costs;

(5) Any payment required to be made by an employer is a lien upon the employer's business property until paid and has equal precedence with ordinary taxes and shall not be divested by a judicial sale. Property subject to the lien may be sold for sums due and delinquent at a tax sale, with the same forfeitures, penalties, and consequences as for the nonpayment of ordinary taxes. The purchasers at tax sale obtain the property subject to the remaining payments.**]**

[178.894. JOB TRAINING PROGRAM COSTS — NEW JOBS CREDIT FROM WITHHOLDING — CONDITIONS. — If an agreement provides that all or part of program costs are to be met by receipt of new jobs credit from withholding, such new jobs credit from withholding shall be determined and paid as follows:

(1) New jobs credit from withholding shall be based upon the wages paid to the employees in the new jobs;

(2) A portion of the total payments made by the employer pursuant to section 143.221 shall be designated as the new jobs credit from withholding. Such portion shall be an amount equal to two and one-half percent of the gross wages paid by the employer for each of the first one hundred jobs included in the project and one and one-half percent of the gross wages paid by the employer for each of the remaining jobs included in the project. If business or employment conditions cause the amount of the new jobs credit from withholding to be less than the amount projected in the agreement for any time period, then other withholding tax paid by the employer pursuant to section 143.221 shall be credited to the Missouri community college job training fund by the amount of such difference. The employer shall remit the amount of the new jobs credit to the department of revenue in the manner prescribed in section 178.896. When all program costs, including the principal of, premium, if any, and interest on the certificates have been paid, the employer credits shall cease;

(3) The community college district participating in a project shall establish a special fund for and in the name of the project. All funds appropriated by the general assembly from the Missouri community college job training program fund and disbursed by the division of job development and training for the project and other amounts received by the district in respect of the project and required by the agreement to be used to pay program costs for the project shall be deposited in the special fund. Amounts held in the special fund may be used and disbursed by the district only to pay program costs for the project. The special fund may be divided into such accounts and subaccounts as shall be provided in the agreement, and amounts held therein may be invested in investments which are legal for the investment of the district's other funds;

(4) Any disbursement in respect of a project received from the division of job development and training under the provisions of sections 178.892 to 178.896 and the special fund into which it is paid may be irrevocably pledged by a community college district for the payment of the principal of, premium, if any, and interest on the certificate issued by a community college district to finance or refinance, in whole or in part, the project;

(5) The employer shall certify to the department of revenue that the credit from withholding is in accordance with an agreement and shall provide other information the department may require;

(6) An employee participating in a project will receive full credit for the amount designated as a new jobs credit from withholding and withheld as provided in section 143.221;

(7) If an agreement provides that all or part of program costs are to be met by receipt of new jobs credit from withholding, the provisions of this subsection shall also

apply to any successor to the original employer until such time as the principal and interest on the certificates have been paid.**]**

[178.895. CERTIFICATES, ISSUE OF, SALE OF — REFUNDING CERTIFICATES, ISSUED WHEN — PROCEDURE ON ISSUANCE — NOT DEEMED INDEBTEDNESS OF STATE OR POLITICAL SUBDIVISION — RULES AND REGULATIONS, DEPARTMENT OF ECONOMIC DEVELOPMENT TO PROMULGATE, PROCEDURE — TERMINATION OF SALES OF CERTIFICATES, WHEN. — 1. To provide funds for the present payment of the costs of new jobs training programs, a community college district may borrow money and issue and sell certificates payable from a sufficient portion of the future receipts of payments authorized by the agreement including disbursements from the Missouri community college job training program to the special fund established by the district for each project. The total amount of outstanding certificates sold by all community college districts shall not exceed twenty million dollars, unless an increased amount is authorized in writing by a majority of members of the Missouri job training joint legislative oversight committee. The certificates shall be marketed through financial institutions authorized to do business in Missouri. The receipts shall be pledged to the payment of principal of and interest on the certificates. Certificates may be sold at public sale or at private sale at par, premium, or discount of not less than ninety-five percent of the par value thereof, at the discretion of the board of trustees, and may bear interest at such rate or rates as the board of trustees shall determine, notwithstanding the provisions of section 108.170 to the contrary. However, chapter 176 does not apply to the issuance of these certificates. Certificates may be issued with respect to a single project or multiple projects and may contain terms or conditions as the board of trustees may provide by resolution authorizing the issuance of the certificates.

2. Certificates issued to refund other certificates may be sold at public sale or at private sale as provided in this section with the proceeds from the sale to be used for the payment of the certificates being refunded. The refunding certificates may be exchanged in payment and discharge of the certificates being refunded, in installments at different times or an entire issue or series at one time. Refunding certificates may be sold or exchanged at any time on, before, or after the maturity of the outstanding certificates to be refunded. They may be issued for the purpose of refunding a like, greater, or lesser principal amount of certificates and may bear a higher, lower, or equivalent rate of interest than the certificates being renewed or refunded.

3. Before certificates are issued, the board of trustees shall publish once a notice of its intention to issue the certificates, stating the amount, the purpose, and the project or projects for which the certificates are to be issued. A person may, within fifteen days after the publication of the notice, by action in the circuit court of a county in the district, appeal the decision of the board of trustees to issue the certificates. The action of the board of trustees in determining to issue the certificates is final and conclusive unless the circuit court finds that the board of trustees has exceeded its legal authority. An action shall not be brought which questions the legality of the certificates, the power of the board of trustees to issue the certificates, the effectiveness of any proceedings relating to the authorization of the project, or the authorization and issuance of the certificates from and after fifteen days from the publication of the notice of intention to issue.

4. The board of trustees shall determine if revenues provided in the agreement are sufficient to secure the faithful performance of obligations in the agreement.

5. Certificates issued under this section shall not be deemed to be an indebtedness of the state or the community college district or of any other political subdivision of the state and the principal and interest on such certificates shall be

payable only from the sources provided in subdivision (1) of section 178.893 which are pledged in the agreement.

6. The department of economic development shall coordinate the new jobs training program, and may promulgate rules that districts will use in developing projects with new and expanding industrial new jobs training proposals which shall include rules providing for the coordination of such proposals with the service delivery areas established in the state to administer federal funds pursuant to the federal Job Training Partnership Act. No rule or portion of a rule promulgated under the authority of sections 178.892 to 178.896 shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. All rulemaking authority delegated prior to June 27, 1997, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to June 27, 1997, if such rule complied with the provisions of chapter 536. The provisions of this section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, including the ability to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule, are subsequently held unconstitutional, then the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.

7. No community college district may sell certificates as described in this section after July 1, 2018.**]**

[178.896. COMMUNITY COLLEGE JOB TRAINING PROGRAM FUND ESTABLISHED — ADMINISTRATION — EXPIRATION DATE. — 1. There is hereby established within the state treasury a special fund, to be known as the "Missouri Community College Job Training Program Fund", to be administered by the division of job development and training. The department of revenue shall credit to the community college job training program fund, as received, all new jobs credit from withholding remitted by employers pursuant to section 178.894. The fund shall also consist of any gifts, contributions, grants or bequests received from federal, private or other sources. The general assembly, however, shall not provide for any transfer of general revenue funds into the community college job training program fund. Moneys in the Missouri community college job training program fund shall be disbursed to the division of job development and training pursuant to regular appropriations by the general assembly. The division shall disburse such appropriated funds in a timely manner into the special funds established by community college districts for projects, which funds shall be used to pay program costs, including the principal of, premium, if any, and interest on certificates issued by the district to finance or refinance, in whole or in part, a project. Such disbursements by the division of job development and training shall be made to the special fund for each project in the same proportion as the new jobs credit from withholding remitted by the employer participating in such project bears to the total new jobs credit from withholding remitted by all employers participating in projects during the period for which the disbursement is made. Moneys for new jobs training programs established under the provisions of sections 178.892 to 178.896 shall be obtained from appropriations made by the general assembly from the Missouri community college job training program fund. All moneys remaining in the Missouri community college job training program fund at the end of any fiscal year shall not lapse to the general revenue fund, as provided in section 33.080, but shall remain in the Missouri community college job training program fund.

2. The department of revenue shall develop such forms as are necessary to demonstrate accurately each employer's new jobs credit from withholding paid into the Missouri community college job training program fund. The new jobs credit from

withholding shall be accounted as separate from the normal withholding tax paid to the department of revenue by the employer. Reimbursements made by all employers to the Missouri community college job training program fund shall be no less than all allocations made by the division of job development and training to all community college districts for all projects. The employer shall remit the amount of the new job credit to the department of revenue in the same manner as provided in sections 143.191 to 143.265.

3. Sections 178.892 to 178.896 shall expire July 1, 2028.**]**

[620.470. DEFINITIONS. — As used in sections 620.470 to 620.481, unless the context clearly requires otherwise, the following terms mean:

(1) "Department", the Missouri department of economic development;

(2) "Fund", the Missouri job development fund as established by section 620.478;

(3) "Industry", an entity the objective of which is to supply a service or the objective of which is the commercial production and sale of an article of trade or commerce. The term includes a consortium of such entities organized for the purpose of providing for common training to the member entities' employees, provided that the consortium as a whole meets the requirements for participation in this program;

(4) "Manufacturing", the making or processing of raw materials into a finished product, especially by means of large-scale machines of industry.**]**

[620.472. NEW OR EXPANDING INDUSTRY TRAINING PROGRAM, PURPOSE, FUNDING — QUALIFIED INDUSTRIES — RULES AND REGULATIONS, FACTORS TO BE CONSIDERED. — 1. The department shall establish a new or expanding industry training program, the purpose of which is to provide assistance for new or expanding industries for the training, retraining or upgrading of the skills of potential employees. Training may include preemployment training, and services may include analysis of the specified training needs for such company, development of training plans, and provision of training through qualified training staff. Such program may fund in-plant training analysis, curriculum development, assessment and preselection tools, publicity for the program, instructional services, rental of instructional facilities with necessary utilities, access to equipment and supplies, other necessary services, overall program direction, and an adequate staff to carry out an effective training program. In addition, the program may fund a coordinated transportation program for trainings if the training can be more effectively provided outside the community where the jobs are to be located. In-plant training analysis shall include fees for professionals and necessary travel and expenses. Such program may also provide assistance in the locating of skilled employees and in the locating of additional sources of job training funds. Such program shall be operated with appropriations made by the general assembly from the fund.

2. Assistance under the new or expanding industry training program may be available only for industries who certify to the department that their investments relate directly to a projected increase in employment which will result in the need for training of newly hired employees or the retraining or upgrading of the skills of existing employees for new jobs created by the new or expanding industry's investment.

3. The department shall issue rules and regulations governing the awarding of funds administered through the new or expanding industry training program. When promulgating these rules and regulations, the department shall consider such factors as the potential number of new permanent jobs to be created, the amount of private sector investment in new facilities and equipment, the significance of state funding to the industry's decision to locate or expand in Missouri, the economic need of the affected

community, and the importance of the industry to the economic development of Missouri.**]**

[620.474. BASIC INDUSTRY RETRAINING PROGRAM, PURPOSE, FUNDING — QUALIFIED INDUSTRIES — RULES AND REGULATIONS, FACTORS TO BE CONSIDERED. — 1. The department shall establish a basic industry retraining program, the purpose of which is to provide assistance for industries in Missouri for the retraining and upgrading of employees' skills which are required to support new investment. Such program shall be operated with appropriations made by the general assembly from the fund.

2. Assistance under the basic industry retraining program may be made available for industries in Missouri which make new investments without the creation of new employment.

3. The department shall issue rules and regulations governing the awarding of funds administered through the basic industry retraining fund. When promulgating these rules and regulations, the department shall consider such factors as the number of jobs in jeopardy of being lost if retraining does not occur, the amount of private sector investment in new facilities and equipment, the ratio of jobs retained versus investment, the cost of normal, ongoing training required for the industry, the economic need of the affected community, and the importance of the industry to the economic development of Missouri.**]**

[620.475. INDUSTRY QUALITY AND PRODUCTIVITY IMPROVEMENT PROGRAM, CENTERS, ACTIVITIES. — 1. The department shall establish an industry quality and productivity improvement program to help industries and businesses evaluate and enhance quality and productivity, and to encourage the private sector to develop long-range goals to improve quality and productivity and improve the competitive position of private businesses. The quality and productivity improvement program shall include seminars, workshops and short courses on subjects such as long-range planning, new management techniques, automated manufacturing, innovative uses of new materials and the latest philosophies of management and quality improvement. The program shall be available to existing Missouri manufacturing, distribution and service businesses.

2. The department may develop quality and productivity improvement centers at university and community college campuses throughout the state as the demand and need is determined. The department shall have the authority to contract with individuals who possess particular knowledge, ability and expertise in the various subjects which may be essential to the program's goals. Seminars, workshops, short courses and specific not for credit classes shall be developed on and off campus for personnel engaged in manufacturing, distribution and service businesses. At the discretion of the department, the University of Missouri and Lincoln University extension services, the continuing education offices of the regional universities and community colleges may be used for the promotion and coordination of the off-campus courses that are offered.

3. Activities eligible for reimbursement in the industry quality and productivity program shall include:

(1) The cost of seminars, workshops, short courses and specific not for credit classes;

(2) The wages of instructors;

(3) Productivity materials and supplies, including the purchase of packaged productivity programs when appropriate;

(4) Travel directly related to the program;

(5) Tuition payments to third-party productivity providers and to businesses; and

(6) Teaching and assistance provided by educational institutions in the state.

4. No industry receiving assistance under the industry quality and productivity improvement program shall be reimbursed for more than fifty percent of the total costs of its participation in the program.**]**

[620.476. ACTIVITIES ELIGIBLE FOR REIMBURSEMENT. — Activities eligible for reimbursement by funds administered through the new or expanding industry program and the basic industry retraining program shall include: the wages of instructors, who may or may not be employees of the industry; training development costs, including the cost of training of instructors; training materials and supplies, including the purchase of packaged training programs when appropriate; travel directly related to the training program; tuition payments to third-party training providers and to the industry; teaching and assistance provided by educational institutions in the state of Missouri; on-the-job training; and the leasing, but not the purchase, of training equipment and space.**]**

[620.478. JOB DEVELOPMENT FUND ESTABLISHED — APPROPRIATIONS FROM FUND BY GENERAL ASSEMBLY. — 1. There is hereby established in the state treasury a special fund to be known as the "Missouri Job Development Fund". The fund shall consist of all moneys which may be appropriated to it by the general assembly and also any gifts, contributions, grants or bequests received from federal, private or other sources. Appropriations made from the fund shall be for the purpose of providing contractual services through the department of elementary and secondary education for vocational related training or retraining provided by public or private training institutions within Missouri; and for contracted services through the department of economic development for vocational related training or retraining provided by public or private training institutions located outside of Missouri; and for vocational related training or retraining provided on site, within Missouri, by any proprietorship, partnership or corporate entity. Except for state-sponsored preemployment training, no applicant shall receive more than fifty percent of its project training or retraining costs from the development fund. Moneys to operate the new or expanding industry training program, the basic industry retraining program, the industry quality and productivity improvement program and assistance to community college business and technology centers shall be obtained from appropriations made by the general assembly from the fund. No funds shall be awarded or reimbursed to any industry for the training, retraining or upgrading of skills of potential employees with the purpose of replacing or supplanting employees engaged in an authorized work stoppage.

2. The Missouri job development fund shall be able to receive any block grant or other sources of funding relating to job training, school-to-work transition, welfare reform, vocational and technical training, housing, infrastructure development and human resource investment programs which may be provided by the federal government or other sources.**]**

[620.479. DEPARTMENT AUTHORIZED TO CONTRACT WITH OTHER ENTITIES. — The department is authorized to contract with other entities, including businesses, industries, other state agencies and the political subdivisions of the state, for the purpose of carrying out the provisions of sections 620.470 to 620.481.**]**

[620.480. DIVISION'S POWER FOR DIRECT CONTRACTING FOR JOB TRAINING AND RELATED SERVICES. — To efficiently carry out the responsibilities of the division of job development and training and to improve job training program coordination, the

commissioner of administration shall authorize the division to directly negotiate with and contract for job training and related services with administrative entities designated pursuant to the requirements of the Job Training Partnership Act and any subsequent amendments and any other agencies or entities which may be designated to administer job training and related services pursuant to any succeeding federal or state legislative or regulatory requirements.**]**

[620.481. JOB TRAINING JOINT LEGISLATIVE OVERSIGHT COMMITTEE ESTABLISHED — MEMBERS — DUTIES — EXPENSES. — There is hereby created the "Missouri Job Training Joint Legislative Oversight Committee". The committee shall consist of three members of the Missouri senate appointed by the president pro tem of the senate; three members of the house of representatives appointed by the speaker of the house. No more than two of the members of the senate and two of the members of the house of representatives shall be from the same political party. Members of the Missouri job training joint legislative oversight committee shall report to the governor, the president pro tem of the senate and the speaker of the house of representatives on all assistance to industries under the provisions of sections 620.470 to 620.481 provided during the preceding fiscal year and the customized job training program administered by the department of elementary and secondary education. The report of the committee shall be delivered no later than October first of each year. The director of the department of economic development shall report to the committee such information as the committee may deem necessary for its annual report. Members of the committee shall receive no compensation in addition to their salary as members of the general assembly, but may receive their necessary expenses while attending the meetings of the committee, to be paid out of the joint contingent fund.**]**

[620.482. COMMUNITY COLLEGE BUSINESS AND TECHNOLOGY CENTERS, ESTABLISHMENT, PURPOSE, FUNDING — RULEMAKING AUTHORITY OF DEPARTMENT, PROCEDURE. — 1. The department may provide assistance, through appropriations made from the Missouri job development fund, to business and technology centers. Such assistance may not include the lending of the state's credit for the payment of any liability of the fund. Such centers may be established by Missouri community colleges, or a state-owned postsecondary technical college, to provide business and training services in disciplines which shall include, but not be limited to, environmental health and safety, industrial electrical technology, machine tool technology, industrial management and technology, computer consulting and computer-aided drafting, microcomputer training and telecommunications training.

2. The department of economic development shall promulgate rules and regulations as are necessary to implement the provisions of sections 620.470 to 620.482. No rule or portion of a rule promulgated under the authority of sections 620.470 to 620.482 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.**]**

SECTION B. EMERGENCY CLAUSE. — Because of the need to provide assistance to the workforce of this state, the repeal and reenactment of section 288.040 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 288.040 of this act shall be in full force and effect upon its passage and approval.

Approved July 11, 2013

HB 212 [HB 212]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the law regarding secured transactions under the Uniform Commercial Code

AN ACT to repeal sections 400.4A-108, 400.9-102, 400.9-307, 400.9-316, 400.9-317, 400.9-326, 400.9-406, 400.9-408, 400.9-502, 400.9-503, 400.9-515, 400.9-516, 400.9-518, and 400.2A-103, RSMo, and to enact in lieu thereof twenty-three new sections relating to secured transactions.

SECTION

A. Enacting clause.
400.9-102. Definitions and index of definitions.
400.9-307. Location of debtor.
400.9-316. Effect of change in governing law.
400.9-317. Interests that take priority over or take free of security interest or agricultural lien.
400.9-326. Priority of security interests created by new debtor.
400.9-406. Discharge of account debtor--notification of assignment--identification and proof of assignment--restrictions on assignment of accounts, chattel paper, payment intangibles and promissory notes ineffective.
400.9-408. Restrictions on assignment of promissory notes, health care insurance receivables, and certain general intangibles ineffective.
400.9-502. Contents of financing statement--record of mortgage as financing statement--time of filing financial statement.
400.9-503. Name of debtor and secured party.
400.9-515. Duration and effectiveness of financing statement--effect of lapsed financing statement.
400.9-516. What constitutes filing--effectiveness of filing.
400.9-518. Claim concerning inaccurate or wrongfully filed record.
400.9-801. This act reference.
400.9-802. Savings clause.
400.9-803. Security interest perfected before effective date.
400.9-804. Security interest unperfected before effective date.
400.9-805. Effectiveness of action taken before effective date.
400.9-806. When initial financing statement suffices to continue effectiveness of financing statement.
400.9-807. Amendment of pre-effective-date financing statement.
400.9-808. Person entitled to file initial financing statement or continuation statement.
400.9-809. Priority.
400.2A-103. Definitions and index of definitions.
400.4A-108. Unconscionability.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 400.4A-108, 400.9-102, 400.9-307, 400.9-316, 400.9-317, 400.9-326, 400.9-406, 400.9-408, 400.9-502, 400.9-503, 400.9-515, 400.9-516, 400.9-518, and 400.2A-103, RSMo, are repealed and twenty-three new sections enacted in lieu thereof, to be known as sections 400.4A-108, 400.9-102, 400.9-307, 400.9-316, 400.9-317, 400.9-326, 400.9-406, 400.9-408, 400.9-502, 400.9-503, 400.9-515, 400.9-516, 400.9-518, 400.9-801, 400.9-802, 400.9-803, 400.9-804, 400.9-805, 400.9-806, 400.9-807, 400.9-808, 400.9-809, and 400.2A-103, to read as follows:

400.9-102. DEFINITIONS AND INDEX OF DEFINITIONS. — (a) In this article:

(1) "Accession" means goods that are physically united with other goods in such a manner that the identity of the original goods is not lost;

(2) "Account", except as used in "account for", means a right to payment of a monetary obligation, whether or not earned by performance, (i) for property that has been or is to be sold, leased, licensed, assigned, or otherwise disposed of, (ii) for services rendered or to be rendered,

(iii) for a policy of insurance issued or to be issued, (iv) for a secondary obligation incurred or to be incurred, (v) for energy provided or to be provided, (vi) for the use or hire of a vessel under a charter or other contract, (vii) arising out of the use of a credit or charge card or information contained on or for use with the card, or (viii) as winnings in a lottery or other game of chance operated or sponsored by a state, governmental unit of a state, or person licensed or authorized to operate the game by a state or governmental unit of a state. The term includes health-care-insurance receivables. The term does not include (i) rights to payment evidenced by chattel paper or an instrument, (ii) commercial tort claims, (iii) deposit accounts, (iv) investment property, (v) letter-of-credit rights or letters of credit, or (vi) rights to payment for money or funds advanced or sold, other than rights arising out of the use of a credit or charge card or information contained on or for use with the card;

(3) "Account debtor" means a person obligated on an account, chattel paper, or general intangible. The term does not include persons obligated to pay a negotiable instrument, even if the instrument constitutes part of chattel paper;

(4) "Accounting", except as used in "accounting for", means a record:

(A) Authenticated by a secured party;

(B) Indicating the aggregate unpaid secured obligations as of a date not more than thirty-five days earlier or thirty-five days later than the date of the record; and

(C) Identifying the components of the obligations in reasonable detail;

(5) "Agricultural lien" means an interest, other than a security interest, in farm products:

(A) Which secures payment or performance of an obligation for: (i) Goods or services furnished in connection with a debtor's farming operation; or

(ii) Rent on real property leased by a debtor in connection with its farming operation;

(B) Which is created by statute in favor of a person that:

(i) In the ordinary course of its business furnished goods or services to a debtor in connection with a debtor's farming operation; or

(ii) Leased real property to a debtor in connection with the debtor's farming operation; and

(C) Whose effectiveness does not depend on the person's possession of the personal property;

(6) "As-extracted collateral" means:

(A) Oil, gas, or other minerals that are subject to a security interest that:

(i) Is created by a debtor having an interest in the minerals before extraction; and

(ii) Attaches to the minerals as extracted; or

(B) Accounts arising out of the sale at the wellhead or minehead of oil, gas, or other minerals in which the debtor had an interest before extraction;

(7) "Authenticate" means:

(A) To sign; or

(B) **[**To execute or otherwise adopt a symbol, or encrypt or similarly process a record in whole or in part,**]** With the present intent **[**of the authenticating person to identify the person and**] to** adopt or accept a record**, to attach to or logically associate with the record an electronic sound, symbol or process**;

(8) "Bank" means an organization that is engaged in the business of banking. The term includes savings banks, savings and loan associations, credit unions, and trust companies;

(9) "Cash proceeds" means proceeds that are money, checks, deposit accounts, or the like;

(10) "Certificate of title" means a certificate of title with respect to which a statute provides for the security interest in question to be indicated on the certificate as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral**. The term includes another record maintained as an alternative to a certificate of title by the governmental unit that issues certificates of title if a statute permits the security interest in question to be indicated on the record as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral**;

(11) "Chattel paper" means a record or records that evidence both a monetary obligation and a security interest in specific goods, a security interest in specific goods and software used in the goods, a security interest in specific goods and license of software used in the goods, a lease of specific goods, or a lease of specific goods and license of software used in the goods. In this paragraph, "monetary obligation" means a monetary obligation secured by the goods or owed under a lease of the goods and includes a monetary obligation with respect to software used in the goods. The term does not include (i) charters or other contracts involving the use or hire of a vessel or (ii) records that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card. If a transaction is evidenced by records that include an instrument or series of instruments, the group of records taken together constitutes chattel paper;

(12) "Collateral" means the property subject to a security interest or agricultural lien. The term includes:

(A) Proceeds to which a security interest attaches;

(B) Accounts, chattel paper, payment intangibles, and promissory notes that have been sold; and

(C) Goods that are the subject of a consignment;

(13) "Commercial tort claim" means a claim arising in tort with respect to which:

(A) The claimant is an organization; or

(B) The claimant is an individual and the claim:

(i) Arose in the course of the claimant's business or profession; and

(ii) Does not include damages arising out of personal injury to or the death of an individual;

(14) "Commodity account" means an account maintained by a commodity intermediary in which a commodity contract is carried for a commodity customer;

(15) "Commodity contract" means a commodity futures contract, an option on a commodity futures contract, a commodity option, or another contract if the contract or option is:

(A) Traded on or subject to the rules of a board of trade that has been designated as a contract market for such a contract pursuant to federal commodities laws; or

(B) Traded on a foreign commodity board of trade, exchange, or market, and is carried on the books of a commodity intermediary for a commodity customer;

(16) "Commodity customer" means a person for which a commodity intermediary carries a commodity contract on its books;

(17) "Commodity intermediary" means a person that:

(A) Is registered as a futures commission merchant under federal commodities law; or

(B) In the ordinary course of its business provides clearance or settlement services for a board of trade that has been designated as a contract market pursuant to federal commodities law;

(18) "Communicate" means:

(A) To send a written or other tangible record;

(B) To transmit a record by any means agreed upon by the persons sending and receiving the record; or

(C) In the case of transmission of a record to or by a filing office, to transmit a record by any means prescribed by filing-office rule;

(19) "Consignee" means a merchant to which goods are delivered in a consignment;

(20) "Consignment" means a transaction, regardless of its form, in which a person delivers goods to a merchant for the purpose of sale and:

(A) The merchant:

(i) Deals in goods of that kind under a name other than the name of the person making delivery;

(ii) Is not an auctioneer; and

(iii) Is not generally known by its creditors to be substantially engaged in selling the goods of others;

(B) With respect to each delivery, the aggregate value of the goods is one thousand dollars or more at the time of delivery;

(C) The goods are not consumer goods immediately before delivery; and

(D) The transaction does not create a security interest that secures an obligation;

(21) "Consignor" means a person that delivers goods to a consignee in a consignment;

(22) "Consumer debtor" means a debtor in a consumer transaction;

(23) "Consumer goods" means goods that are used or bought for use primarily for personal, family, or household purposes;

(24) "Consumer-goods transaction" means a consumer transaction in which:

(A) An individual incurs an obligation primarily for personal, family, or household purposes; and

(B) A security interest in consumer goods secures the obligation;

(25) "Consumer obligor" means an obligor who is an individual and who incurred the obligation as part of a transaction entered into primarily for personal, family, or household purposes;

(26) "Consumer transaction" means a transaction in which (i) an individual incurs an obligation primarily for personal, family, or household purposes, (ii) a security interest secures the obligation, and (iii) the collateral is held or acquired primarily for personal, family, or household purposes. The term includes consumer-goods transactions;

(27) "Continuation statement" means an amendment of a financing statement which:

(A) Identifies, by its file number, the initial financing statement to which it relates; and

(B) Indicates that it is a continuation statement for, or that it is filed to continue the effectiveness of, the identified financing statement;

(28) "Debtor" means:

(A) A person having an interest, other than a security interest or other lien, in the collateral, whether or not the person is an obligor;

(B) A seller of accounts, chattel paper, payment intangibles, or promissory notes; or

(C) A consignee;

(29) "Deposit account" means a demand, time, savings, passbook, or similar account maintained with a bank. The term does not include investment property or accounts evidenced by an instrument;

(30) "Document" means a document of title or a receipt of the type described in section 400.7-201(2);

(31) "Electronic chattel paper" means chattel paper evidenced by a record or records consisting of information stored in an electronic medium;

(32) "Encumbrance" means a right, other than an ownership interest, in real property. The term includes mortgages and other liens on real property;

(33) "Equipment" means goods other than inventory, farm products, or consumer goods;

(34) "Farm products" means goods, other than standing timber, with respect to which the debtor is engaged in a farming operation and which are:

(A) Crops grown, growing, or to be grown, including:

(i) Crops produced on trees, vines, and bushes; and

(ii) Aquatic goods produced in aquacultural operations;

(B) Livestock, born or unborn, including aquatic goods produced in aquacultural operations;

(C) Supplies used or produced in a farming operation; or

(D) Products of crops or livestock in their unmanufactured states;

(35) "Farming operation" means raising, cultivating, propagating, fattening, grazing, or any other farming, livestock, or aquacultural operation;

(36) "File number" means the number assigned to an initial financing statement pursuant to section 400.9-519(a);

(37) "Filing office" means an office designated in section 400.9-501 as the place to file a financing statement;

(38) "Filing-office rule" means a rule adopted pursuant to section 400.9-526;

(39) "Financing statement" means a record or records composed of an initial financing statement and any filed record relating to the initial financing statement;

(40) "Fixture filing" means the filing of a financing statement covering goods that are or are to become fixtures and satisfying section 400.9-502(a) and (b). The term includes the filing of a financing statement covering goods of a transmitting utility which are or are to become fixtures;

(41) "Fixtures" means goods that have become so related to particular real property that an interest in them arises under real property law;

(42) "General intangible" means any personal property, including things in action, other than accounts, chattel paper, commercial tort claims, deposit accounts, documents, goods, instruments, investment property, letter-of-credit rights, letters of credit, money, and oil, gas, or other minerals before extraction. The term includes payment intangibles and software;

(43) "Good faith" means honesty in fact;

(44) "Goods" means all things that are movable when a security interest attaches. The term includes (i) fixtures, (ii) standing timber that is to be cut and removed under a conveyance or contract for sale, (iii) the unborn young of animals, (iv) crops grown, growing, or to be grown, even if the crops are produced on trees, vines, or bushes, and (v) manufactured homes. The term also includes a computer program embedded in goods and any supporting information provided in connection with a transaction relating to the program if (i) the program is associated with the goods in such a manner that it customarily is considered part of the goods, or (ii) by becoming the owner of the goods, a person acquires a right to use the program in connection with the goods. The term does not include a computer program embedded in goods that consist solely of the medium in which the program is embedded. The term also does not include accounts, chattel paper, commercial tort claims, deposit accounts, documents, general intangibles, instruments, investment property, letter-of-credit rights, letters of credit, money, or oil, gas, or other minerals before extraction;

(45) "Governmental unit" means a subdivision, agency, department, county, parish, municipality, or other unit of the government of the United States, a state, or a foreign country. The term includes an organization having a separate corporate existence if the organization is eligible to issue debt on which interest is exempt from income taxation under the laws of the United States;

(46) "Health-care-insurance receivable" means an interest in or claim under a policy of insurance which is a right to payment of a monetary obligation for health-care goods or services provided **or to be provided**;

(47) "Instrument" means a negotiable instrument or any other writing that evidences a right to the payment of a monetary obligation, is not itself a security agreement or lease, and is of a type that in ordinary course of business is transferred by delivery with any necessary indorsement or assignment. The term does not include (i) investment property, (ii) letters of credit, or (iii) writings that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card;

(48) "Inventory" means goods, other than farm products, which:

(A) Are leased by a person as lessor;

(B) Are held by a person for sale or lease or to be furnished under a contract of service;

(C) Are furnished by a person under a contract of service; or

(D) Consist of raw materials, work in process, or materials used or consumed in a business;

(49) "Investment property" means a security, whether certificated or uncertificated, security entitlement, securities account, commodity contract, or commodity account;

(50) "Jurisdiction of organization", with respect to a registered organization, means the jurisdiction under whose law the organization is **formed or** organized;

(51) "Letter-of-credit right" means a right to payment or performance under a letter of credit, whether or not the beneficiary has demanded or is at the time entitled to demand payment or performance. The term does not include the right of a beneficiary to demand payment or performance under a letter of credit;

(52) "Lien creditor" means:

(A) A creditor that has acquired a lien on the property involved by attachment, levy, or the like;

(B) An assignee for benefit of creditors from the time of assignment;

(C) A trustee in bankruptcy from the date of the filing of the petition; or

(D) A receiver in equity from the time of appointment;

(53) "Manufactured home" means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. The term includes any structure that meets all of the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development and complies with the standards established under Title 42 of the United States Code;

(54) "Manufactured-home transaction" means a secured transaction:

(A) That creates a purchase-money security interest in a manufactured home, other than a manufactured home held as inventory; or

(B) In which a manufactured home, other than a manufactured home held as inventory, is the primary collateral;

(55) "Mortgage" means a consensual interest in real property, including fixtures, which secures payment or performance of an obligation;

(56) "New debtor" means a person that becomes bound as debtor under section 400.9-203(d) by a security agreement previously entered into by another person;

(57) "New value" means (i) money, (ii) money's worth in property, services, or new credit, or (iii) release by a transferee of an interest in property previously transferred to the transferee. The term does not include an obligation substituted for another obligation;

(58) "Noncash proceeds" means proceeds other than cash proceeds;

(59) "Obligor" means a person that, with respect to an obligation secured by a security interest in or an agricultural lien on the collateral, (i) owes payment or other performance of the obligation, (ii) has provided property other than the collateral to secure payment or other performance of the obligation, or (iii) is otherwise accountable in whole or in part for payment or other performance of the obligation. The term does not include issuers or nominated persons under a letter of credit;

(60) "Original debtor", except as used in section 400.9-310(c), means a person that, as debtor, entered into a security agreement to which a new debtor has become bound under section 400.9-203(d);

(61) "Payment intangible" means a general intangible under which the account debtor's principal obligation is a monetary obligation;

(62) "Person related to", with respect to an individual, means:

(A) The spouse of the individual;

(B) A brother, brother-in-law, sister, or sister-in-law of the individual;

(C) An ancestor or lineal descendant of the individual or the individual's spouse; or

(D) Any other relative, by blood or marriage, of the individual or the individual's spouse who shares the same home with the individual;

(63) "Person related to", with respect to an organization, means:

(A) A person directly or indirectly controlling, controlled by, or under common control with the organization;

(B) An officer or director of, or a person performing similar functions with respect to, the organization;

(C) An officer or director of, or a person performing similar functions with respect to, a person described in subparagraph (A);

(D) The spouse of an individual described in subparagraph (A), (B), or (C); or

(E) An individual who is related by blood or marriage to an individual described in subparagraph (A), (B), (C), or (D) and shares the same home with the individual;

(64) "Proceeds", except as used in section 400.9-609(b), means the following property:

(A) Whatever is acquired upon the sale, lease, license, exchange, or other disposition of collateral;

(B) Whatever is collected on, or distributed on account of, collateral;

(C) Rights arising out of collateral;

(D) To the extent of the value of collateral, claims arising out of the loss, nonconformity, or interference with the use of, defects or infringement of rights in, or damage to, the collateral; or

(E) To the extent of the value of collateral and to the extent payable to the debtor or the secured party, insurance payable by reason of the loss or nonconformity of, defects or infringement of rights in, or damage to, the collateral;

(65) "Promissory note" means an instrument that evidences a promise to pay a monetary obligation, does not evidence an order to pay, and does not contain an acknowledgment by a bank that the bank has received for deposit a sum of money or funds;

(66) "Proposal" means a record authenticated by a secured party which includes the terms on which the secured party is willing to accept collateral in full or partial satisfaction of the obligation it secures pursuant to sections 400.9-620, 400.9-621 and 400.9-622;

(67) **"Public organic record" means a record that is available to the public for inspection and is:**

(A) A record consisting of the record initially filed with or issued by a state or the United States to form or organize an organization and any record filed with or issued by the state or the United States which amends or restates the initial record;

(B) An organic record of a business trust consisting of the record initially filed with a state and any record filed with the state which amends or restates the initial record, if a statute of the state governing business trusts requires that the record be filed with the state; or

(C) A record consisting of legislation enacted by the legislature of a state or the Congress of the United States which forms or organizes an organization, any record amending the legislation, and any record filed with or issued by the state or the United States which amends or restates the name of the organization;

(68) "Pursuant to commitment", with respect to an advance made or other value given by a secured party, means pursuant to the secured party's obligation, whether or not a subsequent event of default or other event not within the secured party's control has relieved or may relieve the secured party from its obligation;

[(68)**] (69)** "Record", except as used in "for record", "of record", "record or legal title", and "record owner", means information that is inscribed on a tangible medium or which is stored in an electronic or other medium and is retrievable in perceivable form;

[(69)**] (70)** "Registered organization" means an organization **formed or** organized solely under the law of a single state or the United States **[**and as to which the state or the United States must maintain a public record showing the organization to have been organized**] by the filing of a public organic record with, the issuance of a public organic record by, or the enactment of legislation by the state or the United States. The term includes a business**

trust that is formed or organized under the law of a single state if a statute of the state governing business trusts requires that the business trust's organic record be filed with the state;

[(70)**]** **(71)** "Secondary obligor" means an obligor to the extent that:

(A) The obligor's obligation is secondary; or

(B) The obligor has a right of recourse with respect to an obligation secured by collateral against the debtor, another obligor, or property of either;

[(71)**]** **(72)** "Secured party" means:

(A) A person in whose favor a security interest is created or provided for under a security agreement, whether or not any obligation to be secured is outstanding;

(B) A person that holds an agricultural lien;

(C) A consignor;

(D) A person to which accounts, chattel paper, payment intangibles, or promissory notes have been sold;

(E) A trustee, indenture trustee, agent, collateral agent, or other representative in whose favor a security interest or agricultural lien is created or provided for; or

(F) A person that holds a security interest arising under sections 400.2-401, 400.2-505, 400.2-711(3), 400.2A-508(5), 400.4-210 or 400.5-118;

[(72)**]** **(73)** "Security agreement" means an agreement that creates or provides for a security interest;

[(73)**]** **(74)** "Send", in connection with a record or notification, means:

(A) To deposit in the mail, deliver for transmission, or transmit by any other usual means of communication, with postage or cost of transmission provided for, addressed to any address reasonable under the circumstances; or

(B) To cause the record or notification to be received within the time that it would have been received if properly sent under subparagraph (A);

[(74)**]** **(75)** "Software" means a computer program and any supporting information provided in connection with a transaction relating to the program. The term does not include a computer program that is included in the definition of goods;

[(75)**]** **(76)** "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States;

[(76)**]** **(77)** "Supporting obligation" means a letter-of-credit right or secondary obligation that supports the payment or performance of an account, chattel paper, a document, a general intangible, an instrument, or investment property;

[(77)**]** **(78)** "Tangible chattel paper" means chattel paper evidenced by a record or records consisting of information that is inscribed on a tangible medium;

[(78)**]** **(79)** "Termination statement" means an amendment of a financing statement which:

(A) Identifies, by its file number, the initial financing statement to which it relates; and

(B) Indicates either that it is a termination statement or that the identified financing statement is no longer effective;

[(79)**]** **(80)** "Transmitting utility" means a person primarily engaged in the business of:

(A) Operating a railroad, subway, street railway, or trolley bus;

(B) Transmitting communications electrically, electromagnetically, or by light;

(C) Transmitting goods by pipeline or sewer; or

(D) Transmitting or producing and transmitting electricity, steam, gas, or water.

(b) The following definitions in other articles apply to this article:

"Applicant"	Section 400.5-102.
"Beneficiary"	Section 400.5-102.
"Broker"	Section 400.8-102.
"Certificated security"	Section 400.8-102.
"Check"	Section 400.3-104.

"Clearing corporation"	Section 400.8-102.
"Contract for sale"	Section 400.2-106.
"Customer"	Section 400.4-104.
"Entitlement holder"	Section 400.8-102.
"Financial asset"	Section 400.8-102.
"Holder in due course"	Section 400.3-302.
"Issuer" (with respect to a letter of credit or letter-of-credit right)	Section 400.5-102.
"Issuer" (with respect to a security)	Section 400.8-201.
"Lease "	Section 400.2A-103.
"Lease agreement"	Section 400.2A-103.
"Lease contract"	Section 400.2A-103.
"Leasehold interest"	Section 400.2A-103.
"Lessee"	Section 400.2A-103.
"Lessee in ordinary course of business"	Section 400.2A-103.
"Lessor"	Section 400.2A-103.
"Lessor's residual interest"	Section 400.2A-103.
"Letter of credit"	Section 400.5-102.
"Merchant"	Section 400.2-104.
"Negotiable instrument"	Section 400.3-104.
"Nominated person"	Section 400.5-102.
"Note"	Section 400.3-104.
"Proceeds of a letter of credit"	Section 400.5-114.
"Prove"	Section 400.3-103.
"Sale"	Section 400.2-106.
"Securities account"	Section 400.8-501.
"Securities intermediary"	Section 400.8-102.
"Security"	Section 400.8-102.
"Security certificate"	Section 400.8-102.
"Security entitlement"	Section 400.8-102.
"Uncertificated security"	Section 400.8-102.

(c) This section contains general definitions and principles of construction and interpretation applicable throughout sections 400.9-103 to 400.9-708.

400.9-307.LOCATION OF DEBTOR. — (a) In this section, "place of business" means a place where a debtor conducts its affairs.

(b) Except as otherwise provided in this section, the following rules determine a debtor's location:

(1) A debtor who is an individual is located at the individual's principal residence;

(2) A debtor that is an organization and has only one place of business is located at its place of business;

(3) A debtor that is an organization and has more than one place of business is located at its chief executive office.

(c) Subsection (b) applies only if a debtor's residence, place of business, or chief executive office, as applicable, is located in a jurisdiction whose law generally requires information concerning the existence of a nonpossessory security interest to be made generally available in a filing, recording, or registration system as a condition or result of the security interest's

obtaining priority over the rights of a lien creditor with respect to the collateral. If subsection (b) does not apply, the debtor is located in the District of Columbia.

(d) A person that ceases to exist, have a residence, or have a place of business continues to be located in the jurisdiction specified by subsections (b) and (c).

(e) A registered organization that is organized under the law of a state is located in that state.

(f) Except as otherwise provided in subsection (i), a registered organization that is organized under the law of the United States and a branch or agency of a bank that is not organized under the law of the United States or a state are located:

(1) In the state that the law of the United States designates, if the law designates a state of location;

(2) In the state that the registered organization, branch, or agency designates, if the law of the United States authorizes the registered organization, branch, or agency to designate its state of location**, including by designating its main office, home office, or other comparable office**; or

(3) In the District of Columbia, if neither paragraph (1) nor paragraph (2) applies.

(g) A registered organization continues to be located in the jurisdiction specified by subsection (e) or (f) notwithstanding:

(1) The suspension, revocation, forfeiture, or lapse of the registered organization's status as such in its jurisdiction of organization; or

(2) The dissolution, winding up, or cancellation of the existence of the registered organization.

(h) The United States is located in the District of Columbia.

(i) A branch or agency of a bank that is not organized under the law of the United States or a state is located in the state in which the branch or agency is licensed, if all branches and agencies of the bank are licensed in only one state.

(j) A foreign air carrier under the Federal Aviation Act of 1958, as amended, is located at the designated office of the agent upon which service of process may be made on behalf of the carrier.

(k) This section applies only for purposes of this part.

400.9-316. EFFECT OF CHANGE IN GOVERNING LAW. — (a) A security interest perfected pursuant to the law of the jurisdiction designated in section 400.9-301(1) or 400.9-305(c) remains perfected until the earliest of:

(1) The time perfection would have ceased under the law of that jurisdiction;

(2) The expiration of four months after a change of the debtor's location to another jurisdiction; or

(3) The expiration of one year after a transfer of collateral to a person that thereby becomes a debtor and is located in another jurisdiction.

(b) If a security interest described in subsection (a) becomes perfected under the law of the other jurisdiction before the earliest time or event described in that subsection, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earliest time or event, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

(c) A possessory security interest in collateral, other than goods covered by a certificate of title and as-extracted collateral consisting of goods, remains continuously perfected if:

(1) The collateral is located in one jurisdiction and subject to a security interest perfected under the law of that jurisdiction;

(2) Thereafter the collateral is brought into another jurisdiction; and

(3) Upon entry into the other jurisdiction, the security interest is perfected under the law of the other jurisdiction.

(d) Except as otherwise provided in subsection (e), a security interest in goods covered by a certificate of title which is perfected by any method under the law of another jurisdiction when the goods become covered by a certificate of title from this state remains perfected until the security interest would have become unperfected under the law of the other jurisdiction had the goods not become so covered.

(e) A security interest described in subsection (d) becomes unperfected as against a purchaser of the goods for value and is deemed never to have been perfected as against a purchaser of the goods for value if the applicable requirements for perfection under section 400.9-311(b) or 400.9-313 are not satisfied before the earlier of:

(1) The time the security interest would have become unperfected under the law of the other jurisdiction had the goods not become covered by a certificate of title from this state; or

(2) The expiration of four months after the goods had become so covered.

(f) A security interest in deposit accounts, letter-of-credit rights, or investment property which is perfected under the law of the bank's jurisdiction, the issuer's jurisdiction, a nominated person's jurisdiction, the securities intermediary's jurisdiction, or the commodity intermediary's jurisdiction, as applicable, remains perfected until the earlier of:

(1) The time the security interest would have become unperfected under the law of that jurisdiction; or

(2) The expiration of four months after a change of the applicable jurisdiction to another jurisdiction.

(g) If a security interest described in subsection (f) becomes perfected under the law of the other jurisdiction before the earlier of the time or the end of the period described in that subsection, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earlier of that time or the end of that period, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

(h) The following rules apply to collateral to which a security interest attaches within four months after the debtor changes its location to another jurisdiction:

(1) A financing statement filed before the change pursuant to the law of the jurisdiction designated in section 400.9-301(1) or 400.9-305(c) is effective to perfect a security interest in the collateral if the financing statement would have been effective to perfect a security interest in the collateral had the debtor not changed its location.

(2) If a security interest perfected by a financing statement that is effective under paragraph (1) becomes perfected under the law of the other jurisdiction before the earlier of the time the financing statement would have become ineffective under the law of the jurisdiction designated in section 400.9-301(1) or 400.9-305(c) or the expiration of the four-month period, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earlier time or event, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

(i) If a financing statement naming an original debtor is filed pursuant to the law of the jurisdiction designated in section 400.9-301(1) or 400.9-305(c) and the new debtor is located in another jurisdiction, the following rules apply:

(1) The financing statement is effective to perfect a security interest in collateral acquired by the new debtor before, and within four months after, the new debtor becomes bound under section 400.9-203(d), if the financing statement would have been effective to perfect a security interest in the collateral had the collateral been acquired by the original debtor.

(2) A security interest perfected by the financing statement and which becomes perfected under the law of the other jurisdiction before the earlier of the time the financing statement would have become ineffective under the law of the jurisdiction designated in section 400.9-301(1) or 400.9-305(c) or the expiration of the four-month

period remains perfected thereafter. A security interest that is perfected by the financing statement but that does not become perfected under the law of the other jurisdiction before the earlier time or event becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

400.9-317. INTERESTS THAT TAKE PRIORITY OVER OR TAKE FREE OF SECURITY INTEREST OR AGRICULTURAL LIEN. — (a) A security interest or agricultural lien is subordinate to the rights of:

(1) A person entitled to priority under section 400.9-322; and

(2) Except as otherwise provided in subsection (e), a person that becomes a lien creditor before the earlier of the time:

(A) The security interest or agricultural lien is perfected; or

(B) One of the conditions specified in section 400.9-203(b)(3) is met and a financing statement covering the collateral is filed.

(b) Except as otherwise provided in subsection (e), a buyer, other than a secured party, of tangible chattel paper, documents, goods, instruments, or a security certificate takes free of a security interest or agricultural lien if the buyer gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

(c) Except as otherwise provided in subsection (e), a lessee of goods takes free of a security interest or agricultural lien if the lessee gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

(d) A licensee of a general intangible or a buyer, other than a secured party, of **[**accounts, electronic**]** **collateral other than tangible** chattel paper, **[**general intangibles, or investment property other than**]** **tangible documents, goods, instruments, or** a certificated security takes free of a security interest if the licensee or buyer gives value without knowledge of the security interest and before it is perfected.

(e) Except as otherwise provided in sections 400.9-320 and 400.9-321, if a person files a financing statement with respect to a purchase-money security interest before or within twenty days after the debtor receives delivery of the collateral, the security interest takes priority over the rights of a buyer, lessee, or lien creditor which arise between the time the security interest attaches and the time of filing.

400.9-326. PRIORITY OF SECURITY INTERESTS CREATED BY NEW DEBTOR. — (a) Subject to subsection (b), a security interest **that is** created by a new debtor **[**which is perfected by a filed financing statement that is effective solely under section 400.9-508**]** in collateral in which **[**a**]** **the** new debtor has or acquires rights **and is perfected solely by a filed financing statement that would be effective to perfect the security interest but for the application of section 400.9-508** is subordinate to a security interest in the same collateral which is perfected other than by **such** a filed financing statement**[** that is effective solely under section 400.9-508**]**.

(b) The other provisions of this part determine the priority among conflicting security interests in the same collateral perfected by filed financing statements **[**that are effective solely under section 400.9-508**]** **described in subsection (a)**. However, if the security agreements to which a new debtor became bound as debtor were not entered into by the same original debtor, the conflicting security interests rank according to priority in time of the new debtor's having become bound.

400.9-406. DISCHARGE OF ACCOUNT DEBTOR--NOTIFICATION OF ASSIGNMENT—IDENTIFICATION AND PROOF OF ASSIGNMENT—RESTRICTIONS ON ASSIGNMENT OF ACCOUNTS, CHATTEL PAPER, PAYMENT INTANGIBLES AND PROMISSORY NOTES INEFFECTIVE. — (a) Subject to subsections (b) through (i), an account debtor on an account, chattel paper, or a payment intangible may discharge its obligation by paying the

assignor until, but not after, the account debtor receives a notification, authenticated by the assignor or the assignee, that the amount due or to become due has been assigned and that payment is to be made to the assignee. After receipt of the notification, the account debtor may discharge its obligation by paying the assignee and may not discharge the obligation by paying the assignor.

(b) Subject to subsection (h), notification is ineffective under subsection (a):

(1) If it does not reasonably identify the rights assigned;

(2) To the extent that an agreement between an account debtor and a seller of a payment intangible limits the account debtor's duty to pay a person other than the seller and the limitation is effective under law other than this article; or

(3) At the option of an account debtor, if the notification notifies the account debtor to make less than the full amount of any installment or other periodic payment to the assignee, even if:

(A) Only a portion of the account, chattel paper, or general intangible has been assigned to that assignee;

(B) A portion has been assigned to another assignee; or

(C) The account debtor knows that the assignment to that assignee is limited.

(c) Subject to subsection (h), if requested by the account debtor, an assignee shall seasonably furnish reasonable proof that the assignment has been made. Unless the assignee complies, the account debtor may discharge its obligation by paying the assignor, even if the account debtor has received a notification under subsection (a).

(d) Except as otherwise provided in subsection (e) and sections 400.2A-303 and 400.9-407, and subject to subsection (h), a term in an agreement between an account debtor and an assignor or in a promissory note is ineffective to the extent that it:

(1) Prohibits, restricts, or requires the consent of the account debtor or person obligated on the promissory note to the assignment or transfer of, or the creation, attachment, perfection, or enforcement of a security interest in, the account, chattel paper, payment intangible, or promissory note; or

(2) Provides that the assignment or transfer or the creation, attachment, perfection, or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the account, chattel paper, payment intangible, or promissory note.

(e) Subsection (d) does not apply to the sale of a payment intangible or promissory note**, other than a sale pursuant to a disposition under section 400.9-610 or an acceptance of collateral under section 400.9-620**.

(f) Except as otherwise provided in sections 400.2A-303 and 400.9-407, and subject to subsections (h) and (i), a rule of law, statute, or regulation, that prohibits, restricts, or requires the consent of a government, governmental body or official, or account debtor to the assignment or transfer of, or creation of a security interest in, an account or chattel paper is ineffective to the extent that the rule of law, statute, or regulation:

(1) Prohibits, restricts, or requires the consent of the government, governmental body or official, or account debtor to the assignment or transfer of, or the creation, attachment, perfection, or enforcement of a security interest in, the account or chattel paper; or

(2) Provides that the assignment or transfer or the creation, attachment, perfection, or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the account or chattel paper.

(g) Subject to subsection (h), an account debtor may not waive or vary its option under subsection (b)(3).

(h) This section is subject to law other than this article which establishes a different rule for an account debtor who is an individual and who incurred the obligation primarily for personal, family, or household purposes.

(i) This section does not apply to an assignment of a health-care-insurance receivable.

(j) This section prevails over any inconsistent provisions of any statutes, rules, and regulations.

400.9-408. RESTRICTIONS ON ASSIGNMENT OF PROMISSORY NOTES, HEALTH CARE INSURANCE RECEIVABLES, AND CERTAIN GENERAL INTANGIBLES INEFFECTIVE. — (a) Except as otherwise provided in subsection (b), a term in a promissory note or in an agreement between an account debtor and a debtor which relates to a health-care-insurance receivable or a general intangible, including a contract, permit, license, or franchise, and which term prohibits, restricts, or requires the consent of the person obligated on the promissory note or the account debtor to, the assignment or transfer of, or creation, attachment, or perfection of a security interest in, the promissory note, health-care-insurance receivable, or general intangible, is ineffective to the extent that the term:

(1) Would impair the creation, attachment, or perfection of a security interest; or

(2) Provides that the assignment or transfer or the creation, attachment, or perfection of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the promissory note, health-care-insurance receivable, or general intangible.

(b) Subsection (a) applies to a security interest in a payment intangible or promissory note only if the security interest arises out of a sale of the payment intangible or promissory note**, other than a sale pursuant to a disposition under section 400.9-610 or an acceptance of collateral under section 400.9-620**.

(c) A rule of law, statute, or regulation that prohibits, restricts, or requires the consent of a government, governmental body or official, person obligated on a promissory note, or account debtor to the assignment or transfer of, or creation of a security interest in, a promissory note, health-care-insurance receivable, or general intangible, including a contract, permit, license, or franchise between an account debtor and a debtor, is ineffective to the extent that the rule of law, statute, or regulation:

(1) Would impair the creation, attachment, or perfection of a security interest; or

(2) Provides that the assignment or transfer or the creation, attachment, or perfection of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the promissory note, health-care-insurance receivable, or general intangible.

(d) To the extent that a term in a promissory note or in an agreement between an account debtor and a debtor which relates to a health-care-insurance receivable or general intangible or a rule of law, statute, or regulation described in subsection (c) would be effective under law other than this article but is ineffective under subsection (a) or (c), the creation, attachment, or perfection of a security interest in the promissory note, health-care-insurance receivable, or general intangible:

(1) Is not enforceable against the person obligated on the promissory note or the account debtor;

(2) Does not impose a duty or obligation on the person obligated on the promissory note or the account debtor;

(3) Does not require the person obligated on the promissory note or the account debtor to recognize the security interest, pay or render performance to the secured party, or accept payment or performance from the secured party;

(4) Does not entitle the secured party to use or assign the debtor's rights under the promissory note, health-care-insurance receivable, or general intangible, including any related information or materials furnished to the debtor in the transaction giving rise to the promissory note, health-care-insurance receivable, or general intangible;

(5) Does not entitle the secured party to use, assign, possess, or have access to any trade secrets or confidential information of the person obligated on the promissory note or the account debtor; and

(6) Does not entitle the secured party to enforce the security interest in the promissory note, health-care-insurance receivable, or general intangible.

(e) This section prevails over any inconsistent provisions of any statutes, rules, and regulations.

400.9-502. CONTENTS OF FINANCING STATEMENT—RECORD OF MORTGAGE AS FINANCING STATEMENT—TIME OF FILING FINANCIAL STATEMENT. — (a) Subject to subsection (b), a financing statement is sufficient only if it:

(1) Provides the name of the debtor;

(2) Provides the name of the secured party or a representative of the secured party; and

(3) Indicates the collateral covered by the financing statement.

(b) Except as otherwise provided in section 400.9-501(b), to be sufficient, a financing statement that covers as-extracted collateral or timber to be cut, or which is filed as a fixture filing and covers goods that are or are to become fixtures, must satisfy subsection (a) and also:

(1) Indicate that it covers this type of collateral;

(2) Indicate that it is to be filed for record in the real property records;

(3) Provide a description of the real property to which the collateral is related sufficient to give constructive notice of a mortgage under the law of this state if the description were contained in a record of the mortgage of the real property; and

(4) If the debtor does not have an interest of record in the real property, provide the name of a record owner.

(c) A record of a mortgage is effective, from the date of recording, as a financing statement filed as a fixture filing or as a financing statement covering as-extracted collateral or timber to be cut only if:

(1) The record indicates the goods or accounts that it covers;

(2) The goods are or are to become fixtures related to the real property described in the record or the collateral is related to the real property described in the record and is as-extracted collateral or timber to be cut;

(3) The record satisfies the requirements for a financing statement in this section **[**other than an indication that it is to be filed in the real property records; and**] , but:**

(A) The record need not indicate that it is to be filed in the real property records; and

(B) The record sufficiently provides the name of a debtor who is an individual if it provides the individual name of the debtor or the surname and first personal name of the debtor, even if the debtor is an individual to whom section 400.9-503(a)(4) applies; and

(4) The record is duly recorded.

(d) A financing statement may be filed before a security agreement is made or a security interest otherwise attaches.

400.9-503. NAME OF DEBTOR AND SECURED PARTY. — (a) A financing statement sufficiently provides the name of the debtor:

(1) **Except as otherwise provided in paragraph (3), if the debtor is a registered organization or the collateral is held in a trust that [**If the debtor**]** is a registered organization, only if the financing statement provides the name **[**of the debtor indicated**] that is stated to be the registered organization's name** on the public **organic** record **[**of**] most recently filed with or issued or enacted by** the **[**debtor's**] registered organization's** jurisdiction of organization which **[**shows the debtor to have been organized**] purports to state, amend, or restate the registered organization's name**;

(2) **Subject to subsection (f),** if the **[**debtor is a decedent's estate**] collateral is being administered by the personal representative of a decedent**, only if the financing statement

provides **as the name of the debtor,** the name of the decedent and **[**indicates that the debtor is an estate**] , in a separate part of the financing statement, indicates that the collateral is being administered by a personal representative**;

(3) **[**If the debtor is a trust or a trustee acting with respect to property held in trust, only if the financing statement:**] If the collateral is held in a trust that is not a registered organization, only if the financing statement:**

(A) **[**Provides the name specified for the trust in its organic documents or, if no**] Provides, as the name of the debtor:**

(i) If the organic record of the trust specifies a name for the trust, the name specified; or

(ii) If the organic record of the trust does not specify a name for the trust, the name of the settlor or testator; and

(B) In a separate part of the financing statement:

(i) If the name is provided in accordance with subparagraph (A)(i), indicates that the collateral is held in a trust; or

(ii) If the name is **[**specified**] provided in accordance with subparagraph (A)(ii)**, provides **[**the name of the settlor and**]** additional information sufficient to distinguish the **[**debtor**] trust** from other trusts having one or more of the same settlors **or the same testator and indicates that the collateral is held in a trust, unless the additional information so indicates;**

(4) Subject to subsection (g), if the debtor is an individual to whom this state has issued a driver's license that has not expired, only if the financing statement provides the name of the individual which is indicated on the driver's license;

(5) If the debtor is an individual to whom paragraph (4) does not apply, only if the financing statement provides the individual name of the debtor or the surname and first personal name of the debtor; and

[(B) Indicates, in the debtor's name or otherwise, that the debtor is a trust or is a trustee acting with respect to property held in trust; and**]**

[(4)**] (6)** In other cases:

(A) If the debtor has a name, only if **[**it**] the financing statement** provides the **[**individual or**]** organizational name of the debtor; and

(B) If the debtor does not have a name, only if it provides the names of the partners, members, associates, or other persons comprising the debtor**, in a manner that each name provided would be sufficient if the person named were the debtor**.

(b) A financing statement that provides the name of the debtor in accordance with subsection (a) is not rendered ineffective by the absence of:

(1) A trade name or other name of the debtor; or

(2) Unless required under subsection (a)(4)(B), names of partners, members, associates, or other persons comprising the debtor.

(c) A financing statement that provides only the debtor's trade name does not sufficiently provide the name of the debtor.

(d) Failure to indicate the representative capacity of a secured party or representative of a secured party does not affect the sufficiency of a financing statement.

(e) A financing statement may provide the name of more than one debtor and the name of more than one secured party.

(f) The name of the decedent indicated on the order appointing the personal representative of the decedent issued by the court having jurisdiction over the collateral is sufficient as the name of the decedent under subsection (a)(2).

(g) If this state has issued to an individual more than one driver's license of a kind described in subsection (a)(4), the one that was issued most recently is the one to which subsection (a)(4) refers.

(h) In this section, the name of the settlor or testator means:

(1) If the settlor is a registered organization, the name that is stated to be the settlor's name on the public organic record most recently filed with or issued or enacted by the settlor's jurisdiction of organization which purports to state, amend, or restate the settlor's name; or

(2) In other cases, the name of the settlor or testator indicated in the trust's organic record.

400.9-515. DURATION AND EFFECTIVENESS OF FINANCING STATEMENT—EFFECT OF LAPSED FINANCING STATEMENT. — (a) Except as otherwise provided in subsections (b), (e), (f), and (g), a filed financing statement is effective for a period of five years after the date of filing.

(b) Except as otherwise provided in subsections (e), (f), and (g), an initial financing statement filed in connection with a manufactured-home transaction is effective for a period of thirty years after the date of filing if it indicates that it is filed in connection with a manufactured-home transaction.

(c) The effectiveness of a filed financing statement lapses on the expiration of the period of its effectiveness unless before the lapse a continuation statement is filed pursuant to subsection (d). Upon lapse, a financing statement ceases to be effective and any security interest or agricultural lien that was perfected by the financing statement becomes unperfected, unless the security interest is perfected otherwise. If the security interest or agricultural lien becomes unperfected upon lapse, it is deemed never to have been perfected as against a purchaser of the collateral for value.

(d) A continuation statement may be filed only within six months before the expiration of the five-year period specified in subsection (a) or the thirty-year period specified in subsection (b), whichever is applicable.

(e) Except as otherwise provided in section 400.9-510, upon timely filing of a continuation statement, the effectiveness of the initial financing statement continues for a period of five years commencing on the day on which the financing statement would have become ineffective in the absence of the filing. Upon the expiration of the five-year period, the financing statement lapses in the same manner as provided in subsection (c), unless, before the lapse, another continuation statement is filed pursuant to subsection (d). Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the initial financing statement.

(f) If a debtor is a transmitting utility and a filed **initial** financing statement so indicates, the financing statement is effective until a termination statement is filed.

(g) A record of a mortgage that is effective as a financing statement filed as a fixture filing under section 400.9-502(c) remains effective as a financing statement filed as a fixture filing until the mortgage is released or satisfied of record or its effectiveness otherwise terminates as to the real property.

400.9-516. WHAT CONSTITUTES FILING—EFFECTIVENESS OF FILING. — (a) Except as otherwise provided in subsection (b), communication of a record to a filing office and tender of the filing fee or acceptance of the record by the filing office constitutes filing.

(b) Filing does not occur with respect to a record that a filing office refuses to accept because:

(1) The record is not communicated by a method or medium of communication authorized by the filing office;

(2) An amount equal to or greater than the applicable filing fee is not tendered;

(3) The filing office is unable to index the record because:

(A) In the case of an initial financing statement, the record does not provide a name for the debtor;

(B) In the case of an amendment or correction statement, the record:

(i) Does not identify the initial financing statement as required by section 400.9-512 or 400.9-518, as applicable; or

(ii) Identifies an initial financing statement whose effectiveness has lapsed under section 400.9-515;

(C) In the case of an initial financing statement that provides the name of a debtor identified as an individual or an amendment that provides a name of a debtor identified as an individual which was not previously provided in the financing statement to which the record relates, the record does not identify the debtor's last name; or

(D) In the case of a record filed or recorded in the filing office described in section 400.9-501(a)(1), the record does not provide a sufficient description of the real property to which it relates;

(4) In the case of an initial financing statement or an amendment that adds a secured party of record, the record does not provide a name and mailing address for the secured party of record;

(5) In the case of an initial financing statement or an amendment that provides a name of a debtor which was not previously provided in the financing statement to which the amendment relates, the record does not:

(A) Provide a mailing address for the debtor; **or**

(B) Indicate whether the **name provided as the name of the** debtor is **the name of** an individual or an organization**[**; or

(C) If the financing statement indicates that the debtor is an organization, provide:

(i) A type of organization for the debtor;

(ii) A jurisdiction of organization for the debtor; or

(iii) An organizational identification number for the debtor or indicate that the debtor has none**]**;

(6) In the case of an assignment reflected in an initial financing statement under section 400.9-514(a) or an amendment filed under section 400.9-514(b), the record does not provide a name and mailing address for the assignee; or

(7) In the case of a continuation statement, the record is not filed within the six-month period prescribed by section 400.9-515(d).

(c) For purposes of subsection (b):

(1) A record does not provide information if the filing office is unable to read or decipher the information; and

(2) A record that does not indicate that it is an amendment or identify an initial financing statement to which it relates, as required by section 400.9-512, 400.9-514 or 400.9-518, is an initial financing statement.

(d) A record that is communicated to the filing office with tender of the filing fee, but which the filing office refuses to accept for a reason other than one set forth in subsection (b), is effective as a filed record except as against a purchaser of the collateral which gives value in reasonable reliance upon the absence of the record from the files.

400.9-518. CLAIM CONCERNING INACCURATE OR WRONGFULLY FILED RECORD. — (a) A person may file in the filing office **[**a correction**]** **an information** statement with respect to a record indexed there under the person's name if the person believes that the record is inaccurate or was wrongfully filed.

(b) **[**A correction**]** **An information** statement **under subsection (a)** must:

(1) Identify the record to which it relates by the file number assigned to the initial financing statement to which the record relates;

(2) Indicate that it is **[**a correction**]** **an information** statement; and

(3) Provide the basis for the person's belief that the record is inaccurate and indicate the manner in which the person believes the record should be amended to cure any inaccuracy or provide the basis for the person's belief that the record was wrongfully filed.

(c) **A person may file in the filing office an information statement with respect to a record filed there if the person is a secured party of record with respect to the financing statement to which the record relates and believes that the person who filed the record was not entitled to do so under section 400.9-509(d).**

(d) An information statement under subsection (c) must:

(1) Identify the record to which it relates by the file number assigned to the initial financing statement to which the record relates;

(2) Indicate that it is an information statement; and

(3) Provide the basis for the person's belief that the person who filed the record was not entitled to do so under section 400.9-509(d).

(e) The filing of **[**a correction**] an information** statement does not affect the effectiveness of an initial financing statement or other filed record.

400.9-801. THIS ACT REFERENCE. — For purposes of this section and sections 400.9-802 to 400.9-809, the phrase "this act" shall refer to sections 400.9-101 to 400.9-710.

400.9-802. SAVINGS CLAUSE. — (a) Except as otherwise provided in this part, this act applies to a transaction or lien within its scope, even if the transaction or lien was entered into or created before this act takes effect on July 1, 2013.

(b) This act does not affect an action, case, or proceeding commenced before this act takes effect.

400.9-803. SECURITY INTEREST PERFECTED BEFORE EFFECTIVE DATE. — (a) A security interest that is a perfected security interest immediately before this act takes effect is a perfected security interest under article 9 as amended by this act if, when this act takes effect, the applicable requirements for attachment and perfection under article 9 as amended by this act are satisfied without further action.

(b) Except as otherwise provided in section 400.9-805, if, immediately before this act takes effect, a security interest is a perfected security interest, but the applicable requirements for perfection under article 9 as amended by this act are not satisfied when this act takes effect, the security interest remains perfected thereafter only if the applicable requirements for perfection under article 9 as amended by this act are satisfied within one year after this act takes effect.

400.9-804. SECURITY INTEREST UNPERFECTED BEFORE EFFECTIVE DATE. — A security interest that is an unperfected security interest immediately before this act takes effect becomes a perfected security interest:

(1) Without further action, when this act takes effect if the applicable requirements for perfection under article 9 as amended by this act are satisfied before or at that time; or

(2) When the applicable requirements for perfection are satisfied if the requirements are satisfied after that time.

400.9-805. EFFECTIVENESS OF ACTION TAKEN BEFORE EFFECTIVE DATE. — (a) The filing of a financing statement before this act takes effect is effective to perfect a security interest to the extent the filing would satisfy the applicable requirements for perfection under article 9 as amended by this act.

(b) This act does not render ineffective an effective financing statement that, before this act takes effect, is filed and satisfies the applicable requirements for perfection under the law of the jurisdiction governing perfection as provided in article 9 as it existed before amendment. However, except as otherwise provided in subsections (c) and (d) and section 400.9-806, the financing statement ceases to be effective:

(1) If the financing statement is filed in this state, at the time the financing statement would have ceased to be effective had this act not taken effect; or

(2) If the financing statement is filed in another jurisdiction, at the earlier of:

(A) The time the financing statement would have ceased to be effective under the law of that jurisdiction; or

(B) June 30, 2018.

(c) The filing of a continuation statement after this act takes effect does not continue the effectiveness of a financing statement filed before this act takes effect. However, upon the timely filing of a continuation statement after this act takes effect and in accordance with the law of the jurisdiction governing perfection as provided in article 9 as amended by this act, the effectiveness of a financing statement filed in the same office in that jurisdiction before this act takes effect continues for the period provided by the law of that jurisdiction.

(d) Subsection (b)(2)(B) applies to a financing statement that, before this act takes effect, is filed against a transmitting utility and satisfies the applicable requirements for perfection under the law of the jurisdiction governing perfection as provided in article 9 as it existed before amendment, only to the extent that article 9 as amended by this act provides that the law of a jurisdiction other than the jurisdiction in which the financing statement is filed governs perfection of a security interest in collateral covered by the financing statement.

(e) A financing statement that includes a financing statement filed before this act takes effect and a continuation statement filed after this act takes effect is effective only to the extent that it satisfies the requirements of Part 5 as amended by this act for an initial financing statement. A financing statement that indicates that the debtor is a decedent's estate indicates that the collateral is being administered by a personal representative within the meaning of section 400.9-503(a)(2) as amended by this act. A financing statement that indicates that the debtor is a trust or is a trustee acting with respect to property held in trust indicates that the collateral is held in a trust within the meaning of section 400.9-503(a)(3) as amended by this act.

400.9-806. WHEN INITIAL FINANCING STATEMENT SUFFICES TO CONTINUE EFFECTIVENESS OF FINANCING STATEMENT. — (a) The filing of an initial financing statement in the office specified in section 400.9-501 continues the effectiveness of a financing statement filed before this act takes effect if:

(1) The filing of an initial financing statement in that office would be effective to perfect a security interest under article 9 as amended by this act;

(2) The pre-effective-date financing statement was filed in an office in another state; and

(3) The initial financing statement satisfies subsection (c).

(b) The filing of an initial financing statement under subsection (a) continues the effectiveness of the pre-effective-date financing statement:

(1) If the initial financing statement is filed before this act takes effect, for the period provided in unamended section 400.9-515 with respect to an initial financing statement; or

(2) If the initial financing statement is filed after this act takes effect, for the period provided in section 400.9-515 as amended by this act with respect to an initial financing statement.

(c) To be effective for purposes of subsection (a), an initial financing statement must:

(1) Satisfy the requirements of section 400.9-500 et. seq. as amended by this act for an initial financing statement;

(2) Identify the pre-effective-date financing statement by indicating the office in which the financing statement was filed and providing the dates of filing and file numbers,

if any, of the financing statement and of the most recent continuation statement filed with respect to the financing statement; and

(3) Indicate that the pre-effective-date financing statement remains effective.

400.9-807. AMENDMENT OF PRE-EFFECTIVE-DATE FINANCING STATEMENT. — (a) In this section, the term "pre-effective-date financing statement" means a financing statement filed before this act takes effect.

(b) After this act takes effect, a person may add or delete collateral covered by, continue or terminate the effectiveness of, or otherwise amend the information provided in a pre-effective-date financing statement only in accordance with the law of the jurisdiction governing perfection as provided in article 9 as amended by this act. However, the effectiveness of a pre-effective-date financing statement also may be terminated in accordance with the law of the jurisdiction in which the financing statement is filed.

(c) Except as otherwise provided in subsection (d), if the law of this state governs perfection of a security interest, the information in a pre-effective-date financing statement may be amended after this act takes effect only if:

(1) The pre-effective-date financing statement and an amendment are filed in the office specified in section 400.9-501;

(2) An amendment is filed in the office specified in section 400.9-501 concurrently with, or after the filing in that office of, an initial financing statement that satisfies section 400.9-806(c); or

(3) An initial financing statement that provides the information as amended and satisfies section 400.9-806(c) is filed in the office specified in section 400.9-501.

(d) If the law of this state governs perfection of a security interest, the effectiveness of a pre-effective-date financing statement may be continued only under section 400.9-805(c) and (e) or 400.9-806.

(e) Whether or not the law of this state governs perfection of a security interest, the effectiveness of a pre-effective-date financing statement filed in this state may be terminated after this act takes effect by filing a termination statement in the office in which the pre-effective-date financing statement is filed, unless an initial financing statement that satisfies section 400.9-806(c) has been filed in the office specified by the law of the jurisdiction governing perfection as provided in article 9 as amended by this act as the office in which to file a financing statement.

400.9-808. PERSON ENTITLED TO FILE INITIAL FINANCING STATEMENT OR CONTINUATION STATEMENT. — A person may file an initial financing statement or a continuation statement under this part if:

(1) The secured party of record authorizes the filing; and

(2) The filing is necessary under this part:

(A) To continue the effectiveness of a financing statement filed before this act takes effect; or

(B) To perfect or continue the perfection of a security interest.

400.9-809. PRIORITY. — This act determines the priority of conflicting claims to collateral. However, if the relative priorities of the claims were established before this act takes effect, article 9 as it existed before amendment determines priority.

400.2A-103. DEFINITIONS AND INDEX OF DEFINITIONS. — (1) In this article unless the context otherwise requires:

(a) "Buyer in ordinary course of business" means a person who in good faith and without knowledge that the sale to him or her is in violation of the ownership rights or security interest

or leasehold interest of a third party in the goods buys in ordinary course from a person in the business of selling goods of that kind but does not include a pawnbroker. "Buying" may be for cash or by exchange of other property or on secured or unsecured credit and includes receiving goods or documents of title under a preexisting contract for sale but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(b) "Cancellation" occurs when either party puts an end to the lease contract for default by the other party.

(c) "Commercial unit" means such a unit of goods as by commercial usage is a single whole for purposes of lease and division of which materially impairs its character or value on the market or in use. A commercial unit may be a single article, as a machine, or a set of articles, as a suite of furniture or a line of machinery, or a quantity, as a gross or carload, or any other unit treated in use or in the relevant market as a single whole.

(d) "Conforming" goods or performance under a lease contract means goods or performance that are in accordance with the obligations under the lease contract.

(e) "Consumer lease" means a lease that a lessor regularly engaged in the business of leasing or selling makes to a lessee who is an individual and who takes under the lease primarily for a personal, family, or household purpose, if the total payments to be made under the lease contract, excluding payments for option to renew or buy, do not exceed fifty thousand dollars.

(f) "Fault" means wrongful act, omission, breach, or default.

(g) "Finance lease" means a lease with respect to which:

(i) the lessor does not select, manufacture, or supply the goods;

(ii) the lessor acquires the goods or the right to possession and use of the goods in connection with the lease; and

(iii) one of the following occurs:

(A) the lessee receives a copy of the contract by which the lessor acquired the goods or the right to possession and use of the goods before signing the lease contract;

(B) the lessee's approval of the contract by which the lessor acquired the goods or the right to possession and use of the goods is a condition to effectiveness of the lease contract;

(C) the lessor (aa) informs the lessee in writing of the identity of the supplier, unless the lessee has selected the supplier and directed the lessor to purchase the goods from the supplier, (bb) informs the lessee in writing that the lessee may have rights under the contract evidencing the lessor's purchase of the goods, and (cc) advised the lessee in writing to contact the supplier for a description of any such rights, or

(D) the lease contract discloses all warranties and other rights provided to the lessee by the lessor and supplier in connection with the lease contract and informs the lessee that there are no warranties or other rights provided to the lessee by the lessor and supplier other than those disclosed in the lease contract.

(h) "Goods" means all things that are movable at the time of identification to the lease contract, or are fixtures as defined in Section 400.2A-309, but the term does not include money, documents, instruments, accounts, chattel paper, general intangibles, or minerals or the like, including oil and gas, before extraction. The term also includes the unborn young of animals.

(i) "Installment lease contract" means a lease contract that authorizes or requires the delivery of goods in separate lots to be separately accepted, even though the lease contract contains a clause "each delivery is a separate lease" or its equivalent.

(j) "Lease" means a transfer of the right to possession and use of goods for a term in return for consideration, but a sale, including a sale on approval or a sale or return, or retention or creation of a security interest is not a lease. Unless the context clearly indicates otherwise, the term includes a sublease.

(k) "Lease agreement" means the bargain, with respect to the lease, of the lessor and the lessee in fact as found in their language or by implication from other circumstances including

course of dealing or usage of trade or course of performance as provided in this Article. Unless the context clearly indicates otherwise, the term includes a sublease agreement.

(l) "Lease contract" means the total legal obligation that results from the lease agreement as affected by this Article and any other applicable rules of law. Unless the context clearly indicates otherwise, the term includes a sublease contract.

(m) "Leasehold interest" means the interest of the lessor or the lessee under a lease contract.

(n) "Lessee" means a person who acquires the right to possession and use of goods under a lease. Unless the context clearly indicates otherwise, the term includes a sublessee.

(o) "Lessee in ordinary course of business" means a person who in good faith and without knowledge that the lease to him or her is in violation of the ownership rights or security interest or leasehold interest of a third party in the goods leases in ordinary course from a person in the business of selling or leasing goods of that kind but does not include a pawnbroker. "Leasing" may be for cash or by exchange of other property or on secured or unsecured credit and includes receiving goods or documents of title under a preexisting lease contract but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(p) "Lessor" means a person who transfers the right to possession and use of goods under a lease. Unless the context clearly indicates otherwise, the term includes a sublessor.

(q) "Lessor's residual interest" means the lessor's interest in the goods after expiration, termination, or cancellation of the lease contract.

(r) "Lien" means a charge against or interest in goods to secure payment of a debt or performance of an obligation, but the term does not include a security interest.

(s) "Lot" means a parcel or a single article that is the subject matter of a separate lease or delivery, whether or not it is sufficient to perform the lease contract.

(t) "Merchant lessee" means a lessee that is a merchant with respect to goods of the kind subject to the lease.

(u) "Present value" means the amount as of a date certain of one or more sums payable in the future, discounted to the date certain. The discount is determined by the interest rate specified by the parties if the rate was not manifestly unreasonable at the time the transaction was entered into; otherwise, the discount is determined by a commercially reasonable rate that takes into account the facts and circumstances of each case at the time the transaction was entered into.

(v) "Purchase" includes taking by sale, lease, mortgage, security interest, pledge, gift, or any other voluntary transaction creating an interest in goods.

(w) "Sublease" means a lease of goods the right to possession and use of which was acquired by the lessor as a lessee under an existing lease.

(x) "Supplier" means a person from whom a lessor buys or leases goods to be leased under a finance lease.

(y) "Supply contract" means a contract under which a lessor buys or leases goods to be leased.

(z) "Termination" occurs when either party pursuant to a power created by agreement or law puts an end to the lease contract otherwise than for default.

(2) Other definitions applying to this article and the sections in which they appear are:

"Accessions".	Section 400.2A-310(1).
"Construction mortgage".	Section 400.2A-309(1)(d).
"Encumbrance".	Section 400.2A-309(1)(e).
"Fixtures".	Section 400.2A-309(1)(a).
"Fixture filing".	Section 400.2A-309(1)(b).
"Purchase money lease".	Section 400.2A-309(1)(c).

(3) The following definitions in other articles apply to this article:

"Account".	Section 400.9-102(a)(2).
"Between merchants".	Section 400.2-104(3).
"Buyer".	Section 400.2-103(1)(a).
"Chattel paper".	Section 400.9-102(a)(10).
"Consumer goods".	Section 400.9-102(a)(22).
"Document".	Section 400.9-102(a)(29).
"Entrusting".	Section 400.2-403(3).
"General intangible".	Section 400.9-102(a)(41).
"Good faith".	Section 400.2-103(1)(b).
"Instrument".	Section 400.9-102(a)(46).
"Merchant".	Section 400.2-104(1).
"Mortgage".	Section 400.9-102(a)(54).
"Pursuant to commitment".	Section 400.9-102(a)(**[**68**]** **67**).
"Receipt".	Section 400.2-103(1)(c).
"Sale".	Section 400.2-106(1).
"Sale on approval".	Section 400.2-326.
"Sale or return".	Section 400.2-326.
"Seller".	Section 400.2-103(1)(d).

(4) In addition article 1 contains general definitions and principles of construction and interpretation applicable throughout this article.

400.4A-108. UNCONSCIONABILITY. — (a) Except as provided in subsection (b), this article does not apply to a funds transfer any part of which is governed by the Electronic Fund Transfer Act of 1978 (Title XX, Public Law 95-630, 92 Stat. 3728, 15 U.S.C. Section 1693, et seq.) as amended from time to time.

(b) This article applies to a funds transfer that is a remittance transfer as defined in the Electronic Funds Transfer Act (15 U.S.C. Section 1693o-1) as amended from time to time, unless the remittance transfer is an electronic funds transfer as defined in the Electronic Funds Transfer Act (15 U.S.C. Section 1693a) as amended from time to time.

(c) In a funds transfer to which this article applies, in the event of an inconsistency between an applicable provision of this article and an applicable provision of the Electronic Funds Transfer Act, the provision of the Electronic Funds Transfer Act governs to the extent of the inconsistency.

Approved June 25, 2013

HB 215 [SS SCS HCS HB 215]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding criminal procedures

AN ACT to repeal sections 43.518, 160.261, 167.115, 167.171, 168.071, 188.023, 211.071, 211.447, 217.010, 217.345, 217.703, 339.100, 375.1312, 455.010, 455.015, 455.020, 455.030, 455.032, 455.035, 455.040, 455.045, 455.050, 455.060, 455.080, 455.085, 455.503, 455.505, 455.513, 455.520, 455.523, 455.538, 527.290, 544.455, 556.036, 556.037, 556.061, 557.011, 558.018, 558.026, 559.036, 559.100, 559.105, 559.115, 559.117, 566.020, 566.030, 566.040, 566.060, 566.070, 566.090, 566.093, 566.095, 566.100, 566.224, 566.226, 570.120, 573.037, 589.015, 590.700, 595.220, 600.011,

600.040, 600.042, 600.048, 632.480, 632.498, and 632.505, RSMo, and to enact in lieu thereof seventy-one new sections relating to criminal procedures, with penalty provisions, and an emergency clause for certain sections.

SECTION
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1. Abrogation of case law, sexually violent offense definition.
B. Emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 43.518, 160.261, 167.115, 167.171, 168.071, 188.023, 211.071, 211.447, 217.010, 217.345, 217.703, 339.100, 375.1312, 455.010, 455.015, 455.020, 455.030, 455.032, 455.035, 455.040, 455.045, 455.050, 455.060, 455.080, 455.085, 455.503, 455.505, 455.513, 455.520, 455.523, 455.538, 527.290, 544.455, 556.036, 556.037, 556.061, 557.011, 558.018, 558.026, 559.036, 559.100, 559.105, 559.115, 559.117, 566.020, 566.030, 566.040, 566.060, 566.070, 566.090, 566.093, 566.095, 566.100, 566.224, 566.226, 570.120, 573.037, 589.015, 590.700, 595.220, 600.011, 600.040, 600.042, 600.048, 632.480, 632.498, and 632.505, RSMo, are repealed and seventy-one new sections enacted in lieu thereof, to be known as sections 43.518, 160.261, 167.115, 167.171, 168.071, 188.023, 211.071, 211.447, 217.010, 217.345, 217.703, 339.100, 375.1312, 455.010, 455.015, 455.020, 455.030, 455.032, 455.035, 455.040, 455.045, 455.050, 455.060, 455.080, 455.085, 455.503,

455.505, 455.513, 455.520, 455.523, 455.538, 527.290, 544.455, 556.036, 556.037, 556.061, 557.011, 558.018, 558.026, 559.036, 559.100, 559.105, 559.115, 559.117, 566.020, 566.030, 566.031, 566.060, 566.061, 566.093, 566.095, 566.100, 566.101, 566.224, 566.226, 570.120, 573.037, 589.015, 590.700, 595.220, 600.011, 600.040, 600.042, 600.048, 600.062, 600.063, 600.064, 632.480, 632.498, 632.505, and 1, to read as follows:

43.518. CRIMINAL RECORDS AND JUSTICE INFORMATION ADVISORY COMMITTEE, ESTABLISHED — PURPOSE — MEMBERS — MEETINGS, QUORUM — MINUTES, DISTRIBUTION, FILING OF. — 1. There is hereby established within the department of public safety a "Criminal Records and Justice Information Advisory Committee" whose purpose is to:

(1) Recommend general policies with respect to the philosophy, concept and operational principles of the Missouri criminal history record information system established by sections 43.500 to 43.530, in regard to the collection, processing, storage, dissemination and use of criminal history record information maintained by the central repository;

(2) Assess the current state of electronic justice information sharing; and

(3) Recommend policies and strategies, including standards and technology, for promoting electronic justice information sharing, and coordinating among the necessary agencies and institutions; and

(4) Provide guidance regarding the use of any state or federal funds appropriated for promoting electronic justice information sharing.

2. The committee shall be composed of the following officials or their designees: the director of the department of public safety; the director of the department of corrections and human resources; the attorney general; the director of the Missouri office of prosecution services; the president of the Missouri prosecutors association; the president of the Missouri court clerks association; the chief clerk of the Missouri state supreme court; the director of the state courts administrator; the chairman of the state judicial record committee; the chairman of the **[**circuit court budget**]** **court automation** committee; the presidents of the Missouri peace officers association; the Missouri sheriffs association; the Missouri police chiefs association or their successor agency; the superintendent of the Missouri highway patrol; the chiefs of police of agencies in jurisdictions with over two hundred thousand population; except that, in any county of the first class having a charter form of government, the chief executive of the county may designate another person in place of the police chief of any countywide police force, to serve on the committee; and, at the discretion of the director of public safety, as many as three other representatives of other criminal justice records systems or law enforcement agencies may be appointed by the director of public safety. The director of the department of public safety will serve as the permanent chairman of this committee.

3. The committee shall meet as determined by the director but not less than semiannually to perform its duties. A majority of the appointed members of the committee shall constitute a quorum.

4. No member of the committee shall receive any state compensation for the performance of duties associated with membership on this committee.

5. Official minutes of all committee meetings will be prepared by the director, promptly distributed to all committee members, and filed by the director for a period of at least five years.

160.261. DISCIPLINE, WRITTEN POLICY ESTABLISHED BY LOCAL BOARDS OF EDUCATION — CONTENTS — REPORTING REQUIREMENTS — ADDITIONAL RESTRICTIONS FOR CERTAIN SUSPENSIONS — WEAPONS OFFENSE, MANDATORY SUSPENSION OR EXPULSION — NO CIVIL LIABILITY FOR AUTHORIZED PERSONNEL — SPANKING NOT CHILD ABUSE, WHEN — INVESTIGATION PROCEDURE — OFFICIALS FALSIFYING REPORTS, PENALTY. — 1. The local board of education of each school district shall clearly establish a written policy of discipline, including the district's determination on the use of corporal punishment and the procedures in which punishment will be applied. A written copy of the

district's discipline policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning of each school year and also made available in the office of the superintendent of such district, during normal business hours, for public inspection. All employees of the district shall annually receive instruction related to the specific contents of the policy of discipline and any interpretations necessary to implement the provisions of the policy in the course of their duties, including but not limited to approved methods of dealing with acts of school violence, disciplining students with disabilities and instruction in the necessity and requirements for confidentiality.

2. The policy shall require school administrators to report acts of school violence to all teachers at the attendance center and, in addition, to other school district employees with a need to know. For the purposes of this chapter or chapter 167, "need to know" is defined as school personnel who are directly responsible for the student's education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties. As used in this section, the phrase "act of school violence" or "violent behavior" means the exertion of physical force by a student with the intent to do serious physical injury as defined in subdivision (6) of section 565.002 to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. The policy shall at a minimum require school administrators to report, as soon as reasonably practical, to the appropriate law enforcement agency any of the following crimes, or any act which if committed by an adult would be one of the following crimes:

(1) First degree murder under section 565.020;
(2) Second degree murder under section 565.021;
(3) Kidnapping under section 565.110;
(4) First degree assault under section 565.050;
(5) **[**Forcible**]** Rape **in the first degree** under section 566.030;
(6) **[**Forcible**]** Sodomy **in the first degree** under section 566.060;
(7) Burglary in the first degree under section 569.160;
(8) Burglary in the second degree under section 569.170;
(9) Robbery in the first degree under section 569.020;
(10) Distribution of drugs under section 195.211;
(11) Distribution of drugs to a minor under section 195.212;
(12) Arson in the first degree under section 569.040;
(13) Voluntary manslaughter under section 565.023;
(14) Involuntary manslaughter under section 565.024;
(15) Second degree assault under section 565.060;
(16) **[**Sexual assault**]** **Rape in the second degree** under section **[**566.040**]** **566.031**;
(17) Felonious restraint under section 565.120;
(18) Property damage in the first degree under section 569.100;
(19) The possession of a weapon under chapter 571;
(20) Child molestation in the first degree pursuant to section 566.067;
(21) **[**Deviate sexual assault**]** **Sodomy in the second degree** pursuant to section **[**566.070**]** **566.061**;
(22) Sexual misconduct involving a child pursuant to section 566.083;
(23) Sexual abuse **in the first degree** pursuant to section 566.100;
(24) Harassment under section 565.090; or
(25) Stalking under section 565.225; committed on school property, including but not limited to actions on any school bus in service on behalf of the district or while involved in school activities. The policy shall require that any portion of a student's individualized education program that is related to demonstrated or potentially violent behavior shall be provided to any teacher and other school district employees who are directly responsible for the student's education or who otherwise interact with the student on an educational basis while

acting within the scope of their assigned duties. The policy shall also contain the consequences of failure to obey standards of conduct set by the local board of education, and the importance of the standards to the maintenance of an atmosphere where orderly learning is possible and encouraged.

3. The policy shall provide that any student who is on suspension for any of the offenses listed in subsection 2 of this section or any act of violence or drug-related activity defined by school district policy as a serious violation of school discipline pursuant to subsection 9 of this section shall have as a condition of his or her suspension the requirement that such student is not allowed, while on such suspension, to be within one thousand feet of any school property in the school district where such student attended school or any activity of that district, regardless of whether or not the activity takes place on district property unless:

(1) Such student is under the direct supervision of the student's parent, legal guardian, or custodian and the superintendent or the superintendent's designee has authorized the student to be on school property;

(2) Such student is under the direct supervision of another adult designated by the student's parent, legal guardian, or custodian, in advance, in writing, to the principal of the school which suspended the student and the superintendent or the superintendent's designee has authorized the student to be on school property;

(3) Such student is enrolled in and attending an alternative school that is located within one thousand feet of a public school in the school district where such student attended school; or

(4) Such student resides within one thousand feet of any public school in the school district where such student attended school in which case such student may be on the property of his or her residence without direct adult supervision.

4. Any student who violates the condition of suspension required pursuant to subsection 3 of this section may be subject to expulsion or further suspension pursuant to the provisions of sections 167.161, 167.164, and 167.171. In making this determination consideration shall be given to whether the student poses a threat to the safety of any child or school employee and whether such student's unsupervised presence within one thousand feet of the school is disruptive to the educational process or undermines the effectiveness of the school's disciplinary policy. Removal of any pupil who is a student with a disability is subject to state and federal procedural rights. This section shall not limit a school district's ability to:

(1) Prohibit all students who are suspended from being on school property or attending an activity while on suspension;

(2) Discipline students for off-campus conduct that negatively affects the educational environment to the extent allowed by law.

5. The policy shall provide for a suspension for a period of not less than one year, or expulsion, for a student who is determined to have brought a weapon to school, including but not limited to the school playground or the school parking lot, brought a weapon on a school bus or brought a weapon to a school activity whether on or off of the school property in violation of district policy, except that:

(1) The superintendent or, in a school district with no high school, the principal of the school which such child attends may modify such suspension on a case-by-case basis; and

(2) This section shall not prevent the school district from providing educational services in an alternative setting to a student suspended under the provisions of this section.

6. For the purpose of this section, the term "weapon" shall mean a firearm as defined under 18 U.S.C. 921 and the following items, as defined in section 571.010: a blackjack, a concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife, knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade knife; except that this section shall not be construed to prohibit a school board from adopting a policy to allow a Civil War reenactor to carry a Civil War era weapon on school property for educational purposes so long as the firearm is unloaded. The local board of education shall

define weapon in the discipline policy. Such definition shall include the weapons defined in this subsection but may also include other weapons.

7. All school district personnel responsible for the care and supervision of students are authorized to hold every pupil strictly accountable for any disorderly conduct in school or on any property of the school, on any school bus going to or returning from school, during school-sponsored activities, or during intermission or recess periods.

8. Teachers and other authorized district personnel in public schools responsible for the care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable care by the school district, shall not be civilly liable when acting in conformity with the established policies developed by each board, including but not limited to policies of student discipline or when reporting to his or her supervisor or other person as mandated by state law acts of school violence or threatened acts of school violence, within the course and scope of the duties of the teacher, authorized district personnel or volunteer, when such individual is acting in conformity with the established policies developed by the board. Nothing in this section shall be construed to create a new cause of action against such school district, or to relieve the school district from liability for the negligent acts of such persons.

9. Each school board shall define in its discipline policy acts of violence and any other acts that constitute a serious violation of that policy. "Acts of violence" as defined by school boards shall include but not be limited to exertion of physical force by a student with the intent to do serious bodily harm to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. School districts shall for each student enrolled in the school district compile and maintain records of any serious violation of the district's discipline policy. Such records shall be made available to teachers and other school district employees with a need to know while acting within the scope of their assigned duties, and shall be provided as required in section 167.020 to any school district in which the student subsequently attempts to enroll.

10. Spanking, when administered by certificated personnel and in the presence of a witness who is an employee of the school district, or the use of reasonable force to protect persons or property, when administered by personnel of a school district in a reasonable manner in accordance with the local board of education's written policy of discipline, is not abuse within the meaning of chapter 210. The provisions of sections 210.110 to 210.165 notwithstanding, the children's division shall not have jurisdiction over or investigate any report of alleged child abuse arising out of or related to the use of reasonable force to protect persons or property when administered by personnel of a school district or any spanking administered in a reasonable manner by any certificated school personnel in the presence of a witness who is an employee of the school district pursuant to a written policy of discipline established by the board of education of the school district, as long as no allegation of sexual misconduct arises from the spanking or use of force.

11. If a student reports alleged sexual misconduct on the part of a teacher or other school employee to a person employed in a school facility who is required to report such misconduct to the children's division under section 210.115, such person and the superintendent of the school district shall forward the allegation to the children's division within twenty-four hours of receiving the information. Reports made to the children's division under this subsection shall be investigated by the division in accordance with the provisions of sections 210.145 to 210.153 and shall not be investigated by the school district under subsections 12 to 20 of this section for purposes of determining whether the allegations should or should not be substantiated. The district may investigate the allegations for the purpose of making any decision regarding the employment of the accused employee.

12. Upon receipt of any reports of child abuse by the children's division other than reports provided under subsection 11 of this section, pursuant to sections 210.110 to 210.165 which allegedly involve personnel of a school district, the children's division shall notify the superintendent of schools of the district or, if the person named in the alleged incident is the

superintendent of schools, the president of the school board of the school district where the alleged incident occurred.

13. If, after an initial investigation, the superintendent of schools or the president of the school board finds that the report involves an alleged incident of child abuse other than the administration of a spanking by certificated school personnel or the use of reasonable force to protect persons or property when administered by school personnel pursuant to a written policy of discipline or that the report was made for the sole purpose of harassing a public school employee, the superintendent of schools or the president of the school board shall immediately refer the matter back to the children's division and take no further action. In all matters referred back to the children's division, the division shall treat the report in the same manner as other reports of alleged child abuse received by the division.

14. If the report pertains to an alleged incident which arose out of or is related to a spanking administered by certificated personnel or the use of reasonable force to protect persons or property when administered by personnel of a school district pursuant to a written policy of discipline or a report made for the sole purpose of harassing a public school employee, a notification of the reported child abuse shall be sent by the superintendent of schools or the president of the school board to the law enforcement in the county in which the alleged incident occurred.

15. The report shall be jointly investigated by the law enforcement officer and the superintendent of schools or, if the subject of the report is the superintendent of schools, by a law enforcement officer and the president of the school board or such president's designee.

16. The investigation shall begin no later than forty-eight hours after notification from the children's division is received, and shall consist of, but need not be limited to, interviewing and recording statements of the child and the child's parents or guardian within two working days after the start of the investigation, of the school district personnel allegedly involved in the report, and of any witnesses to the alleged incident.

17. The law enforcement officer and the investigating school district personnel shall issue separate reports of their findings and recommendations after the conclusion of the investigation to the school board of the school district within seven days after receiving notice from the children's division.

18. The reports shall contain a statement of conclusion as to whether the report of alleged child abuse is substantiated or is unsubstantiated.

19. The school board shall consider the separate reports referred to in subsection 17 of this section and shall issue its findings and conclusions and the action to be taken, if any, within seven days after receiving the last of the two reports. The findings and conclusions shall be made in substantially the following form:

(1) The report of the alleged child abuse is unsubstantiated. The law enforcement officer and the investigating school board personnel agree that there was not a preponderance of evidence to substantiate that abuse occurred;

(2) The report of the alleged child abuse is substantiated. The law enforcement officer and the investigating school district personnel agree that the preponderance of evidence is sufficient to support a finding that the alleged incident of child abuse did occur;

(3) The issue involved in the alleged incident of child abuse is unresolved. The law enforcement officer and the investigating school personnel are unable to agree on their findings and conclusions on the alleged incident.

20. The findings and conclusions of the school board under subsection 19 of this section shall be sent to the children's division. If the findings and conclusions of the school board are that the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated, the case closed, and no record shall be entered in the children's division central registry. If the findings and conclusions of the school board are that the report of the alleged child abuse is substantiated, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school district and shall

include the information in the division's central registry. If the findings and conclusions of the school board are that the issue involved in the alleged incident of child abuse is unresolved, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school board, however, the incident and the names of the parties allegedly involved shall not be entered into the central registry of the children's division unless and until the alleged child abuse is substantiated by a court of competent jurisdiction.

21. Any superintendent of schools, president of a school board or such person's designee or law enforcement officer who knowingly falsifies any report of any matter pursuant to this section or who knowingly withholds any information relative to any investigation or report pursuant to this section is guilty of a class A misdemeanor.

22. In order to ensure the safety of all students, should a student be expelled for bringing a weapon to school, violent behavior, or for an act of school violence, that student shall not, for the purposes of the accreditation process of the Missouri school improvement plan, be considered a dropout or be included in the calculation of that district's educational persistence ratio.

167.115. JUVENILE OFFICER OR OTHER LAW ENFORCEMENT AUTHORITY TO REPORT TO SUPERINTENDENT, WHEN, HOW — SUPERINTENDENT TO REPORT CERTAIN ACTS, TO WHOM — NOTICE OF SUSPENSION OR EXPULSION TO COURT — SUPERINTENDENT TO CONSULT. — 1. Notwithstanding any provision of chapter 211 or chapter 610 to the contrary, the juvenile officer, sheriff, chief of police or other appropriate law enforcement authority shall, as soon as reasonably practical, notify the superintendent, or the superintendent's designee, of the school district in which the pupil is enrolled when a petition is filed pursuant to subsection 1 of section 211.031 alleging that the pupil has committed one of the following acts:

(1) First degree murder under section 565.020;

(2) Second degree murder under section 565.021;

(3) Kidnapping under section 565.110;

(4) First degree assault under section 565.050;

(5) Forcible rape under section 566.030 **as it existed prior to August 28, 2013, or rape in the first degree under section 566.030**;

(6) Forcible sodomy under section 566.060 **as it existed prior to August 28, 2013, or sodomy in the first degree under section 566.060**;

(7) Burglary in the first degree under section 569.160;

(8) Robbery in the first degree under section 569.020;

(9) Distribution of drugs under section 195.211;

(10) Distribution of drugs to a minor under section 195.212;

(11) Arson in the first degree under section 569.040;

(12) Voluntary manslaughter under section 565.023;

(13) Involuntary manslaughter under section 565.024;

(14) Second degree assault under section 565.060;

(15) Sexual assault under section 566.040 **as it existed prior to August 28, 2013, or rape in the second degree under section 566.031**;

(16) Felonious restraint under section 565.120;

(17) Property damage in the first degree under section 569.100;

(18) The possession of a weapon under chapter 571;

(19) Child molestation in the first degree pursuant to section 566.067;

(20) Deviate sexual assault pursuant to section 566.070 **as it existed prior to August 28, 2013, or sodomy in the second degree under section 566.061**;

(21) Sexual misconduct involving a child pursuant to section 566.083; or

(22) Sexual abuse pursuant to section 566.100 **as it existed prior to August 28, 2013, or sexual abuse in the first degree under section 566.100**.

2. The notification shall be made orally or in writing, in a timely manner, no later than five days following the filing of the petition. If the report is made orally, written notice shall follow in a timely manner. The notification shall include a complete description of the conduct the pupil is alleged to have committed and the dates the conduct occurred but shall not include the name of any victim. Upon the disposition of any such case, the juvenile office or prosecuting attorney or their designee shall send a second notification to the superintendent providing the disposition of the case, including a brief summary of the relevant finding of facts, no later than five days following the disposition of the case.

3. The superintendent or the designee of the superintendent shall report such information to teachers and other school district employees with a need to know while acting within the scope of their assigned duties. Any information received by school district officials pursuant to this section shall be received in confidence and used for the limited purpose of assuring that good order and discipline is maintained in the school. This information shall not be used as the sole basis for not providing educational services to a public school pupil.

4. The superintendent shall notify the appropriate division of the juvenile or family court upon any pupil's suspension for more than ten days or expulsion of any pupil that the school district is aware is under the jurisdiction of the court.

5. The superintendent or the superintendent's designee may be called to serve in a consultant capacity at any dispositional proceedings pursuant to section 211.031 which may involve reference to a pupil's academic treatment plan.

6. Upon the transfer of any pupil described in this section to any other school district in this state, the superintendent or the superintendent's designee shall forward the written notification given to the superintendent pursuant to subsection 2 of this section to the superintendent of the new school district in which the pupil has enrolled. Such written notification shall be required again in the event of any subsequent transfer by the pupil.

7. As used in this section, the terms "school" and "school district" shall include any charter, private or parochial school or school district, and the term "superintendent" shall include the principal or equivalent chief school officer in the cases of charter, private or parochial schools.

8. The superintendent or the designee of the superintendent or other school employee who, in good faith, reports information in accordance with the terms of this section and section 160.261 shall not be civilly liable for providing such information.

167.171. SUMMARY SUSPENSION OF PUPIL — APPEAL — GROUNDS FOR SUSPENSION — PROCEDURE — CONFERENCE REQUIRED, WHEN — STATEWIDE SUSPENSION, WHEN. — 1. The school board in any district, by general rule and for the causes provided in section 167.161, may authorize the summary suspension of pupils by principals of schools for a period not to exceed ten school days and by the superintendent of schools for a period not to exceed one hundred and eighty school days. In case of a suspension by the superintendent for more than ten school days, the pupil, the pupil's parents or others having such pupil's custodial care may appeal the decision of the superintendent to the board or to a committee of board members appointed by the president of the board which shall have full authority to act in lieu of the board. Any suspension by a principal shall be immediately reported to the superintendent who may revoke the suspension at any time. In event of an appeal to the board, the superintendent shall promptly transmit to it a full report in writing of the facts relating to the suspension, the action taken by the superintendent and the reasons therefor and the board, upon request, shall grant a hearing to the appealing party to be conducted as provided in section 167.161.

2. No pupil shall be suspended unless:

(1) The pupil shall be given oral or written notice of the charges against such pupil;

(2) If the pupil denies the charges, such pupil shall be given an oral or written explanation of the facts which form the basis of the proposed suspension;

(3) The pupil shall be given an opportunity to present such pupil's version of the incident; and

(4) In the event of a suspension for more than ten school days, where the pupil gives notice that such pupil wishes to appeal the suspension to the board, the suspension shall be stayed until the board renders its decision, unless in the judgment of the superintendent of schools, or of the district superintendent, the pupil's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, in which case the pupil may be immediately removed from school, and the notice and hearing shall follow as soon as practicable.

3. No school board shall readmit or enroll a pupil properly suspended for more than ten consecutive school days for an act of school violence as defined in subsection 2 of section 160.261 regardless of whether or not such act was committed at a public school or at a private school in this state, provided that such act shall have resulted in the suspension or expulsion of such pupil in the case of a private school, or otherwise permit such pupil to attend school without first holding a conference to review the conduct that resulted in the expulsion or suspension and any remedial actions needed to prevent any future occurrences of such or related conduct. The conference shall include the appropriate school officials including any teacher employed in that school or district directly involved with the conduct that resulted in the suspension or expulsion, the pupil, the parent or guardian of the pupil or any agency having legal jurisdiction, care, custody or control of the pupil. The school board shall notify in writing the parents or guardians and all other parties of the time, place, and agenda of any such conference. Failure of any party to attend this conference shall not preclude holding the conference. Notwithstanding any provision of this subsection to the contrary, no pupil shall be readmitted or enrolled to a regular program of instruction if:

(1) Such pupil has been convicted of; or

(2) An indictment or information has been filed alleging that the pupil has committed one of the acts enumerated in subdivision (4) of this subsection to which there has been no final judgment; or

(3) A petition has been filed pursuant to section 211.091 alleging that the pupil has committed one of the acts enumerated in subdivision (4) of this subsection to which there has been no final judgment; or

(4) The pupil has been adjudicated to have committed an act which if committed by an adult would be one of the following:

(a) First degree murder under section 565.020;

(b) Second degree murder under section 565.021;

(c) First degree assault under section 565.050;

(d) Forcible rape under section 566.030 **as it existed prior to August 28, 2013, or rape in the first degree under section 566.030**;

(e) Forcible sodomy under section 566.060 **as it existed prior to August 28, 2013, or sodomy in the first degree under section 566.060**;

(f) Statutory rape under section 566.032;

(g) Statutory sodomy under section 566.062;

(h) Robbery in the first degree under section 569.020;

(i) Distribution of drugs to a minor under section 195.212;

(j) Arson in the first degree under section 569.040;

(k) Kidnapping, when classified as a class A felony under section 565.110. Nothing in this subsection shall prohibit the readmittance or enrollment of any pupil if a petition has been dismissed, or when a pupil has been acquitted or adjudicated not to have committed any of the above acts. This subsection shall not apply to a student with a disability, as identified under state eligibility criteria, who is convicted or adjudicated guilty as a result of an action related to the student's disability. Nothing in this subsection shall be construed to prohibit a school district which provides an alternative education program from enrolling a pupil in an alternative education program if the district determines such enrollment is appropriate.

4. If a pupil is attempting to enroll in a school district during a suspension or expulsion from another in-state or out-of-state school district including a private, charter or parochial school or school district, a conference with the superintendent or the superintendent's designee may be held at the request of the parent, court-appointed legal guardian, someone acting as a parent as defined by rule in the case of a special education student, or the pupil to consider if the conduct of the pupil would have resulted in a suspension or expulsion in the district in which the pupil is enrolling. Upon a determination by the superintendent or the superintendent's designee that such conduct would have resulted in a suspension or expulsion in the district in which the pupil is enrolling or attempting to enroll, the school district may make such suspension or expulsion from another school or district effective in the district in which the pupil is enrolling or attempting to enroll. Upon a determination by the superintendent or the superintendent's designee that such conduct would not have resulted in a suspension or expulsion in the district in which the student is enrolling or attempting to enroll, the school district shall not make such suspension or expulsion effective in its district in which the student is enrolling or attempting to enroll.

168.071. REVOCATION, SUSPENSION OR REFUSAL OF CERTIFICATE OR LICENSE, GROUNDS — PROCEDURE — APPEAL. — 1. The state board of education may refuse to issue or renew a certificate, or may, upon hearing, discipline the holder of a certificate of license to teach for the following causes:

(1) A certificate holder or applicant for a certificate has pleaded to or been found guilty of a felony or crime involving moral turpitude under the laws of this state, any other state, of the United States, or any other country, whether or not sentence is imposed;

(2) The certification was obtained through use of fraud, deception, misrepresentation or bribery;

(3) There is evidence of incompetence, immorality, or neglect of duty by the certificate holder;

(4) A certificate holder has been subject to disciplinary action relating to certification issued by another state, territory, federal agency, or country upon grounds for which discipline is authorized in this section; or

(5) If charges are filed by the local board of education, based upon the annulling of a written contract with the local board of education, for reasons other than election to the general assembly, without the consent of the majority of the members of the board that is a party to the contract.

2. A public school district may file charges seeking the discipline of a holder of a certificate of license to teach based upon any cause or combination of causes outlined in subsection 1 of this section, including annulment of a written contract. Charges shall be in writing, specify the basis for the charges, and be signed by the chief administrative officer of the district, or by the president of the board of education as authorized by a majority of the board of education. The board of education may also petition the office of the attorney general to file charges on behalf of the school district for any cause other than annulment of contract, with acceptance of the petition at the discretion of the attorney general.

3. The department of elementary and secondary education may file charges seeking the discipline of a holder of a certificate of license to teach based upon any cause or combination of causes outlined in subsection 1 of this section, other than annulment of contract. Charges shall be in writing, specify the basis for the charges, and be signed by legal counsel representing the department of elementary and secondary education.

4. If the underlying conduct or actions which are the basis for charges filed pursuant to this section are also the subject of a pending criminal charge against the person holding such certificate, the certificate holder may request, in writing, a delayed hearing on advice of counsel under the fifth amendment of the Constitution of the United States. Based upon such a request, no hearing shall be held until after a trial has been completed on this criminal charge.

5. The certificate holder shall be given not less than thirty days' notice of any hearing held pursuant to this section.

6. Other provisions of this section notwithstanding, the certificate of license to teach shall be revoked or, in the case of an applicant, a certificate shall not be issued, if the certificate holder or applicant has pleaded guilty to or been found guilty of any of the following offenses established pursuant to Missouri law or offenses of a similar nature established under the laws of any other state or of the United States, or any other country, whether or not the sentence is imposed:

(1) Any dangerous felony as defined in section 556.061, or murder in the first degree under section 565.020;

(2) Any of the following sexual offenses: rape **in the first degree** under section 566.030; **forcible rape under section 566.030 as it existed prior to August 28, 2013; rape as it existed prior to August 13, 1980;** statutory rape in the first degree under section 566.032; statutory rape in the second degree under section 566.034; **rape in the second degree under section 566.031;** sexual assault under section 566.040 **as it existed prior to August 28, 2013; sodomy in the first degree under section 566.060**; forcible sodomy under section 566.060 **as it existed prior to August 28, 2013; sodomy as it existed prior to January 1, 1995**; statutory sodomy in the first degree under section 566.062; statutory sodomy in the second degree under section 566.064; child molestation in the first degree under section 566.067; child molestation in the second degree under section 566.068; **sodomy in the second degree under section 566.061;** deviate sexual assault under section 566.070 **as it existed prior to August 28, 2013**; sexual misconduct involving a child under section 566.083; sexual contact with a student while on public school property under section 566.086; **sexual misconduct in the first degree under section 566.093;** sexual misconduct in the first degree under section 566.090 **as it existed prior to August 28, 2013**; **sexual misconduct in the second degree under section 566.095;** sexual misconduct in the second degree under section 566.093 **as it existed prior to August 28, 2013**; sexual misconduct in the third degree under section 566.095 **as it existed prior to August 28, 2013**; **sexual abuse in the first degree under section 566.100;** sexual abuse under section 566.100 **as it existed prior to August 28, 2013**; **sexual abuse in the second degree under section 566.101;** enticement of a child under section 566.151; or attempting to entice a child;

(3) Any of the following offenses against the family and related offenses: incest under section 568.020; abandonment of child in the first degree under section 568.030; abandonment of child in the second degree under section 568.032; endangering the welfare of a child in the first degree under section 568.045; abuse of a child under section 568.060; child used in a sexual performance under section 568.080; promoting sexual performance by a child under section 568.090; or trafficking in children under section 568.175; and

(4) Any of the following offenses involving child pornography and related offenses: promoting obscenity in the first degree under section 573.020; promoting obscenity in the second degree when the penalty is enhanced to a class D felony under section 573.030; promoting child pornography in the first degree under section 573.025; promoting child pornography in the second degree under section 573.035; possession of child pornography under section 573.037; furnishing pornographic materials to minors under section 573.040; or coercing acceptance of obscene material under section 573.065.

7. When a certificate holder pleads guilty or is found guilty of any offense that would authorize the state board of education to seek discipline against that holder's certificate of license to teach, the local board of education or the department of elementary and secondary education shall immediately provide written notice to the state board of education and the attorney general regarding the plea of guilty or finding of guilty.

8. The certificate holder whose certificate was revoked pursuant to subsection 6 of this section may appeal such revocation to the state board of education. Notice of this appeal must be received by the commissioner of education within ninety days of notice of revocation pursuant to this subsection. Failure of the certificate holder to notify the commissioner of the

intent to appeal waives all rights to appeal the revocation. Upon notice of the certificate holder's intent to appeal, an appeal hearing shall be held by a hearing officer designated by the commissioner of education, with the final decision made by the state board of education, based upon the record of that hearing. The certificate holder shall be given not less than thirty days' notice of the hearing, and an opportunity to be heard by the hearing officer, together with witnesses.

9. In the case of any certificate holder who has surrendered or failed to renew his or her certificate of license to teach, the state board of education may refuse to issue or renew, or may suspend or revoke, such certificate for any of the reasons contained in this section.

10. In those cases where the charges filed pursuant to this section are based upon an allegation of misconduct involving a minor child, the hearing officer may accept into the record the sworn testimony of the minor child relating to the misconduct received in any court or administrative hearing.

11. Hearings, appeals or other matters involving certificate holders, licensees or applicants pursuant to this section may be informally resolved by consent agreement or agreed settlement or voluntary surrender of the certificate of license pursuant to the rules promulgated by the state board of education.

12. The final decision of the state board of education is subject to judicial review pursuant to sections 536.100 to 536.140.

13. A certificate of license to teach to an individual who has been convicted of a felony or crime involving moral turpitude, whether or not sentence is imposed, shall be issued only upon motion of the state board of education adopted by a unanimous affirmative vote of those members present and voting.

188.023. REPORTS OF RAPE OR UNDER AGE EIGHTEEN SEXUAL ABUSE, REQUIRED TO REPORT, HOW. — Any licensed health care professional who delivers a baby or performs an abortion, who has prima facie evidence that a patient has been the victim of statutory rape in the first degree or statutory rape in the second degree, or if the patient is under the age of eighteen, that he or she has been a victim of sexual abuse, including **[**forcible rape, sexual assault**]** **rape in the first or second degree**, or incest, shall be required to report such offenses in the same manner as provided for by section 210.115.

211.071. CERTIFICATION OF JUVENILE FOR TRIAL AS ADULT — PROCEDURE — MANDATORY HEARING, CERTAIN OFFENSES — MISREPRESENTATION OF AGE, EFFECT. — 1. If a petition alleges that a child between the ages of twelve and seventeen has committed an offense which would be considered a felony if committed by an adult, the court may, upon its own motion or upon motion by the juvenile officer, the child or the child's custodian, order a hearing and may, in its discretion, dismiss the petition and such child may be transferred to the court of general jurisdiction and prosecuted under the general law; except that if a petition alleges that any child has committed an offense which would be considered first degree murder under section 565.020, second degree murder under section 565.021, first degree assault under section 565.050, forcible rape under section 566.030 **as it existed prior to August 28, 2013, rape in the first degree under section 566.030**, forcible sodomy under section 566.060 **as it existed prior to August 28, 2013, sodomy in the first degree under section 566.060**, first degree robbery under section 569.020, or distribution of drugs under section 195.211, or has committed two or more prior unrelated offenses which would be felonies if committed by an adult, the court shall order a hearing, and may in its discretion, dismiss the petition and transfer the child to a court of general jurisdiction for prosecution under the general law.

2. Upon apprehension and arrest, jurisdiction over the criminal offense allegedly committed by any person between seventeen and twenty-one years of age over whom the juvenile court has retained continuing jurisdiction shall automatically terminate and that offense shall be dealt with in the court of general jurisdiction as provided in section 211.041.

3. Knowing and willful age misrepresentation by a juvenile subject shall not affect any action or proceeding which occurs based upon the misrepresentation. Any evidence obtained during the period of time in which a child misrepresents his or her age may be used against the child and will be subject only to rules of evidence applicable in adult proceedings.

4. Written notification of a transfer hearing shall be given to the juvenile and his or her custodian in the same manner as provided in sections 211.101 and 211.111. Notice of the hearing may be waived by the custodian. Notice shall contain a statement that the purpose of the hearing is to determine whether the child is a proper subject to be dealt with under the provisions of this chapter, and that if the court finds that the child is not a proper subject to be dealt with under the provisions of this chapter, the petition will be dismissed to allow for prosecution of the child under the general law.

5. The juvenile officer may consult with the office of prosecuting attorney concerning any offense for which the child could be certified as an adult under this section. The prosecuting or circuit attorney shall have access to police reports, reports of the juvenile or deputy juvenile officer, statements of witnesses and all other records or reports relating to the offense alleged to have been committed by the child. The prosecuting or circuit attorney shall have access to the disposition records of the child when the child has been adjudicated pursuant to subdivision (3) of subsection 1 of section 211.031. The prosecuting attorney shall not divulge any information regarding the child and the offense until the juvenile court at a judicial hearing has determined that the child is not a proper subject to be dealt with under the provisions of this chapter.

6. A written report shall be prepared in accordance with this chapter developing fully all available information relevant to the criteria which shall be considered by the court in determining whether the child is a proper subject to be dealt with under the provisions of this chapter and whether there are reasonable prospects of rehabilitation within the juvenile justice system. These criteria shall include but not be limited to:

(1) The seriousness of the offense alleged and whether the protection of the community requires transfer to the court of general jurisdiction;

(2) Whether the offense alleged involved viciousness, force and violence;

(3) Whether the offense alleged was against persons or property with greater weight being given to the offense against persons, especially if personal injury resulted;

(4) Whether the offense alleged is a part of a repetitive pattern of offenses which indicates that the child may be beyond rehabilitation under the juvenile code;

(5) The record and history of the child, including experience with the juvenile justice system, other courts, supervision, commitments to juvenile institutions and other placements;

(6) The sophistication and maturity of the child as determined by consideration of his home and environmental situation, emotional condition and pattern of living;

(7) The age of the child;

(8) The program and facilities available to the juvenile court in considering disposition;

(9) Whether or not the child can benefit from the treatment or rehabilitative programs available to the juvenile court; and

(10) Racial disparity in certification.

7. If the court dismisses the petition to permit the child to be prosecuted under the general law, the court shall enter a dismissal order containing:

(1) Findings showing that the court had jurisdiction of the cause and of the parties;

(2) Findings showing that the child was represented by counsel;

(3) Findings showing that the hearing was held in the presence of the child and his counsel; and

(4) Findings showing the reasons underlying the court's decision to transfer jurisdiction.

8. A copy of the petition and order of the dismissal shall be sent to the prosecuting attorney.

9. When a petition has been dismissed thereby permitting a child to be prosecuted under the general law, the jurisdiction of the juvenile court over that child is forever terminated, except

as provided in subsection 10 of this section, for an act that would be a violation of a state law or municipal ordinance.

10. If a petition has been dismissed thereby permitting a child to be prosecuted under the general law and the child is found not guilty by a court of general jurisdiction, the juvenile court shall have jurisdiction over any later offense committed by that child which would be considered a misdemeanor or felony if committed by an adult, subject to the certification provisions of this section.

11. If the court does not dismiss the petition to permit the child to be prosecuted under the general law, it shall set a date for the hearing upon the petition as provided in section 211.171.

211.447. PETITION TO TERMINATE PARENTAL RIGHTS FILED, WHEN — JUVENILE COURT MAY TERMINATE PARENTAL RIGHTS, WHEN — INVESTIGATION TO BE MADE — GROUNDS FOR TERMINATION. — 1. Any information that could justify the filing of a petition to terminate parental rights may be referred to the juvenile officer by any person. The juvenile officer shall make a preliminary inquiry and if it does not appear to the juvenile officer that a petition should be filed, such officer shall so notify the informant in writing within thirty days of the referral. Such notification shall include the reasons that the petition will not be filed. Thereupon, the informant may bring the matter directly to the attention of the judge of the juvenile court by presenting the information in writing, and if it appears to the judge that the information could justify the filing of a petition, the judge may order the juvenile officer to take further action, including making a further preliminary inquiry or filing a petition.

2. Except as provided for in subsection 4 of this section, a petition to terminate the parental rights of the child's parent or parents shall be filed by the juvenile officer or the division, or if such a petition has been filed by another party, the juvenile officer or the division shall seek to be joined as a party to the petition, when:

(1) Information available to the juvenile officer or the division establishes that the child has been in foster care for at least fifteen of the most recent twenty-two months; or

(2) A court of competent jurisdiction has determined the child to be an abandoned infant. For purposes of this subdivision, an "infant" means any child one year of age or under at the time of filing of the petition. The court may find that an infant has been abandoned if:

(a) The parent has left the child under circumstances that the identity of the child was unknown and could not be ascertained, despite diligent searching, and the parent has not come forward to claim the child; or

(b) The parent has, without good cause, left the child without any provision for parental support and without making arrangements to visit or communicate with the child, although able to do so; or

(3) A court of competent jurisdiction has determined that the parent has:

(a) Committed murder of another child of the parent; or

(b) Committed voluntary manslaughter of another child of the parent; or

(c) Aided or abetted, attempted, conspired or solicited to commit such a murder or voluntary manslaughter; or

(d) Committed a felony assault that resulted in serious bodily injury to the child or to another child of the parent.

3. A termination of parental rights petition shall be filed by the juvenile officer or the division, or if such a petition has been filed by another party, the juvenile officer or the division shall seek to be joined as a party to the petition, within sixty days of the judicial determinations required in subsection 2 of this section, except as provided in subsection 4 of this section. Failure to comply with this requirement shall not deprive the court of jurisdiction to adjudicate a petition for termination of parental rights which is filed outside of sixty days.

4. If grounds exist for termination of parental rights pursuant to subsection 2 of this section, the juvenile officer or the division may, but is not required to, file a petition to terminate the parental rights of the child's parent or parents if:

(1) The child is being cared for by a relative; or

(2) There exists a compelling reason for determining that filing such a petition would not be in the best interest of the child, as documented in the permanency plan which shall be made available for court review; or

(3) The family of the child has not been provided such services as provided for in section 211.183.

5. The juvenile officer or the division may file a petition to terminate the parental rights of the child's parent when it appears that one or more of the following grounds for termination exist:

(1) The child has been abandoned. For purposes of this subdivision a "child" means any child over one year of age at the time of filing of the petition. The court shall find that the child has been abandoned if, for a period of six months or longer:

(a) The parent has left the child under such circumstances that the identity of the child was unknown and could not be ascertained, despite diligent searching, and the parent has not come forward to claim the child; or

(b) The parent has, without good cause, left the child without any provision for parental support and without making arrangements to visit or communicate with the child, although able to do so;

(2) The child has been abused or neglected. In determining whether to terminate parental rights pursuant to this subdivision, the court shall consider and make findings on the following conditions or acts of the parent:

(a) A mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(b) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control of the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control;

(c) A severe act or recurrent acts of physical, emotional or sexual abuse toward the child or any child in the family by the parent, including an act of incest, or by another under circumstances that indicate that the parent knew or should have known that such acts were being committed toward the child or any child in the family; or

(d) Repeated or continuous failure by the parent, although physically or financially able, to provide the child with adequate food, clothing, shelter, or education as defined by law, or other care and control necessary for the child's physical, mental, or emotional health and development. Nothing in this subdivision shall be construed to permit discrimination on the basis of disability or disease;

(3) The child has been under the jurisdiction of the juvenile court for a period of one year, and the court finds that the conditions which led to the assumption of jurisdiction still persist, or conditions of a potentially harmful nature continue to exist, that there is little likelihood that those conditions will be remedied at an early date so that the child can be returned to the parent in the near future, or the continuation of the parent-child relationship greatly diminishes the child's prospects for early integration into a stable and permanent home. In determining whether to terminate parental rights under this subdivision, the court shall consider and make findings on the following:

(a) The terms of a social service plan entered into by the parent and the division and the extent to which the parties have made progress in complying with those terms;

(b) The success or failure of the efforts of the juvenile officer, the division or other agency to aid the parent on a continuing basis in adjusting his circumstances or conduct to provide a proper home for the child;

(c) A mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(d) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control over the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control; or

(4) The parent has been found guilty or pled guilty to a felony violation of chapter 566 when the child or any child in the family was a victim, or a violation of section 568.020 when the child or any child in the family was a victim. As used in this subdivision, a "child" means any person who was under eighteen years of age at the time of the crime and who resided with such parent or was related within the third degree of consanguinity or affinity to such parent; or

(5) The child was conceived and born as a result of an act of forcible rape **or rape in the first degree**. When the biological father has pled guilty to, or is convicted of, the forcible rape **or rape in the first degree** of the birth mother, such a plea or conviction shall be conclusive evidence supporting the termination of the biological father's parental rights; or

(6) The parent is unfit to be a party to the parent and child relationship because of a consistent pattern of committing a specific abuse, including but not limited to abuses as defined in section 455.010, child abuse or drug abuse before the child or of specific conditions directly relating to the parent and child relationship either of which are determined by the court to be of a duration or nature that renders the parent unable, for the reasonably foreseeable future, to care appropriately for the ongoing physical, mental or emotional needs of the child. It is presumed that a parent is unfit to be a party to the parent-child relationship upon a showing that within a three-year period immediately prior to the termination adjudication, the parent's parental rights to one or more other children were involuntarily terminated pursuant to subsection 2 or 4 of this section or subdivisions (1), (2), (3) or (4) of subsection 5 of this section or similar laws of other states.

6. The juvenile court may terminate the rights of a parent to a child upon a petition filed by the juvenile officer or the division, or in adoption cases, by a prospective parent, if the court finds that the termination is in the best interest of the child and when it appears by clear, cogent and convincing evidence that grounds exist for termination pursuant to subsection 2, 4 or 5 of this section.

7. When considering whether to terminate the parent-child relationship pursuant to subsection 2 or 4 of this section or subdivision (1), (2), (3) or (4) of subsection 5 of this section, the court shall evaluate and make findings on the following factors, when appropriate and applicable to the case:

(1) The emotional ties to the birth parent;

(2) The extent to which the parent has maintained regular visitation or other contact with the child;

(3) The extent of payment by the parent for the cost of care and maintenance of the child when financially able to do so including the time that the child is in the custody of the division or other child-placing agency;

(4) Whether additional services would be likely to bring about lasting parental adjustment enabling a return of the child to the parent within an ascertainable period of time;

(5) The parent's disinterest in or lack of commitment to the child;

(6) The conviction of the parent of a felony offense that the court finds is of such a nature that the child will be deprived of a stable home for a period of years; provided, however, that incarceration in and of itself shall not be grounds for termination of parental rights;

(7) Deliberate acts of the parent or acts of another of which the parent knew or should have known that subjects the child to a substantial risk of physical or mental harm.

8. The court may attach little or no weight to infrequent visitations, communications, or contributions. It is irrelevant in a termination proceeding that the maintenance of the parent-child relationship may serve as an inducement for the parent's rehabilitation.

9. In actions for adoption pursuant to chapter 453, the court may hear and determine the issues raised in a petition for adoption containing a prayer for termination of parental rights filed with the same effect as a petition permitted pursuant to subsection 2, 4, or 5 of this section.

10. The disability or disease of a parent shall not constitute a basis for a determination that a child is a child in need of care, for the removal of custody of a child from the parent, or for the termination of parental rights without a specific showing that there is a causal relation between the disability or disease and harm to the child.

217.010. DEFINITIONS. — As used in this chapter and chapter 558, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Administrative segregation unit", a cell for the segregation of offenders from the general population of a facility for relatively extensive periods of time;

(2) "Board", the board of probation and parole;

(3) "Chief administrative officer", the institutional head of any correctional facility or his designee;

(4) "Correctional center", any premises or institution where incarceration, evaluation, care, treatment, or rehabilitation is provided to persons who are under the department's authority;

(5) "Department", the department of corrections of the state of Missouri;

(6) "Director", the director of the department of corrections or his designee;

(7) "Disciplinary segregation", a cell for the segregation of offenders from the general population of a correctional center because the offender has been found to have committed a violation of a division or facility rule and other available means are inadequate to regulate the offender's behavior;

(8) "Division", a statutorily created agency within the department or an agency created by the departmental organizational plan;

(9) "Division director", the director of a division of the department or his designee;

(10) "Local volunteer community board", a board of qualified local community volunteers selected by the court for the purpose of working in partnership with the court and the department of corrections in a reparative probation program;

(11) "Nonviolent offender", any offender who is convicted of a crime other than murder in the first or second degree, involuntary manslaughter, kidnapping, **rape in the first degree,** forcible rape, **sodomy in the first degree,** forcible sodomy, robbery in the first degree or assault in the first degree;

(12) "Offender", a person under supervision or an inmate in the custody of the department;

(13) "Probation", a procedure under which a defendant found guilty of a crime upon verdict or plea is released by the court without imprisonment, subject to conditions imposed by the court and subject to the supervision of the board;

(14) "Volunteer", any person who, of his own free will, performs any assigned duties for the department or its divisions with no monetary or material compensation.

217.345. FIRST OFFENDERS — MANDATORY PROGRAM — PHYSICAL SEPARATION OF OFFENDERS LESS THAN EIGHTEEN YEARS OF AGE — RULES — CONTRACT FOR PROVISION OF SERVICES — EVALUATION PROCESS. — 1. Correctional treatment programs for first offenders in the department shall be established, subject to the control and supervision of the director, and shall include such programs deemed necessary and sufficient for the successful rehabilitation of offenders.

2. Correctional treatment programs for offenders who are younger than **[**seventeen**]** **eighteen** years of age shall be established, subject to the control and supervision of the director. By January 1, 1998, such programs shall include physical separation of offenders who are younger than **[**seventeen**]** **eighteen** years of age from offenders who are **[**seventeen**]** **eighteen** years of age or older.

3. The department shall have the authority to promulgate rules pursuant to subsection 2 of section 217.378 to establish correctional treatment programs for offenders under age **[**seventeen**]** **eighteen**. Such rules may include:

(1) Establishing separate housing units for such offenders; **and**

(2) Providing housing and program space in existing housing units for such offenders that is not accessible to adult offenders**[**; and

(3) Establishing a regimented training program for such offenders.

4. Any regimented training program established pursuant to subdivision (3) of subsection 3 of this section shall include the following objectives:

(1) To provide a daily regimen for offenders including physical training, self-discipline, educational programs and work programs;

(2) To provide staff who have received appropriate training in the treatment of offenders under age seventeen and who are capable role models and mentors;

(3) To provide offenders with instruction on how to solve problems and strategies to change offenders' predisposition to commit crime;

(4) To provide offenders who have demonstrated positive behavioral change with the opportunity to gradually reenter the community; and

(5) To provide for parole supervision consisting of highly structured surveillance and monitoring, educational and treatment programs**]**.

[5.**]** **4.** The department shall have the authority to determine the number of juvenile offenders participating in any treatment program depending on available appropriations. The department may contract with any private or public entity for the provision of services and facilities for offenders under age **[**seventeen**]** **eighteen**. The department shall apply for and accept available federal, state and local public funds including project demonstration funds as well as private moneys to fund such services and facilities.

[6.**]** **5.** The department shall develop and implement an **[**ongoing**]** evaluation process for all juvenile offender programs.

[7. Any prosecuting attorney who prosecutes an offender under the age of seventeen shall maintain records regarding the sentencing of that offender, including any treatment programs to which that offender is assigned.

8. The department shall submit an evaluation report to the governor and the general assembly concerning offenders under age seventeen and the programs available to them on or before each January 30, beginning in 1999. This report shall include, but is not limited to, the following items:

(1) The specific content and structure of programs for offenders, including staffing ratios for each program, and a description of the daily routine of offenders in those programs;

(2) The process used for placing offenders on parole, including whether offenders may be returned to their original environment for the parole period, the specific means of parole supervision and the specific educational and treatment programs provided to offenders during their parole period;

(3) The procedure for transferring an offender to another facility for vocational or training services or when an offender poses a danger to himself or others, and identification of the facilities used for such purposes;

(4) The specific criteria and procedures for determining successful completion of a treatment program, whether an offender cannot successfully complete a treatment program, and whether an offender's parole shall be revoked;

(5) The recidivism rate for offenders successfully completing a treatment program compared with the recidivism rate for offenders not successfully completing a treatment program.**]**

217.703. EARNED COMPLIANCE CREDITS AWARDED, WHEN. — 1. The division of probation and parole shall award earned compliance credits to any offender who is:

(1) Not subject to lifetime supervision under sections 217.735 and 559.106 or otherwise found to be ineligible to earn credits by a court pursuant to subsection 2 of this section;

(2) On probation, parole, or conditional release for an offense listed in chapter 195 or for a class C or D felony, excluding the offenses of aggravated stalking, **rape in the second**

degree, sexual assault, **sodomy in the second degree,** deviate sexual assault, assault in the second degree under subdivision (2) of subsection 1 of section 565.060, sexual misconduct involving a child, endangering the welfare of a child in the first degree under subdivision (2) of subsection 1 of section 568.045, incest, invasion of privacy, and abuse of a child;

(3) Supervised by the board; and

(4) In compliance with the conditions of supervision imposed by the sentencing court or board.

2. If an offender was placed on probation, parole, or conditional release for an offense of:

(1) Involuntary manslaughter in the first degree;

(2) Involuntary manslaughter in the second degree;

(3) Assault in the second degree except under subdivision (2) of subsection 1 of section 565.060;

(4) Domestic assault in the second degree;

(5) Assault of a law enforcement officer in the second degree;

(6) Statutory rape in the second degree;

(7) Statutory sodomy in the second degree;

(8) Endangering the welfare of a child in the first degree under subdivision (1) of subsection 1 of section 568.045; or

(9) Any case in which the defendant is found guilty of a felony offense under chapter 571, the sentencing court may, upon its own motion or a motion of the prosecuting or circuit attorney, make a finding that the offender is ineligible to earn compliance credits because the nature and circumstances of the offense or the history and character of the offender indicate that a longer term of probation, parole, or conditional release is necessary for the protection of the public or the guidance of the offender. The motion may be made any time prior to the first month in which the person may earn compliance credits under this section. The offender's ability to earn credits shall be suspended until the court or board makes its finding. If the court or board finds that the offender is eligible for earned compliance credits, the credits shall begin to accrue on the first day of the next calendar month following the issuance of the decision.

3. Earned compliance credits shall reduce the term of probation, parole, or conditional release by thirty days for each full calendar month of compliance with the terms of supervision. Credits shall begin to accrue for eligible offenders after the first full calendar month of supervision or on October 1, 2012, if the offender began a term of probation, parole, or conditional release before September 1, 2012.

4. For the purposes of this section, the term "compliance" shall mean the absence of an initial violation report submitted by a probation or parole officer during a calendar month, or a motion to revoke or motion to suspend filed by a prosecuting or circuit attorney, against the offender.

5. Credits shall not accrue during any calendar month in which a violation report has been submitted or a motion to revoke or motion to suspend has been filed, and shall be suspended pending the outcome of a hearing, if a hearing is held. If no hearing is held or the court or board finds that the violation did not occur, then the offender shall be deemed to be in compliance and shall begin earning credits on the first day of the next calendar month following the month in which the report was submitted or the motion was filed. All earned credits shall be rescinded if the court or board revokes the probation or parole or the court places the offender in a department program under subsection 4 of section 559.036. Earned credits shall continue to be suspended for a period of time during which the court or board has suspended the term of probation, parole, or release, and shall begin to accrue on the first day of the next calendar month following the lifting of the suspension.

6. Offenders who are deemed by the division to be absconders shall not earn credits. For purposes of this subsection, "absconder" shall mean an offender under supervision who has left such offender's place of residency without the permission of the offender's supervising officer for

the purpose of avoiding supervision. An offender shall no longer be deemed an absconder when such offender is available for active supervision.

7. Notwithstanding subsection 2 of section 217.730 to the contrary, once the combination of time served in custody, if applicable, time served on probation, parole, or conditional release, and earned compliance credits satisfy the total term of probation, parole, or conditional release, the board or sentencing court shall order final discharge of the offender, so long as the offender has completed at least two years of his or her probation or parole, which shall include any time served in custody under section 217.718 and sections 559.036 and 559.115.

8. The award or rescission of any credits earned under this section shall not be subject to appeal or any motion for postconviction relief.

9. At least twice a year, the division shall calculate the number of months the offender has remaining on his or her term of probation, parole, or conditional release, taking into consideration any earned compliance credits, and notify the offender of the length of the remaining term.

10. No less than sixty days before the date of final discharge, the division shall notify the sentencing court, the board, and, for probation cases, the circuit or prosecuting attorney of the impending discharge. If the sentencing court, the board, or the circuit or prosecuting attorney upon receiving such notice does not take any action under subsection 5 of this section, the offender shall be discharged under subsection 7 of this section.

339.100. INVESTIGATION OF CERTAIN PRACTICES, PROCEDURE — SUBPOENAS — FORMAL COMPLAINTS — REVOCATION OR SUSPENSION OF LICENSES — DIGEST MAY BE PUBLISHED — REVOCATION OF LICENSES FOR CERTAIN OFFENSES. — 1. The commission may, upon its own motion, and shall upon receipt of a written complaint filed by any person, investigate any real estate-related activity of a licensee licensed under sections 339.010 to 339.180 and sections 339.710 to 339.860 or an individual or entity acting as or representing themselves as a real estate licensee. In conducting such investigation, if the questioned activity or written complaint involves an affiliated licensee, the commission may forward a copy of the information received to the affiliated licensee's designated broker. The commission shall have the power to hold an investigatory hearing to determine whether there is a probability of a violation of sections 339.010 to 339.180 and sections 339.710 to 339.860. The commission shall have the power to issue a subpoena to compel the production of records and papers bearing on the complaint. The commission shall have the power to issue a subpoena and to compel any person in this state to come before the commission to offer testimony or any material specified in the subpoena. Subpoenas and subpoenas duces tecum issued pursuant to this section shall be served in the same manner as subpoenas in a criminal case. The fees and mileage of witnesses shall be the same as that allowed in the circuit court in civil cases.

2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by the provisions of chapter 621 against any person or entity licensed under this chapter or any licensee who has failed to renew or has surrendered his or her individual or entity license for any one or any combination of the following acts:

(1) Failure to maintain and deposit in a special account, separate and apart from his or her personal or other business accounts, all moneys belonging to others entrusted to him or her while acting as a real estate broker or as the temporary custodian of the funds of others, until the transaction involved is consummated or terminated, unless all parties having an interest in the funds have agreed otherwise in writing;

(2) Making substantial misrepresentations or false promises or suppression, concealment or omission of material facts in the conduct of his or her business or pursuing a flagrant and continued course of misrepresentation through agents, salespersons, advertising or otherwise in any transaction;

(3) Failing within a reasonable time to account for or to remit any moneys, valuable documents or other property, coming into his or her possession, which belongs to others;

(4) Representing to any lender, guaranteeing agency, or any other interested party, either verbally or through the preparation of false documents, an amount in excess of the true and actual sale price of the real estate or terms differing from those actually agreed upon;

(5) Failure to timely deliver a duplicate original of any and all instruments to any party or parties executing the same where the instruments have been prepared by the licensee or under his or her supervision or are within his or her control, including, but not limited to, the instruments relating to the employment of the licensee or to any matter pertaining to the consummation of a lease, listing agreement or the purchase, sale, exchange or lease of property, or any type of real estate transaction in which he or she may participate as a licensee;

(6) Acting for more than one party in a transaction without the knowledge of all parties for whom he or she acts, or accepting a commission or valuable consideration for services from more than one party in a real estate transaction without the knowledge of all parties to the transaction;

(7) Paying a commission or valuable consideration to any person for acts or services performed in violation of sections 339.010 to 339.180 and sections 339.710 to 339.860;

(8) Guaranteeing or having authorized or permitted any licensee to guarantee future profits which may result from the resale of real property;

(9) Having been finally adjudicated and been found guilty of the violation of any state or federal statute which governs the sale or rental of real property or the conduct of the real estate business as defined in subsection 1 of section 339.010;

(10) Obtaining a certificate or registration of authority, permit or license for himself or herself or anyone else by false or fraudulent representation, fraud or deceit;

(11) Representing a real estate broker other than the broker with whom associated without the express written consent of the broker with whom associated;

(12) Accepting a commission or valuable consideration for the performance of any of the acts referred to in section 339.010 from any person except the broker with whom associated at the time the commission or valuable consideration was earned;

(13) Using prizes, money, gifts or other valuable consideration as inducement to secure customers or clients to purchase, lease, sell or list property when the awarding of such prizes, money, gifts or other valuable consideration is conditioned upon the purchase, lease, sale or listing; or soliciting, selling or offering for sale real property by offering free lots, or conducting lotteries or contests, or offering prizes for the purpose of influencing a purchaser or prospective purchaser of real property;

(14) Placing a sign on or advertising any property offering it for sale or rent without the written consent of the owner or his or her duly authorized agent;

(15) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of sections 339.010 to 339.180 and sections 339.710 to 339.860, or of any lawful rule adopted pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860;

(16) Committing any act which would otherwise be grounds for the commission to refuse to issue a license under section 339.040;

(17) Failure to timely inform seller of all written offers unless otherwise instructed in writing by the seller;

(18) Been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of this state or any other state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(19) Any other conduct which constitutes untrustworthy, improper or fraudulent business dealings, demonstrates bad faith or incompetence, misconduct, or gross negligence;

(20) Disciplinary action against the holder of a license or other right to practice any profession regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 granted by another state, territory, federal agency, or country upon grounds for which revocation, suspension, or probation is authorized in this state;

(21) Been found by a court of competent jurisdiction of having used any controlled substance, as defined in chapter 195, to the extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by sections 339.010 to 339.180 and sections 339.710 to 339.860;

(22) Been finally adjudged insane or incompetent by a court of competent jurisdiction;

(23) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 who is not registered and currently eligible to practice under sections 339.010 to 339.180 and sections 339.710 to 339.860;

(24) Use of any advertisement or solicitation which is knowingly false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(25) Making any material misstatement, misrepresentation, or omission with regard to any application for licensure or license renewal. As used in this section, "material" means important information about which the commission should be informed and which may influence a licensing decision;

(26) Engaging in, committing, or assisting any person in engaging in or committing mortgage fraud, as defined in section 443.930.

3. After the filing of such complaint, the proceedings will be conducted in accordance with the provisions of law relating to the administrative hearing commission. A finding of the administrative hearing commissioner that the licensee has performed or attempted to perform one or more of the foregoing acts shall be grounds for the suspension or revocation of his license by the commission, or the placing of the licensee on probation on such terms and conditions as the real estate commission shall deem appropriate, or the imposition of a civil penalty by the commission not to exceed two thousand five hundred dollars for each offense. Each day of a continued violation shall constitute a separate offense.

4. The commission may prepare a digest of the decisions of the administrative hearing commission which concern complaints against licensed brokers or salespersons and cause such digests to be mailed to all licensees periodically. Such digests may also contain reports as to new or changed rules adopted by the commission and other information of significance to licensees.

5. Notwithstanding other provisions of this section, a broker or salesperson's license shall be revoked, or in the case of an applicant, shall not be issued, if the licensee or applicant has pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of any of the following offenses or offenses of a similar nature established under the laws of this, any other state, the United States, or any other country, notwithstanding whether sentence is imposed:

(1) Any dangerous felony as defined under section 556.061 or murder in the first degree;

(2) Any of the following sexual offenses: rape **in the first degree, forcible rape, rape**, statutory rape in the first degree, statutory rape in the second degree, **rape in the second degree,** sexual assault, **sodomy in the first degree,** forcible sodomy, statutory sodomy in the first degree, statutory sodomy in the second degree, child molestation in the first degree, child molestation in the second degree, **sodomy in the second degree,** deviate sexual assault, sexual misconduct involving a child, sexual misconduct in the first degree **under section 566.090 as it existed prior to August 28, 2013**, sexual abuse **under section 566.100 as it existed prior to August 28, 2013, sexual abuse in the first or second degree**, enticement of a child, or attempting to entice a child;

(3) Any of the following offenses against the family and related offenses: incest, abandonment of a child in the first degree, abandonment of a child in the second degree,

endangering the welfare of a child in the first degree, abuse of a child, using a child in a sexual performance, promoting sexual performance by a child, or trafficking in children;

(4) Any of the following offenses involving child pornography and related offenses: promoting obscenity in the first degree, promoting obscenity in the second degree when the penalty is enhanced to a class D felony, promoting child pornography in the first degree, promoting child pornography in the second degree, possession of child pornography in the first degree, possession of child pornography in the second degree, furnishing child pornography to a minor, furnishing pornographic materials to minors, or coercing acceptance of obscene material; and

(5) Mortgage fraud as defined in section 570.310.

6. A person whose license was revoked under subsection 5 of this section may appeal such revocation to the administrative hearing commission. Notice of such appeal must be received by the administrative hearing commission within ninety days of mailing, by certified mail, the notice of revocation. Failure of a person whose license was revoked to notify the administrative hearing commission of his or her intent to appeal waives all rights to appeal the revocation. Upon notice of such person's intent to appeal, a hearing shall be held before the administrative hearing commission.

375.1312. DOMESTIC VIOLENCE, STATUS AS A VICTIM NOT TO BE USED BY INSURER — DEFINITIONS — PENALTY — INNOCENT COINSURED, BENEFITS PAID, WHEN. — 1. As used in this section, the following terms mean:

(1) "Domestic violence"**[**, the occurrence of stalking or one or more of the following acts between family or household members:

(a) Attempting to cause or intentionally or knowingly causing bodily injury or physical harm;

(b) Knowingly engaging in a course of conduct or repeatedly committing acts toward another person under circumstances that place the person in reasonable fear of bodily injury or physical harm; or

(c) Knowingly committing forcible rape, sexual assault or forcible sodomy, as defined in chapter 566;

(2) "Family or household member", spouses, former spouses, adults related by blood or marriage, adults who are presently residing together or have resided together in the past and adults who have a child in common regardless of whether they have been married or have resided together at any time**] and "family" or "household member", as such terms are defined in section 455.010**;

[(3)**] (2)** "Innocent coinsured", an insured who did not cooperate in or contribute to the creation of a property loss and the loss arose out of a pattern of domestic violence;

[(4)**] (3)** "Sole", a single act or a pattern of domestic violence which may include multiple acts**[**;

(5) "Stalking", when an adult purposely and repeatedly harasses or follows with the intent of harassing another adult. As used in this subdivision, "harasses" means to engage in a course of conduct directed at a specific adult that serves no legitimate purpose, that would cause a reasonable adult to suffer substantial emotional distress. As used in this subdivision, "course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct"**]**.

2. No insurer shall do any of the following on the sole basis of the status of an insured or prospective insured as a victim of domestic violence:

(1) Deny, cancel or refuse to issue or renew an insurance policy;

(2) Require a greater premium, deductible or any other payment;

(3) Exclude or limit coverage for losses or deny a claim;

(4) Designate domestic violence as a preexisting condition for which coverage will be denied or reduced;

(5) Terminate group coverage solely because of claims relating to the fact that any individual in the group is or has been a victim of domestic violence; or

(6) Fix any lower rate or discriminate in the fees or commissions of an agent for writing or renewing a policy insuring an individual solely because an individual is or has been a victim of domestic violence.

3. The fact that an insured or prospective insured has been a victim of domestic violence shall not be considered a permitted underwriting or rating criterion.

4. Nothing in this section shall prohibit an insurer from taking an action described in subsection 2 of this section if the action is otherwise permissible by law and is taken in the same manner and to the same extent with respect to all insureds and prospective insureds without regard to whether the insured or prospective insured is a victim of domestic violence.

5. If an innocent coinsured files a police report and completes a sworn affidavit for the insurer that indicates both the cause of the loss and a pledge to cooperate in any criminal prosecution of the person committing the act causing the loss, then no insurer shall deny payment to an innocent coinsured on a property loss claim due to any policy provision that excludes coverage for intentional acts. Payment to the innocent coinsured may be limited to such innocent coinsured's ownership interest in the property as reduced by any payment to a mortgagor or other secured interest; however, insurers shall not be required to make any subsequent payment to any other insured for the part of any loss for which the innocent coinsured has received payment. An insurer making payment to an insured shall have all rights of subrogation to recover against the perpetrator of the loss.

6. A violation of this section shall be subject to the provisions of sections 375.930 to 375.948, relating to unfair trade practices.

455.010. DEFINITIONS. — As used in this chapter, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Abuse" includes but is not limited to the occurrence of any of the following acts, attempts or threats against a person who may be protected pursuant to this chapter, except abuse shall not include abuse inflicted on a child by accidental means by an adult household member or discipline of a child, including spanking, in a reasonable manner:

(a) "Assault", purposely or knowingly placing or attempting to place another in fear of physical harm;

(b) "Battery", purposely or knowingly causing physical harm to another with or without a deadly weapon;

(c) "Coercion", compelling another by force or threat of force to engage in conduct from which the latter has a right to abstain or to abstain from conduct in which the person has a right to engage;

(d) "Harassment", engaging in a purposeful or knowing course of conduct involving more than one incident that alarms or causes distress to an adult or child and serves no legitimate purpose. The course of conduct must be such as would cause a reasonable adult or child to suffer substantial emotional distress and must actually cause substantial emotional distress to the petitioner or child. Such conduct might include, but is not limited to:

a. Following another about in a public place or places;

b. Peering in the window or lingering outside the residence of another; but does not include constitutionally protected activity;

(e) "Sexual assault", causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, or duress;

(f) "Unlawful imprisonment", holding, confining, detaining or abducting another person against that person's will;

(2) "Adult", any person seventeen years of age or older or otherwise emancipated;

(3) "Child", any person under seventeen years of age unless otherwise emancipated;

(4) "Court", the circuit or associate circuit judge or a family court commissioner;

(5) "Domestic violence", abuse or stalking **committed by a family or household member**, as **[**both**]** **such** terms are defined in this section;

(6) "Ex parte order of protection", an order of protection issued by the court before the respondent has received notice of the petition or an opportunity to be heard on it;

(7) "Family" or "household member", spouses, former spouses, any person related by blood or marriage, persons who are presently residing together or have resided together in the past, any person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and anyone who has a child in common regardless of whether they have been married or have resided together at any time;

(8) "Full order of protection", an order of protection issued after a hearing on the record where the respondent has received notice of the proceedings and has had an opportunity to be heard;

(9) "Order of protection", either an ex parte order of protection or a full order of protection;

(10) "Pending", exists or for which a hearing date has been set;

(11) "Petitioner", a family or household member who has been a victim of domestic violence, or any person who has been the victim of stalking, or a person filing on behalf of a child pursuant to section 455.503 who has filed a verified petition pursuant to the provisions of section 455.020 or section 455.505;

(12) "Respondent", the family or household member alleged to have committed an act of domestic violence, or person alleged to have committed an act of stalking, against whom a verified petition has been filed or a person served on behalf of a child pursuant to section 455.503;

(13) "Stalking" is when any person purposely and repeatedly engages in an unwanted course of conduct that causes alarm to another person when it is reasonable in that person's situation to have been alarmed by the conduct. As used in this subdivision:

(a) "Alarm" means to cause fear of danger of physical harm;

(b) "Course of conduct" means a pattern of conduct composed of repeated acts over a period of time, however short, that serves no legitimate purpose. Such conduct may include, but is not limited to, following the other person or unwanted communication or unwanted contact; and

(c) "Repeated" means two or more incidents evidencing a continuity of purpose.

455.015. VENUE. — The petition shall be filed in the county where the petitioner resides, where the alleged incident of **[**abuse**]** **domestic violence** occurred, or where the respondent may be served.

455.020. RELIEF MAY BE SOUGHT — ORDER OF PROTECTION EFFECTIVE, WHERE. — 1. Any **[**adult**]** **person** who has been subject to domestic violence by a present or former family or household member, or who has been the victim of stalking, may seek relief under sections 455.010 to 455.085 by filing a verified petition alleging such domestic violence or stalking by the respondent.

2. **[**An adult's**]** **A person's** right to relief under sections 455.010 to 455.085 shall not be affected by **[**his**]** **the person** leaving the residence or household to avoid domestic violence.

3. Any protection order issued pursuant to sections 455.010 to 455.085 shall be effective throughout the state in all cities and counties.

455.030. FILINGS — CERTAIN INFORMATION NOT REQUIRED FROM PETITIONER, EXCEPTION — SUPREME COURT SHALL PROVIDE FOR FILING OF PETITIONS ON HOLIDAYS, EVENINGS AND WEEKENDS. — 1. When the court is unavailable after business hours or on

holidays or weekends, a verified petition for protection from **[**abuse**]** **domestic violence** or a motion for hearing on violation of any order of protection under sections 455.010 to 455.085 may be filed before any available court in the city or county having jurisdiction to hear the petition pursuant to the guidelines developed pursuant to subsection 4 of this section. An ex parte order may be granted pursuant to section 455.035.

2. All papers in connection with the filing of a petition or the granting of an ex parte order of protection or a motion for a hearing on a violation of an order of protection under this section shall be certified by such court or the clerk within the next regular business day to the circuit court having jurisdiction to hear the petition.

3. A petitioner seeking a protection order shall not be required to reveal any current address or place of residence except to the court in camera for the purpose of determining jurisdiction and venue. The petitioner may be required to provide a mailing address unless the petitioner alleges that he or she would be endangered by such disclosure, or that other family or household members would be endangered by such disclosure. Effective January 1, 2004, a petitioner shall not be required to provide his or her Social Security number on any petition or document filed in connection with a protection order; except that, the court may require that a petitioner's Social Security number be retained on a confidential case sheet or other confidential record maintained in conjunction with the administration of the case.

4. The supreme court shall develop guidelines which ensure that a verified petition may be filed on holidays, evenings and weekends.

455.032. PROTECTION ORDER, RESTRAINING RESPONDENT FROM ABUSE IF PETITIONER IS PERMANENTLY OR TEMPORARILY IN STATE — EVIDENCE ADMISSIBLE OF PRIOR ABUSE IN OR OUT OF STATE. — In addition to any other jurisdictional grounds provided by law, a court shall have jurisdiction to enter an order of protection restraining or enjoining the respondent from **[**abusing, threatening to abuse**]** **committing or threatening to commit domestic violence, stalking**, molesting or disturbing the peace of petitioner, pursuant to sections 455.010 to 455.085, if the petitioner is present, whether permanently or on a temporary basis within the state of Missouri and if the respondent's actions constituting **[**abuse**]** **domestic violence** have occurred, have been attempted or have been or are threatened within the state of Missouri. For purposes of this section, if the petitioner has been the subject of **[**abuse**]** **domestic violence** within or outside of the state of Missouri, such evidence shall be admissible to demonstrate the need for protection in Missouri.

455.035. PROTECTION ORDERS — EX PARTE. — 1. Upon the filing of a verified petition pursuant to sections 455.010 to 455.085 and for good cause shown in the petition, the court may immediately issue an ex parte order of protection. An immediate and present danger of **[**abuse**]** **domestic violence** to the petitioner **or the child on whose behalf the petition is filed** shall constitute good cause for purposes of this section. An ex parte order of protection entered by the court shall take effect when entered and shall remain in effect until there is valid service of process and a hearing is held on the motion. **The court shall deny the ex parte order and dismiss the petition if the petitioner is not authorized to seek relief pursuant to section 455.020.**

2. Failure to serve an ex parte order of protection on the respondent shall not affect the validity or enforceability of such order. If the respondent is less than seventeen years of age, unless otherwise emancipated, service of process shall be made upon a **custodial** parent or guardian of the respondent, or upon a guardian ad litem appointed by the court**, requiring that the person appear and bring the respondent before the court at the time and place stated**.

3. If an ex parte order is entered and **[**the allegations in the petition would give rise to jurisdiction under section 211.031 because**]** the respondent is less than seventeen years of age, the court shall transfer the case to juvenile court for a hearing on a full order of protection. The

court shall appoint a guardian ad litem for any such respondent not represented by a parent or guardian.

455.040. HEARINGS, WHEN — DURATION OF ORDERS, RENEWAL, REQUIREMENTS — COPIES OF ORDERS TO BE GIVEN, VALIDITY — DUTIES OF LAW ENFORCEMENT AGENCY — INFORMATION ENTERED IN MULES. — 1. Not later than fifteen days after the filing of a petition **[**pursuant to sections 455.010 to 455.085**]** **that meets the requirements of section 455.020,** a hearing shall be held unless the court deems, for good cause shown, that a continuance should be granted. At the hearing, if the petitioner has proved the allegation of **[**abuse**]** **domestic violence** or stalking by a preponderance of the evidence, **and the respondent cannot show that his or her actions alleged to constitute abuse were otherwise justified under the law,** the court shall issue a full order of protection for a period of time the court deems appropriate, except that the protective order shall be valid for at least one hundred eighty days and not more than one year. Upon motion by the petitioner, and after a hearing by the court, the full order of protection may be renewed for a period of time the court deems appropriate, except that the protective order shall be valid for at least one hundred eighty days and not more than one year from the expiration date of the originally issued full order of protection. The court may, upon finding that it is in the best interest of the parties, include a provision that any full order of protection for one year shall automatically renew unless the respondent requests a hearing by thirty days prior to the expiration of the order. If for good cause a hearing cannot be held on the motion to renew or the objection to an automatic renewal of the full order of protection prior to the expiration date of the originally issued full order of protection, an ex parte order of protection may be issued until a hearing is held on the motion. When an automatic renewal is not authorized, upon motion by the petitioner, and after a hearing by the court, the second full order of protection may be renewed for an additional period of time the court deems appropriate, except that the protective order shall be valid for at least one hundred eighty days and not more than one year. For purposes of this subsection, a finding by the court of a subsequent act of **[**abuse**]** **domestic violence or stalking** is not required for a renewal order of protection.

2. The court shall cause a copy of the petition and notice of the date set for the hearing on such petition and any ex parte order of protection to be served upon the respondent as provided by law or by any sheriff or police officer at least three days prior to such hearing. **[**Such notice shall be served at the earliest time, and service of such notice shall take priority over service in other actions, except those of a similar emergency nature.**]** The court shall cause a copy of any full order of protection to be served upon or mailed by certified mail to the respondent at the respondent's last known address. **Notice of an ex parte or full order of protection shall be served at the earliest time, and service of such notice shall take priority over service in other actions, except those of a similar emergency nature.** Failure to serve or mail a copy of the full order of protection to the respondent shall not affect the validity or enforceability of a full order of protection.

3. A copy of any order of protection granted pursuant to sections 455.010 to 455.085 shall be issued to the petitioner and to the local law enforcement agency in the jurisdiction where the petitioner resides. The clerk shall also issue a copy of any order of protection to the local law enforcement agency responsible for maintaining the Missouri uniform law enforcement system or any other comparable law enforcement system the same day the order is granted. The law enforcement agency responsible for maintaining MULES shall, for purposes of verification, within twenty-four hours from the time the order is granted, enter information contained in the order including but not limited to any orders regarding child custody or visitation and all specifics as to times and dates of custody or visitation that are provided in the order. A notice of expiration or of termination of any order of protection or any change in child custody or visitation within that order shall be issued to the local law enforcement agency and to the law enforcement agency responsible for maintaining MULES or any other comparable law enforcement system.

The law enforcement agency responsible for maintaining the applicable law enforcement system shall enter such information in the system within twenty-four hours of receipt of information evidencing such expiration or termination. The information contained in an order of protection may be entered in the Missouri uniform law enforcement system or comparable law enforcement system using a direct automated data transfer from the court automated system to the law enforcement system.

4. The court shall cause a copy of any objection filed by the respondent and notice of the date set for the hearing on such objection to an automatic renewal of a full order of protection for a period of one year to be personally served upon the petitioner by personal process server as provided by law or by a sheriff or police officer at least three days prior to such hearing. Such service of process shall be served at the earliest time and shall take priority over service in other actions except those of a similar emergency nature.

455.045. TEMPORARY RELIEF AVAILABLE. — Any ex parte order of protection granted pursuant to sections 455.010 to 455.085 shall be to protect the petitioner from **[**abuse**]** **domestic violence** or stalking and may include:

(1) Restraining the respondent from **[**abusing, threatening to abuse**]** **committing or threatening to commit domestic violence**, molesting, stalking or disturbing the peace of the petitioner;

(2) Restraining the respondent from entering the premises of the dwelling unit of petitioner when the dwelling unit is:

(a) Jointly owned, leased or rented or jointly occupied by both parties; or

(b) Owned, leased, rented or occupied by petitioner individually; or

(c) Jointly owned, leased or rented by petitioner and a person other than respondent; provided, however, no spouse shall be denied relief pursuant to this section by reason of the absence of a property interest in the dwelling unit; or

(d) Jointly occupied by the petitioner and a person other than the respondent; provided that the respondent has no property interest in the dwelling unit;

(3) Restraining the respondent from communicating with the petitioner in any manner or through any medium;

(4) A temporary order of custody of minor children where appropriate.

455.050. FULL OR EX PARTE ORDER OF PROTECTION, ABUSE OR STALKING, CONTENTS — RELIEF AVAILABLE. — 1. Any full or ex parte order of protection granted pursuant to sections 455.010 to 455.085 shall be to protect the petitioner from domestic violence and may include such terms as the court reasonably deems necessary to ensure the petitioner's safety, including but not limited to:

(1) Temporarily enjoining the respondent from **[**abusing, threatening to abuse**]** **committing or threatening to commit domestic violence**, molesting, stalking or disturbing the peace of the petitioner;

(2) Temporarily enjoining the respondent from entering the premises of the dwelling unit of the petitioner when the dwelling unit is:

(a) Jointly owned, leased or rented or jointly occupied by both parties; or

(b) Owned, leased, rented or occupied by petitioner individually; or

(c) Jointly owned, leased, rented or occupied by petitioner and a person other than respondent; provided, however, no spouse shall be denied relief pursuant to this section by reason of the absence of a property interest in the dwelling unit; or

(d) Jointly occupied by the petitioner and a person other than respondent; provided that the respondent has no property interest in the dwelling unit; or

(3) Temporarily enjoining the respondent from communicating with the petitioner in any manner or through any medium.

2. Mutual orders of protection are prohibited unless both parties have properly filed written petitions and proper service has been made in accordance with sections 455.010 to 455.085.

3. When the court has, after a hearing for any full order of protection, issued an order of protection, it may, in addition:

(1) Award custody of any minor child born to or adopted by the parties when the court has jurisdiction over such child and no prior order regarding custody is pending or has been made, and the best interests of the child require such order be issued;

(2) Establish a visitation schedule that is in the best interests of the child;

(3) Award child support in accordance with supreme court rule 88.01 and chapter 452;

(4) Award maintenance to petitioner when petitioner and respondent are lawfully married in accordance with chapter 452;

(5) Order respondent to make or to continue to make rent or mortgage payments on a residence occupied by the petitioner if the respondent is found to have a duty to support the petitioner or other dependent household members;

(6) Order the respondent to pay the petitioner's rent at a residence other than the one previously shared by the parties if the respondent is found to have a duty to support the petitioner and the petitioner requests alternative housing;

(7) Order that the petitioner be given temporary possession of specified personal property, such as automobiles, checkbooks, keys, and other personal effects;

(8) Prohibit the respondent from transferring, encumbering, or otherwise disposing of specified property mutually owned or leased by the parties;

(9) Order the respondent to participate in a court-approved counseling program designed to help batterers stop violent behavior or to participate in a substance abuse treatment program;

(10) Order the respondent to pay a reasonable fee for housing and other services that have been provided or that are being provided to the petitioner by a shelter for victims of domestic violence;

(11) Order the respondent to pay court costs;

(12) Order the respondent to pay the cost of medical treatment and services that have been provided or that are being provided to the petitioner as a result of injuries sustained to the petitioner by an act of domestic violence committed by the respondent.

4. A verified petition seeking orders for maintenance, support, custody, visitation, payment of rent, payment of monetary compensation, possession of personal property, prohibiting the transfer, encumbrance, or disposal of property, or payment for services of a shelter for victims of domestic violence, shall contain allegations relating to those orders and shall pray for the orders desired.

5. In making an award of custody, the court shall consider all relevant factors including the presumption that the best interests of the child will be served by placing the child in the custody and care of the nonabusive parent, unless there is evidence that both parents have engaged in abusive behavior, in which case the court shall not consider this presumption but may appoint a guardian ad litem or a court-appointed special advocate to represent the children in accordance with chapter 452 and shall consider all other factors in accordance with chapter 452.

6. The court shall grant to the noncustodial parent rights to visitation with any minor child born to or adopted by the parties, unless the court finds, after hearing, that visitation would endanger the child's physical health, impair the child's emotional development or would otherwise conflict with the best interests of the child, or that no visitation can be arranged which would sufficiently protect the custodial parent from further **[**abuse**]** **domestic violence**. The court may appoint a guardian ad litem or court-appointed special advocate to represent the minor child in accordance with chapter 452 whenever the custodial parent alleges that visitation with the noncustodial parent will damage the minor child.

7. The court shall make an order requiring the noncustodial party to pay an amount reasonable and necessary for the support of any child to whom the party owes a duty of support

when no prior order of support is outstanding and after all relevant factors have been considered, in accordance with Missouri supreme court rule 88.01 and chapter 452.

8. The court may grant a maintenance order to a party for a period of time, not to exceed one hundred eighty days. Any maintenance ordered by the court shall be in accordance with chapter 452.

455.060. MODIFICATION OF ORDERS, WHEN — TERMINATION, WHEN — APPEAL — CUSTODY OF CHILDREN, MAY NOT BE CHANGED, WHEN. — 1. After notice and hearing, the court may modify an order of protection at any time, upon subsequent motion filed by the guardian ad litem, the court-appointed special advocate or by either party together with an affidavit showing a change in circumstances sufficient to warrant the modification. All full orders of protection shall be final orders and appealable and shall be for a fixed period of time as provided in section 455.040.

2. Any order for child support, custody, temporary custody, visitation or maintenance entered under sections 455.010 to 455.085 shall terminate prior to the time fixed in the order upon the issuance of a subsequent order pursuant to chapter 452 or any other Missouri statute.

3. No order entered pursuant to sections 455.010 to 455.085 shall be res judicata to any subsequent proceeding, including, but not limited to, any action brought under chapter 452**[**, RSMo 1978, as amended**]**.

4. All provisions of an order of protection shall terminate upon entry of a decree of dissolution of marriage or legal separation except as to those provisions which require the respondent to participate in a court-approved counseling program or enjoin the respondent from **[**abusing, molesting, stalking or disturbing the peace of**]** **committing an act of domestic violence against** the petitioner and which enjoin the respondent from entering the premises of the dwelling unit of the petitioner as described in the order of protection when the petitioner continues to reside in that dwelling unit unless the respondent is awarded possession of the dwelling unit pursuant to a decree of dissolution of marriage or legal separation.

5. Any order of protection or order for child support, custody, temporary custody, visitation or maintenance entered under sections 455.010 to 455.085 shall terminate upon the order of the court granting a motion to terminate the order of protection by the petitioner. **[**The court shall set the motion to dismiss for hearing and both parties shall have an opportunity to be heard.**]** Prior to terminating any order of protection, the court may **[**examine the circumstances of the motion to dismiss and may**]** inquire of the petitioner or others in order to **[**assist the court in determining if**]** **determine whether the** dismissal is voluntary.

6. The order of protection may not change the custody of children when an action for dissolution of marriage has been filed or the custody has previously been awarded by a court of competent jurisdiction.

455.080. LAW ENFORCEMENT AGENCIES RESPONSE TO ALLEGED INCIDENTS OF DOMESTIC VIOLENCE OR STALKING — FACTORS INDICATING NEED FOR IMMEDIATE RESPONSE — ESTABLISHMENT OF CRISIS TEAM — TRANSPORTATION OF ABUSED PARTY TO MEDICAL TREATMENT OR SHELTER. — 1. Law enforcement agencies may establish procedures to ensure that dispatchers and officers at the scene of an alleged incident of **[**abuse**]** **domestic violence or stalking** or violation of an order of protection can be informed of any recorded prior incident of **[**abuse**]** **domestic violence or stalking** involving the abused party and can verify the effective dates and terms of any recorded order of protection.

2. The law enforcement agency shall apply the same standard for response to an alleged incident of **[**abuse**]** **domestic violence or stalking** or a violation of any order of protection as applied to any like offense involving strangers, except as otherwise provided by law. Law enforcement agencies shall not assign lower priority to calls involving alleged incidents of **[**abuse**]** **domestic violence or stalking** or violation of protection orders than is assigned in

responding to offenses involving strangers. Existence of any of the following factors shall be interpreted as indicating a need for immediate response:

(1) The caller indicates that violence is imminent or in progress; or

(2) A protection order is in effect; or

(3) The caller indicates that incidents of domestic violence have occurred previously between the parties.

3. Law enforcement agencies may establish domestic crisis teams or, if the agency has fewer than five officers whose responsibility it is to respond to calls of this nature, individual officers trained in methods of dealing with **[**family and household quarrels**]** **domestic violence**. Such teams or individuals may be supplemented by social workers, ministers or other persons trained in counseling or crisis intervention. When an alleged incident of **[**family or household abuse**]** **domestic violence** is reported, the agency may dispatch a crisis team or specially trained officer, if available, to the scene of the incident.

4. The officer at the scene of an alleged incident of **[**abuse**]** **domestic violence or stalking** shall inform the abused party of available judicial remedies for relief from **[**adult abuse**]** **domestic violence** and of available shelters for victims of domestic violence.

5. Law enforcement officials at the scene shall provide or arrange transportation for the abused party to a medical facility for treatment of injuries or to a place of shelter or safety.

455.085. ARREST FOR VIOLATION OF ORDER — PENALTIES — GOOD FAITH IMMUNITY FOR LAW ENFORCEMENT OFFICIALS. — 1. When a law enforcement officer has probable cause to believe a party has committed a violation of law amounting to **[**abuse or assault**]** **domestic violence**, as defined in section 455.010, against a family or household member, the officer may arrest the offending party whether or not the violation occurred in the presence of the arresting officer. When the officer declines to make arrest pursuant to this subsection, the officer shall make a written report of the incident completely describing the offending party, giving the victim's name, time, address, reason why no arrest was made and any other pertinent information. Any law enforcement officer subsequently called to the same address within a twelve-hour period, who shall find probable cause to believe the same offender has again committed a violation as stated in this subsection against the same or any other family or household member, shall arrest the offending party for this subsequent offense. The primary report of nonarrest in the preceding twelve-hour period may be considered as evidence of the defendant's intent in the violation for which arrest occurred. The refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.

2. When a law enforcement officer has probable cause to believe that a party, against whom a protective order has been entered and who has notice of such order entered, has committed an act of abuse in violation of such order, the officer shall arrest the offending party-respondent whether or not the violation occurred in the presence of the arresting officer. Refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.

3. When an officer makes an arrest **[**he**]** **, the officer** is not required to arrest two parties involved in an assault when both parties claim to have been assaulted. The arresting officer shall attempt to identify and shall arrest the party **[**he**]** **the officer** believes is the primary physical aggressor. The term "primary physical aggressor" is defined as the most significant, rather than the first, aggressor. The law enforcement officer shall consider any or all of the following in determining the primary physical aggressor:

(1) The intent of the law to protect victims **[**of domestic violence**]** from continuing **[**abuse**]** **domestic violence**;

(2) The comparative extent of injuries inflicted or serious threats creating fear of physical injury;

(3) The history of domestic violence between the persons involved.

No law enforcement officer investigating an incident of **[**family**]** **domestic** violence shall threaten the arrest of all parties for the purpose of discouraging requests or law enforcement intervention by any party. Where complaints are received from two or more opposing parties, the officer shall evaluate each complaint separately to determine whether **[**he**]** **the officer** should seek a warrant for an arrest.

4. In an arrest in which a law enforcement officer acted in good faith reliance on this section, the arresting and assisting law enforcement officers and their employing entities and superiors shall be immune from liability in any civil action alleging false arrest, false imprisonment or malicious prosecution.

5. When a person against whom an order of protection has been entered fails to surrender custody of minor children to the person to whom custody was awarded in an order of protection, the law enforcement officer shall arrest the respondent, and shall turn the minor children over to the care and custody of the party to whom such care and custody was awarded.

6. The same procedures, including those designed to protect constitutional rights, shall be applied to the respondent as those applied to any individual detained in police custody.

7. A violation of the terms and conditions, with regard to **[**abuse**]** **domestic violence**, stalking, child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit or place of employment or school, or being within a certain distance of the petitioner or a child of the petitioner, of an ex parte order of protection of which the respondent has notice, shall be a class A misdemeanor unless the respondent has previously pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class D felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of such prior pleas of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict.

8. A violation of the terms and conditions, with regard to **[**abuse**]** **domestic violence**, stalking, child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit or place of employment or school, or being within a certain distance of the petitioner or a child of the petitioner, of a full order of protection shall be a class A misdemeanor, unless the respondent has previously pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class D felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of such prior plea of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of the sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict. For the purposes of this subsection, in addition to the notice provided by actual service of the order, a party is deemed to have notice of an order of protection if the law enforcement officer responding to a call of a reported incident of **[**abuse**]** **domestic violence, stalking,** or violation of an order of protection presented a copy of the order of protection to the respondent.

9. Good faith attempts to effect a reconciliation of a marriage shall not be deemed tampering with a witness or victim tampering under section 575.270.

10. Nothing in this section shall be interpreted as creating a private cause of action for damages to enforce the provisions set forth herein.

455.503. VENUE — PETITION, WHO MAY FILE. — 1. A petition for an order of protection for a child shall be filed in the county where the child resides, where the alleged incident of **[**abuse**]** **domestic violence or stalking** occurred, or where the respondent may be served.

2. Such petition may be filed by any of the following:

(1) A parent or guardian of the victim;

(2) A guardian ad litem or court-appointed special advocate appointed for the victim; or

(3) The juvenile officer.

455.505. RELIEF MAY BE SOUGHT FOR CHILD FOR DOMESTIC VIOLENCE OR CHILD BEING STALKED — ORDER OF PROTECTION EFFECTIVE, WHERE. — 1. An order of protection for a child who has been subject to domestic violence by a present or former **[**adult**]** household member or person stalking the child may be sought under sections 455.500 to 455.538 by the filing of a verified petition alleging such domestic violence **or stalking** by the respondent.

2. A child's right to relief under sections 455.500 to 455.538 shall not be affected by **[**his**]** **the child's** leaving the residence or household to avoid domestic violence.

3. Any protection order issued pursuant to sections 455.500 to 455.538 shall be effective throughout the state in all cities and counties.

455.513. EX PARTE ORDERS, ISSUED WHEN, EFFECTIVE WHEN — FOR GOOD CAUSE SHOWN, DEFINED — INVESTIGATION BY CHILDREN'S DIVISION, WHEN — REPORT DUE WHEN, AVAILABLE TO WHOM — TRANSFER TO JUVENILE COURT, WHEN. — 1. Upon the filing of a verified petition under sections 455.500 to 455.538, for good cause shown in the petition, and upon finding that no prior order regarding custody is pending or has been made or that the respondent is less than seventeen years of age, the court may immediately issue an ex parte order of protection. An immediate and present danger of **[**abuse**]** **domestic violence or stalking** to a child shall constitute good cause for purposes of this section. An ex parte order of protection entered by the court shall be in effect until the time of the hearing. **The court shall deny the ex parte order and dismiss the petition if the petitioner is not authorized to seek relief pursuant to section 455.505.**

2. Upon the entry of the ex parte order of protection, the court shall enter its order appointing a guardian ad litem or court-appointed special advocate to represent the child victim.

3. If the allegations in the petition would give rise to jurisdiction under section 211.031, the court may direct the children's division to conduct an investigation and to provide appropriate services. The division shall submit a written investigative report to the court and to the juvenile officer within thirty days of being ordered to do so. The report shall be made available to the parties and the guardian ad litem or court-appointed special advocate.

4. If **[**an ex parte order is entered and**]** the allegations in the petition would give rise to jurisdiction under section 211.031 because the respondent is less than seventeen years of age, the court **may issue an ex parte order and** shall transfer the case to juvenile court for a hearing on a full order of protection. Service of process shall be made pursuant to section 455.035.

455.520. TEMPORARY RELIEF AVAILABLE — EX PARTE ORDERS. — 1. Any ex parte order of protection granted under sections 455.500 to 455.538 shall be to protect the victim from domestic violence **or stalking** and may include such terms as the court reasonably deems necessary to ensure the **[**petitioner's**]** **victim's** safety, including but not limited to:

(1) Restraining the respondent from **[**abusing, threatening to abuse**]** **committing or threatening to commit domestic violence, stalking**, molesting**,** or disturbing the peace of the victim;

(2) Restraining the respondent from entering the family home of the victim except as specifically authorized by the court;

(3) Restraining the respondent from communicating with the victim in any manner or through any medium, except as specifically authorized by the court;

(4) A temporary order of custody of minor children.

2. No ex parte order of protection excluding the respondent from the family home shall be issued unless the court finds that:

(1) The order is in the best interests of the child or children remaining in the home;

(2) The verified allegations of domestic violence present a substantial risk to the child or children unless the respondent is excluded; and

(3) A remaining adult family or household member is able to care adequately for the child or children in the absence of the excluded party.

455.523. FULL ORDER OF PROTECTION — RELIEF AVAILABLE. — 1. Any full order of protection granted under sections 455.500 to 455.538 shall be to protect the victim from domestic violence and **stalking** may include such terms as the court reasonably deems necessary to ensure the petitioner's safety, including but not limited to:

(1) Temporarily enjoining the respondent from **[**abusing**] committing domestic violence**, threatening to **[**abuse**] commit domestic violence, stalking**, molesting**,** or disturbing the peace of the victim;

(2) Temporarily enjoining the respondent from entering the family home of the victim, except as specifically authorized by the court;

(3) Temporarily enjoining the respondent from communicating with the victim in any manner or through any medium, except as specifically authorized by the court.

2. When the court has, after hearing for any full order of protection, issued an order of protection, it may, in addition:

(1) Award custody of any minor child born to or adopted by the parties when the court has jurisdiction over such child and no prior order regarding custody is pending or has been made, and the best interests of the child require such order be issued;

(2) Award visitation;

(3) Award child support in accordance with supreme court rule 88.01 and chapter 452;

(4) Award maintenance to petitioner when petitioner and respondent are lawfully married in accordance with chapter 452;

(5) Order respondent to make or to continue to make rent or mortgage payments on a residence occupied by the victim if the respondent is found to have a duty to support the victim or other dependent household members;

(6) Order the respondent to participate in a court-approved counseling program designed to help **[**child abusers**]** stop violent behavior or to treat substance abuse;

(7) Order the respondent to pay, to the extent that he or she is able, the costs of his or her treatment, together with the treatment costs incurred by the victim;

(8) Order the respondent to pay a reasonable fee for housing and other services that have been provided or that are being provided to the victim by a shelter for victims of domestic violence.

455.538. LAW ENFORCEMENT AGENCIES RESPONSE TO VIOLATION OF ORDER — ARREST FOR VIOLATION, PENALTIES — CUSTODY TO BE RETURNED TO RIGHTFUL PARTY, WHEN. — 1. When a law enforcement officer has probable cause to believe that a party, against whom a protective order for a child has been entered, has committed an act **[**of abuse**]** in violation of that order, **[**he**] the officer** shall have the authority to arrest the respondent whether or not the violation occurred in the presence of the arresting officer.

2. When a person, against whom an order of protection for a child has been entered, fails to surrender custody of minor children to the person to whom custody was awarded in an order of protection, the law enforcement officer shall arrest the respondent, and shall turn the minor children over to the care and custody of the party to whom such care and custody was awarded.

3. The same procedures, including those designed to protect constitutional rights, shall be applied to the respondent as those applied to any individual detained in police custody.

4. (1) Violation of the terms and conditions of an ex parte or full order of protection with regard to **[**abuse**]** **domestic violence, stalking**, child custody, communication initiated by the respondent, or entrance upon the premises of the victim's dwelling unit or place of employment or school, or being within a certain distance of the petitioner or a child of the petitioner, of which the respondent has notice, shall be a class A misdemeanor, unless the respondent has previously pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class D felony. Evidence of a prior plea of guilty or finding of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of a prior plea of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict.

(2) For purposes of this subsection, in addition to the notice provided by actual service of the order, a party is deemed to have notice of an order of protection for a child if the law enforcement officer responding to a call of a reported incident of **[**abuse**]** **domestic violence or stalking** or violation of an order of protection for a child presents a copy of the order of protection to the respondent.

5. The fact that an act by a respondent is a violation of a valid order of protection for a child shall not preclude prosecution of the respondent for other crimes arising out of the incident in which the protection order is alleged to have been violated.

527.290. NOTICE OF CHANGE TO BE GIVEN, WHEN AND HOW — NOT REQUIRED, WHEN. — 1. Public notice of such a change of name shall be given at least three times in a newspaper published in the county where such person is residing, within twenty days after the order of court is made, and if no newspaper is published in **[**his**]** **the person's** or any adjacent county, then such notice shall be given in a newspaper published in the City of St. Louis, or at the seat of government.

2. Public notice of such name change through publication as required in subsection 1 of this section shall not be required**, and any system operated by the judiciary that is designed to provide public case information electronically shall not post the name change,** if the petitioner is:

(1) The victim of a crime, the underlying factual basis of which is found by the court on the record to include an act of domestic violence, as defined in section 455.010;

(2) The victim of child abuse, as defined in section 210.110; or

(3) The victim of **[**abuse**]** **domestic violence** by a family or household member, as defined in section 455.010.

544.455. RELEASE OF PERSON CHARGED, WHEN — CONDITIONS WHICH MAY BE IMPOSED. — 1. Any person charged with a bailable offense, at his or her appearance before an associate circuit judge or judge may be ordered released pending trial, appeal, or other stage of the proceedings against him on his personal recognizance, unless the associate circuit judge or judge determines, in the exercise of his discretion, that such a release will not reasonably assure the appearance of the person as required. When such a determination is made, the associate circuit judge or judge may either in lieu of or in addition to the above methods of release, impose any or any combination of the following conditions of release which will reasonably assure the appearance of the person for trial:

(1) Place the person in the custody of a designated person or organization agreeing to supervise him;

(2) Place restriction on the travel, association, or place of abode of the person during the period of release;

(3) Require the execution of a bail bond with sufficient solvent sureties, or the deposit of cash in lieu thereof;

(4) Require the person to report regularly to some officer of the court, or peace officer, in such manner as the associate circuit judge or judge directs;

(5) Require the execution of a bond in a given sum and the deposit in the registry of the court of ten percent, or such lesser percent as the judge directs, of the sum in cash or negotiable bonds of the United States or of the state of Missouri or any political subdivision thereof;

(6) Place the person on house arrest with electronic monitoring**[**,**]** **;** except that all costs associated with the electronic monitoring shall be charged to the person on house arrest. If the judge finds the person unable to afford the costs associated with electronic monitoring, **[**then**]** the judge **[**shall not**]** **may** order that the person be placed on house arrest with electronic monitoring **if the county commission agrees to pay from the general revenue of the county the costs of such monitoring. If the person on house arrest is unable to afford the costs associated with electronic monitoring and the county commission does not agree to pay the costs of such electronic monitoring, the judge shall not order that the person be placed on house arrest with electronic monitoring**;

(7) Impose any other condition deemed reasonably necessary to assure appearance as required, including a condition requiring that the person return to custody after specified hours.

2. In determining which conditions of release will reasonably assure appearance, the associate circuit judge or judge shall, on the basis of available information, take into account the nature and circumstances of the offense charged, the weight of the evidence against the accused, the accused's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and his record of appearance at court proceedings or flight to avoid prosecution or failure to appear at court proceedings.

3. An associate circuit judge or judge authorizing the release of a person under this section shall issue an appropriate order containing a statement of the conditions imposed, if any, shall inform such person of the penalties applicable to violations of the conditions of his release and shall advise him that a warrant for his arrest will be issued immediately upon any such violation.

4. A person for whom conditions of release are imposed and who after twenty-four hours from the time of the release hearing continues to be detained as a result of his inability to meet the conditions of release, shall, upon application, be entitled to have the condition reviewed by the associate circuit judge or judge who imposed them. The motion shall be determined promptly.

5. An associate circuit judge or judge ordering the release of a person on any condition specified in this section may at any time amend his order to impose additional or different conditions of release; except that, if the imposition of such additional or different conditions results in the detention of the person as a result of his inability to meet such conditions or in the release of the person on a condition requiring him to return to custody after specified hours, the provisions of subsection 4 **of this section** shall apply.

6. Information stated in, or offered in connection with, any order entered pursuant to this section need not conform to the rules pertaining to the admissibility of evidence in a court of law.

7. Nothing contained in this section shall be construed to prevent the disposition of any case or class of cases by forfeiture of collateral security where such disposition is authorized by the court.

8. Persons charged with violations of municipal ordinances may be released by a municipal judge or other judge who hears and determines municipal ordinance violation cases of the municipality involved under the same conditions and in the same manner as provided in this section for release by an associate circuit judge.

9. A circuit court may adopt a local rule authorizing the pretrial release on electronic monitoring pursuant to subdivision (6) of subsection 1 of this section in lieu of incarceration of individuals charged with offenses specifically identified therein.

556.036. TIME LIMITATIONS. — 1. A prosecution for murder, **rape in the first degree,** forcible rape, **attempted rape in the first degree,** attempted forcible rape, **sodomy in the first degree,** forcible sodomy, **attempted sodomy in the first degree,** attempted forcible sodomy, or any class A felony may be commenced at any time.

2. Except as otherwise provided in this section, prosecutions for other offenses must be commenced within the following periods of limitation:

(1) For any felony, three years, except as provided in subdivision (4) of this subsection;

(2) For any misdemeanor, one year;

(3) For any infraction, six months;

(4) For any violation of section 569.040, when classified as a class B felony, or any violation of section 569.050 or 569.055, five years.

3. If the period prescribed in subsection 2 of this section has expired, a prosecution may nevertheless be commenced for:

(1) Any offense a material element of which is either fraud or a breach of fiduciary obligation within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself or herself not a party to the offense, but in no case shall this provision extend the period of limitation by more than three years. As used in this subdivision, the term "person who has a legal duty to represent an aggrieved party" shall mean the attorney general or the prosecuting or circuit attorney having jurisdiction pursuant to section 407.553, for purposes of offenses committed pursuant to sections 407.511 to 407.556; and

(2) Any offense based upon misconduct in office by a public officer or employee at any time when the defendant is in public office or employment or within two years thereafter, but in no case shall this provision extend the period of limitation by more than three years; and

(3) Any offense based upon an intentional and willful fraudulent claim of child support arrearage to a public servant in the performance of his or her duties within one year after discovery of the offense, but in no case shall this provision extend the period of limitation by more than three years.

4. An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated. Time starts to run on the day after the offense is committed.

5. A prosecution is commenced for a misdemeanor or infraction when the information is filed and for a felony when the complaint or indictment is filed.

6. The period of limitation does not run:

(1) During any time when the accused is absent from the state, but in no case shall this provision extend the period of limitation otherwise applicable by more than three years; or

(2) During any time when the accused is concealing himself from justice either within or without this state; or

(3) During any time when a prosecution against the accused for the offense is pending in this state; or

(4) During any time when the accused is found to lack mental fitness to proceed pursuant to section 552.020.

556.037. TIME LIMITATIONS FOR PROSECUTIONS FOR SEXUAL OFFENSES INVOLVING A PERSON UNDER EIGHTEEN. — Notwithstanding the provisions of section 556.036, prosecutions for unlawful sexual offenses involving a person eighteen years of age or under must be commenced within thirty years after the victim reaches the age of eighteen unless the

prosecutions are for **rape in the first degree,** forcible rape, **attempted rape in the first degree,** attempted forcible rape, **sodomy in the first degree,** forcible sodomy, kidnapping, **attempted sodomy in the first degree,** or attempted forcible sodomy in which case such prosecutions may be commenced at any time.

556.061. CODE DEFINITIONS. — In this code, unless the context requires a different definition, the following shall apply:

(1) "Affirmative defense" has the meaning specified in section 556.056;

(2) "Burden of injecting the issue" has the meaning specified in section 556.051;

(3) "Commercial film and photographic print processor", any person who develops exposed photographic film into negatives, slides or prints, or who makes prints from negatives or slides, for compensation. The term commercial film and photographic print processor shall include all employees of such persons but shall not include a person who develops film or makes prints for a public agency;

(4) "Confinement":

(a) A person is in confinement when such person is held in a place of confinement pursuant to arrest or order of a court, and remains in confinement until:

a. A court orders the person's release; or

b. The person is released on bail, bond, or recognizance, personal or otherwise; or

c. A public servant having the legal power and duty to confine the person authorizes his release without guard and without condition that he return to confinement;

(b) A person is not in confinement if:

a. The person is on probation or parole, temporary or otherwise; or

b. The person is under sentence to serve a term of confinement which is not continuous, or is serving a sentence under a work-release program, and in either such case is not being held in a place of confinement or is not being held under guard by a person having the legal power and duty to transport the person to or from a place of confinement;

(5) "Consent": consent or lack of consent may be expressed or implied. Assent does not constitute consent if:

(a) It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or

(b) It is given by a person who by reason of youth, mental disease or defect, **[**or**]** intoxication, **a drug-induced state, or any other reason** is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or

(c) It is induced by force, duress or deception;

(6) "Criminal negligence" has the meaning specified in section 562.016;

(7) "Custody", a person is in custody when the person has been arrested but has not been delivered to a place of confinement;

(8) "Dangerous felony" means the felonies of arson in the first degree, assault in the first degree, **attempted rape in the first degree if physical injury results,** attempted forcible rape if physical injury results, **attempted sodomy in the first degree if physical injury results,** attempted forcible sodomy if physical injury results, **rape in the first degree,** forcible rape, **sodomy in the first degree,** forcible sodomy, kidnapping, murder in the second degree, assault of a law enforcement officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, statutory rape in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, statutory sodomy in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, and, abuse of a child **[**pursuant to subdivision (2) of subsection 3 of**] if the child dies as a result of injuries sustained from conduct chargeable under** section 568.060, child kidnapping, and parental kidnapping

committed by detaining or concealing the whereabouts of the child for not less than one hundred twenty days under section 565.153;

(9) "Dangerous instrument" means any instrument, article or substance, which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury;

(10) "Deadly weapon" means any firearm, loaded or unloaded, or any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged, or a switchblade knife, dagger, billy, blackjack or metal knuckles;

(11) "Felony" has the meaning specified in section 556.016;

(12) "Forcible compulsion" means either:

(a) Physical force that overcomes reasonable resistance; or

(b) A threat, express or implied, that places a person in reasonable fear of death, serious physical injury or kidnapping of such person or another person;

(13) "Incapacitated" means that physical or mental condition, temporary or permanent, in which a person is unconscious, unable to appraise the nature of such person's conduct, or unable to communicate unwillingness to an act**[**. A person is not incapacitated with respect to an act committed upon such person if he or she became unconscious, unable to appraise the nature of such person's conduct or unable to communicate unwillingness to an act, after consenting to the act**]**;

(14) "Infraction" has the meaning specified in section 556.021;

(15) "Inhabitable structure" has the meaning specified in section 569.010;

(16) "Knowingly" has the meaning specified in section 562.016;

(17) "Law enforcement officer" means any public servant having both the power and duty to make arrests for violations of the laws of this state, and federal law enforcement officers authorized to carry firearms and to make arrests for violations of the laws of the United States;

(18) "Misdemeanor" has the meaning specified in section 556.016;

(19) "Offense" means any felony, misdemeanor or infraction;

(20) "Physical injury" means physical pain, illness, or any impairment of physical condition;

(21) "Place of confinement" means any building or facility and the grounds thereof wherein a court is legally authorized to order that a person charged with or convicted of a crime be held;

(22) "Possess" or "possessed" means having actual or constructive possession of an object with knowledge of its presence. A person has actual possession if such person has the object on his or her person or within easy reach and convenient control. A person has constructive possession if such person has the power and the intention at a given time to exercise dominion or control over the object either directly or through another person or persons. Possession may also be sole or joint. If one person alone has possession of an object, possession is sole. If two or more persons share possession of an object, possession is joint;

(23) "Public servant" means any person employed in any way by a government of this state who is compensated by the government by reason of such person's employment, any person appointed to a position with any government of this state, or any person elected to a position with any government of this state. It includes, but is not limited to, legislators, jurors, members of the judiciary and law enforcement officers. It does not include witnesses;

(24) "Purposely" has the meaning specified in section 562.016;

(25) "Recklessly" has the meaning specified in section 562.016;

(26) "Ritual" or "ceremony" means an act or series of acts performed by two or more persons as part of an established or prescribed pattern of activity;

(27) "Serious emotional injury", an injury that creates a substantial risk of temporary or permanent medical or psychological damage, manifested by impairment of a behavioral, cognitive or physical condition. Serious emotional injury shall be established by testimony of

qualified experts upon the reasonable expectation of probable harm to a reasonable degree of medical or psychological certainty;

(28) "Serious physical injury" means physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body;

(29) "Sexual conduct" means acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification;

(30) "Sexual contact" means any touching of the genitals or anus of any person, or the breast of any female person, or any such touching through the clothing, for the purpose of arousing or gratifying sexual desire of any person;

(31) "Sexual performance", any performance, or part thereof, which includes sexual conduct by a child who is less than seventeen years of age;

(32) "Voluntary act" has the meaning specified in section 562.011.

557.011. AUTHORIZED DISPOSITIONS. — 1. Every person found guilty of an offense shall be dealt with by the court in accordance with the provisions of this chapter, except that for offenses defined outside this code and not repealed, the term of imprisonment or the fine that may be imposed is that provided in the statute defining the offense; however, the conditional release term of any sentence of a term of years shall be determined as provided in subsection 4 of section 558.011.

2. Whenever any person has been found guilty of a felony or a misdemeanor the court shall make one or more of the following dispositions of the offender in any appropriate combination. The court may:

(1) Sentence the person to a term of imprisonment as authorized by chapter 558;

(2) Sentence the person to pay a fine as authorized by chapter 560;

(3) Suspend the imposition of sentence, with or without placing the person on probation;

(4) Pronounce sentence and suspend its execution, placing the person on probation;

(5) Impose a period of detention as a condition of probation, as authorized by section 559.026.

3. Whenever any person has been found guilty of an infraction, the court shall make one or more of the following dispositions of the offender in any appropriate combination. The court may:

(1) Sentence the person to pay a fine as authorized by chapter 560;

(2) Suspend the imposition of sentence, with or without placing the person on probation;

(3) Pronounce sentence and suspend its execution, placing the person on probation.

4. Whenever any organization has been found guilty of an offense, the court shall make one or more of the following dispositions of the organization in any appropriate combination. The court may:

(1) Sentence the organization to pay a fine as authorized by chapter 560;

(2) Suspend the imposition of sentence, with or without placing the organization on probation;

(3) Pronounce sentence and suspend its execution, placing the organization on probation;

(4) Impose any special sentence or sanction authorized by law.

5. This chapter shall not be construed to deprive the court of any authority conferred by law to decree a forfeiture of property, suspend or cancel a license, remove a person from office, or impose any other civil penalty. An appropriate order exercising such authority may be included as part of any sentence.

6. In the event a sentence of confinement is ordered executed, a court may order that an individual serve all or any portion of such sentence on electronic monitoring**[**,**]** **;** except that all costs associated with the electronic monitoring shall be charged to the person on house arrest. If the judge finds the person unable to afford the costs associated with electronic monitoring,

[then**]** the judge **[**shall not**]** **may** order that the person be placed on house arrest with electronic monitoring **if the county commission agrees to pay the costs of such monitoring. If the person on house arrest is unable to afford the costs associated with electronic monitoring and the county commission does not agree to pay from the general revenue of the county the costs of such electronic monitoring, the judge shall not order that the person be placed on house arrest with electronic monitoring**.

558.018. PERSISTENT SEXUAL OFFENDER, PREDATORY SEXUAL OFFENDER, DEFINED, EXTENSION OF TERM, WHEN, MINIMUM TERM. — 1. The court shall sentence a person **[**who has pleaded guilty to or**]** **to an extended term of imprisonment if it finds the defendant is a persistent sexual offender and** has been found guilty of **[**the felony of forcible rape, statutory rape in the first degree, forcible sodomy, statutory sodomy in the first degree or an attempt to commit any of the crimes designated in this subsection to an extended term of imprisonment if it finds the defendant is a persistent sexual offender**]** **attempting to commit or committing the following offenses:**

(1) Statutory rape in the first degree or statutory sodomy in the first degree;

(2) Rape in the first degree or sodomy in the first degree attempted or committed on or after August 28, 2013;

(3) Forcible rape committed or attempted any time during the period of August 13, 1980 to August 27, 2013;

(4) Forcible sodomy committed or attempted any time during the period of January 1, 1995 to August 27, 2013;

(5) Rape committed or attempted before August 13, 1980;

(6) Sodomy committed or attempted before January 1, 1995.

2. A "persistent sexual offender" is one who has previously **[**pleaded guilty to or has been found guilty of the felony of forcible rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the first degree or an attempt to commit any of the crimes designated in this subsection**]** **been found guilty of attempting to commit or committing any of the offenses listed in subsection 1 of this section**.

3. The term of imprisonment for one found to be a persistent sexual offender shall be imprisonment for life without eligibility for probation or parole. Subsection 4 of section 558.019 shall not apply to any person imprisoned under this subsection, and "imprisonment for life" shall mean imprisonment for the duration of the person's natural life.

4. The court shall sentence a person **[**who has pleaded guilty to or has**]** **to an extended term of imprisonment as provided for in this section if it finds the defendant is a predatory sexual offender and has** been found guilty of **[**the felony of forcible rape, statutory rape in the first degree, forcible sodomy, statutory sodomy in the first degree, or an attempt to commit any of the preceding crimes or**]** **committing or attempting to commit any of the offenses listed in subsection 1 of this section or committing** child molestation in the first degree when classified as a class B felony or sexual abuse when classified as a class B felony to an extended term of imprisonment as provided for in this section if it finds the defendant is a predatory sexual offender.

5. For purposes of this section, a "predatory sexual offender" is a person who:

(1) Has previously **[**pleaded guilty to or has**]** been found guilty of **[**the felony of forcible rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the first degree, or an attempt to commit any of the preceding crimes or**]** **committing or attempting to commit any of the offenses listed in subsection 1 of this section, or committing** child molestation in the first degree when classified as a class B felony or sexual abuse when classified as a class B felony; or

(2) Has previously committed an act which would constitute an offense listed in subsection 4 of this section, whether or not the act resulted in a conviction; or

(3) Has committed an act or acts against more than one victim which would constitute an offense or offenses listed in subsection 4 of this section, whether or not the defendant was charged with an additional offense or offenses as a result of such act or acts.

6. A person found to be a predatory sexual offender shall be imprisoned for life with eligibility for parole, however subsection 4 of section 558.019 shall not apply to persons found to be predatory sexual offenders for the purposes of determining the minimum prison term or the length of sentence as defined or used in such subsection. Notwithstanding any other provision of law, in no event shall a person found to be a predatory sexual offender receive a final discharge from parole.

7. Notwithstanding any other provision of law, the court shall set the minimum time required to be served before a predatory sexual offender is eligible for parole, conditional release or other early release by the department of corrections. The minimum time to be served by a person found to be a predatory sexual offender who:

(1) Has previously **[**pleaded guilty to or has**]** been found guilty of **[**the felony of forcible rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the first degree, or an attempt to commit any of the preceding crimes and pleads guilty to or is found guilty of the felony of forcible rape, statutory rape in the first degree, forcible sodomy, statutory sodomy in the first degree or an attempt to commit any of the preceding crimes**] committing or attempting to commit any of the offenses listed in subsection 1 of this section and is found guilty of committing or attempting to commit any of the offenses listed in subsection 1 of this section** shall be any number of years but not less than thirty years;

(2) Has previously pleaded guilty to or has been found guilty of child molestation in the first degree when classified as a class B felony or sexual abuse when classified as a class B felony and **[**pleads guilty to or**]** is found guilty of attempting to commit or committing **[**forcible rape, statutory rape in the first degree, forcible sodomy or statutory sodomy in the first degree**] any of the offenses listed in subsection 1 of this section** shall be any number of years but not less than fifteen years;

(3) Has previously **[**pleaded guilty to or has**]** been found guilty of **[**the felony of forcible rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the first degree, or an attempt to commit any of the preceding crimes and pleads guilty to or is found guilty of**] committing or attempting to commit any of the offenses listed in subsection 1 of this section, or committing** child molestation in the first degree when classified as a class B felony or sexual abuse when classified as a class B felony shall be any number of years but not less than fifteen years;

(4) Has previously pleaded guilty to or has been found guilty of child molestation in the first degree when classified as a class B felony or sexual abuse when classified as a class B felony, and pleads guilty to or is found guilty of child molestation in the first degree when classified as a class B felony or sexual abuse when classified as a class B felony shall be any number of years but not less than fifteen years;

(5) Is found to be a predatory sexual offender pursuant to subdivision (2) or (3) of subsection 5 of this section shall be any number of years within the range to which the person could have been sentenced pursuant to the applicable law if the person was not found to be a predatory sexual offender.

8. Notwithstanding any provision of law to the contrary, the department of corrections, or any division thereof, may not furlough an individual found to be and sentenced as a persistent sexual offender or a predatory sexual offender.

558.026. CONCURRENT AND CONSECUTIVE TERMS OF IMPRISONMENT. — 1. Multiple sentences of imprisonment shall run concurrently unless the court specifies that they shall run consecutively; except **[**that,**]** in the case of multiple sentences of imprisonment imposed for **[**the felony of rape, forcible rape, sodomy, forcible sodomy or**] any offense committed during or at the same time as, or multiple offenses of, the following felonies:**

(1) Rape in the first degree, forcible rape, or rape;
(2) Statutory rape in the first degree;
(3) Sodomy in the first degree, forcible sodomy, or sodomy;
(4) Statutory sodomy in the first degree; or
(5) An attempt to commit any of the **[**aforesaid and for other offenses committed during or at the same time as that rape, forcible rape, sodomy, forcible sodomy or an attempt to commit any of the aforesaid, the sentences of imprisonment imposed for the other offenses may run concurrently, but**] felonies listed in this subsection.**

In such case, the sentence of imprisonment imposed for **[**the felony of rape, forcible rape, sodomy, forcible sodomy**] any felony listed in this subsection** or an attempt to commit any of the aforesaid shall run consecutively to the other sentences. **The sentences imposed for any other offense may run concurrently.**

2. If a person who is on probation, parole or conditional release is sentenced to a term of imprisonment for an offense committed after the granting of probation or parole or after the start of his conditional release term, the court shall direct the manner in which the sentence or sentences imposed by the court shall run with respect to any resulting probation, parole or conditional release revocation term or terms. If the subsequent sentence to imprisonment is in another jurisdiction, the court shall specify how any resulting probation, parole or conditional release revocation term or terms shall run with respect to the foreign sentence of imprisonment.

3. A court may cause any sentence it imposes to run concurrently with a sentence an individual is serving or is to serve in another state or in a federal correctional center. If the Missouri sentence is served in another state or in a federal correctional center, subsection 4 of section 558.011 and section 217.690 shall apply as if the individual were serving his sentence within the department of corrections of the state of Missouri, except that a personal hearing before the board of probation and parole shall not be required for parole consideration.

559.036. DURATION OF PROBATION — REVOCATION. — 1. A term of probation commences on the day it is imposed. Multiple terms of Missouri probation, whether imposed at the same time or at different times, shall run concurrently. Terms of probation shall also run concurrently with any federal or other state jail, prison, probation or parole term for another offense to which the defendant is or becomes subject during the period, unless otherwise specified by the Missouri court.

2. The court may terminate a period of probation and discharge the defendant at any time before completion of the specific term fixed under section 559.016 if warranted by the conduct of the defendant and the ends of justice. The court may extend the term of the probation, but no more than one extension of any probation may be ordered except that the court may extend the term of probation by one additional year by order of the court if the defendant admits he or she has violated the conditions of probation or is found by the court to have violated the conditions of his or her probation. Total time on any probation term, including any extension shall not exceed the maximum term established in section 559.016. Procedures for termination, discharge and extension may be established by rule of court.

3. If the defendant violates a condition of probation at any time prior to the expiration or termination of the probation term, the court may continue him on the existing conditions, with or without modifying or enlarging the conditions or extending the term.

4. (1) **Unless the defendant consents to the revocation of probation,** if a continuation, modification, enlargement or extension is not appropriate under this section, the court shall order placement of the offender in one of the department of corrections' one hundred twenty-day programs so long as:

(a) The underlying offense for the probation is a class C or D felony or an offense listed in chapter 195; except that, the court may, upon its own motion or a motion of the prosecuting or circuit attorney, make a finding that an offender is not eligible if the underlying offense is

involuntary manslaughter in the first degree, involuntary manslaughter in the second degree, aggravated stalking, assault in the second degree, sexual assault, **rape in the second degree,** domestic assault in the second degree, assault of a law enforcement officer in the second degree, statutory rape in the second degree, statutory sodomy in the second degree, deviate sexual assault, **sodomy in the second degree,** sexual misconduct involving a child, incest, endangering the welfare of a child in the first degree under subdivision (1) or (2) of subsection 1 of section 568.045, abuse of a child, invasion of privacy or any case in which the defendant is found guilty of a felony offense under chapter 571;

(b) The probation violation is not the result of the defendant being an absconder or being found guilty of, pleading guilty to, or being arrested on suspicion of any felony, misdemeanor, or infraction. For purposes of this subsection, "absconder" shall mean an offender under supervision who has left such offender's place of residency without the permission of the offender's supervising officer for the purpose of avoiding supervision;

(c) The defendant has not violated any conditions of probation involving the possession or use of weapons, or a stay-away condition prohibiting the defendant from contacting a certain individual; and

(d) The defendant has not already been placed in one of the programs by the court for the same underlying offense or during the same probation term.

(2) Upon receiving the order, the department of corrections shall conduct an assessment of the offender and place such offender in the appropriate one hundred twenty-day program under subsection 3 of section 559.115.

(3) Notwithstanding any of the provisions of subsection 3 of section 559.115 to the contrary, once the defendant has successfully completed the program under this subsection, the court shall release the defendant to continue to serve the term of probation, which shall not be modified, enlarged, or extended based on the same incident of violation. Time served in the program shall be credited as time served on any sentence imposed for the underlying offense.

5. If **the defendant consents to the revocation of probation or if** the defendant is not eligible under subsection 4 of this section for placement in a program and a continuation, modification, enlargement, or extension of the term under this section is not appropriate, the court may revoke probation and order that any sentence previously imposed be executed. If imposition of sentence was suspended, the court may revoke probation and impose any sentence available under section 557.011. The court may mitigate any sentence of imprisonment by reducing the prison or jail term by all or part of the time the defendant was on probation. The court may, upon revocation of probation, place an offender on a second term of probation. Such probation shall be for a term of probation as provided by section 559.016, notwithstanding any amount of time served by the offender on the first term of probation.

6. Probation shall not be revoked without giving the probationer notice and an opportunity to be heard on the issues of whether **[**he**]** **such probationer** violated a condition of probation and, if **[**he did**]** **a condition was violated**, whether revocation is warranted under all the circumstances. **Not less than five business days prior to the date set for a hearing on the violation, except for a good cause shown, the judge shall inform the probationer that he or she may have the right to request the appointment of counsel if the probationer is unable to retain counsel. If the probationer requests counsel, the judge shall determine whether counsel is necessary to protect the probationer's due process rights. If the judge determines that counsel is not necessary, the judge shall state the grounds for the decision in the record.**

7. The prosecuting or circuit attorney may file a motion to revoke probation or at any time during the term of probation, the court may issue a notice to the probationer to appear to answer a charge of a violation, and the court may issue a warrant of arrest for the violation. Such notice shall be personally served upon the probationer. The warrant shall authorize the return of the probationer to the custody of the court or to any suitable detention facility designated by the court. Upon the filing of the prosecutor's or circuit attorney's motion or on the court's own

motion, the court may immediately enter an order suspending the period of probation and may order a warrant for the defendant's arrest. The probation shall remain suspended until the court rules on the prosecutor's or circuit attorney's motion, or until the court otherwise orders the probation reinstated.

8. The power of the court to revoke probation shall extend for the duration of the term of probation designated by the court and for any further period which is reasonably necessary for the adjudication of matters arising before its expiration, provided that some affirmative manifestation of an intent to conduct a revocation hearing occurs prior to the expiration of the period and that every reasonable effort is made to notify the probationer and to conduct the hearing prior to the expiration of the period.

559.100. CIRCUIT COURTS, POWER TO PLACE ON PROBATION OR PAROLE — REVOCATION — CONDITIONS — RESTITUTION. — 1. The circuit courts of this state shall have power, herein provided, to place on probation or to parole persons convicted of any offense over which they have jurisdiction, except as otherwise provided in sections 195.275 to 195.296, section 558.018, section 559.115, section 565.020, sections 566.030, 566.060, 566.067, 566.151, and 566.213, section 571.015, and subsection 3 of section 589.425.

2. The circuit court shall have the power to revoke the probation or parole previously granted under section 559.036 and commit the person to the department of corrections. The circuit court shall determine any conditions of probation or parole for the defendant that it deems necessary to ensure the successful completion of the probation or parole term, including the extension of any term of supervision for any person while on probation or parole. The circuit court may require that the defendant pay restitution for his crime. The probation or parole may be revoked under section 559.036 for failure to pay restitution or for failure to conform his behavior to the conditions imposed by the circuit court. The circuit court may, in its discretion, credit any period of probation or parole as time served on a sentence.

3. Restitution, whether court ordered as provided in subsection 2 of this section or agreed to by the parties, or as enforced under section 558.019, shall be paid through the office of the prosecuting attorney or circuit attorney. Nothing in this section shall prohibit the prosecuting attorney or circuit attorney from contracting with or utilizing another entity for the collection of restitution and costs under this section. When ordered by the court, interest shall be allowed under subsection 1 of section 408.040. In addition to all other costs and fees allowed by law, each prosecuting attorney or circuit attorney who takes any action to collect restitution shall collect from the person paying restitution an administrative handling cost. The cost shall be twenty-five dollars for restitution of less than one hundred dollars and fifty dollars for restitution of at least one hundred dollars but less than two hundred fifty dollars. For restitution of two hundred fifty dollars or more an additional fee of ten percent of the total restitution shall be assessed, with a maximum fee for administrative handling costs not to exceed seventy-five dollars total. Notwithstanding the provisions of sections 50.525 to 50.745, the costs provided for in this subsection shall be deposited by the county treasurer into a separate interest-bearing fund to be expended by the prosecuting attorney or circuit attorney. This fund shall be known as the "Administrative Handling Cost Fund", and it shall be the fund for deposits under this section and under section 570.120. The funds shall be expended, upon warrants issued by the prosecuting attorney or circuit attorney directing the treasurer to issue checks thereon, only for purposes related to that authorized by subsection 4 of this section.

4. The moneys deposited in the fund may be used by the prosecuting attorney or circuit attorney for office supplies, postage, books, training, office equipment, capital outlay, expenses of trial and witness preparation, additional employees for the staff of the prosecuting or circuit attorney, employees' salaries, and for other lawful expenses incurred by the prosecuting or circuit attorney in the operation of that office.

5. This fund may be audited by the state auditor's office or the appropriate auditing agency.

6. If the moneys collected and deposited into this fund are not totally expended annually, then the unexpended balance shall remain in the fund and the balance shall be kept in the fund to accumulate from year to year.

7. Nothing in this section shall be construed to prohibit a crime victim from pursuing other lawful remedies against a defendant for restitution.

559.105. RESTITUTION MAY BE ORDERED, WHEN — LIMITATION ON RELEASE FROM PROBATION — AMOUNT OF RESTITUTION. — 1. Any person who has been found guilty of or has pled guilty to **[**a violation of subdivision (2) of subsection 1 of section 569.080 or paragraph (a) of subdivision (3) of subsection 3 of section 570.030**]** **an offense** may be ordered by the court to make restitution to the victim for the victim's losses due to such offense. Restitution pursuant to this section shall include, but not be limited to**[**, the following:

(1)**]** A victim's reasonable expenses to participate in the prosecution of the crime**[**;

(2) A victim's payment for any repairs or replacement of the motor vehicle, watercraft, or aircraft; and

(3) A victim's costs associated with towing or storage fees for the motor vehicle caused by the acts of the defendant**]**.

2. No person ordered by the court to pay restitution pursuant to this section shall be released from probation until such restitution is complete. If full restitution is not made within the original term of probation, the court shall order the maximum term of probation allowed for such offense.

3. Any person eligible to be released on parole **[**for a violation of subdivision (2) of subsection 1 of section 569.080 or paragraph (a) of subdivision (3) of subsection 3 of section 570.030 may**]** **shall** be required, as a condition of parole, to make restitution pursuant to this section. The board of probation and parole shall not release any person from any term of parole for such offense until the person has completed such restitution, or until the maximum term of parole for such offense has been served.

4. The court may set an amount of restitution to be paid by the defendant. Said amount may be taken from the inmate's account at the department of corrections while the defendant is incarcerated. Upon conditional release or parole, if any amount of such court-ordered restitution is unpaid, the payment of the unpaid balance may be collected as a condition of conditional release or parole by the prosecuting attorney or circuit attorney under section 559.100. The prosecuting attorney or circuit attorney may refer any failure to make such restitution as a condition of conditional release or parole to the parole board for enforcement.

559.115. APPEALS, PROBATION NOT TO BE GRANTED, WHEN — PROBATION GRANTED AFTER DELIVERY TO DEPARTMENT OF CORRECTIONS, TIME LIMITATION, ASSESSMENT — ONE HUNDRED TWENTY DAY PROGRAM — NOTIFICATION TO STATE, WHEN, HEARING — NO PROBATION IN CERTAIN CASES. — 1. Neither probation nor parole shall be granted by the circuit court between the time the transcript on appeal from the offender's conviction has been filed in appellate court and the disposition of the appeal by such court.

2. Unless otherwise prohibited by subsection **[**5**]** **8** of this section, a circuit court only upon its own motion and not that of the state or the offender shall have the power to grant probation to an offender anytime up to one hundred twenty days after such offender has been delivered to the department of corrections but not thereafter. The court may request information and a recommendation from the department concerning the offender and such offender's behavior during the period of incarceration. Except as provided in this section, the court may place the offender on probation in a program created pursuant to section 217.777, or may place the offender on probation with any other conditions authorized by law.

3. The court may recommend placement of an offender in a department of corrections one hundred twenty-day program under this **[**section**]** **subsection** or order such placement under subsection 4 of section 559.036. Upon the recommendation or order of the court, the department of corrections shall assess each offender to determine the appropriate **one hundred twenty-day** program in which to place the offender, **[**including**]** **which may include placement in the** shock incarceration **program** or institutional treatment **program**. When the court recommends and receives placement of an offender in a department of corrections one hundred twenty-day program, the offender shall be released on probation if the department of corrections determines that the offender has successfully completed the program except as follows. Upon successful completion of a **[**treatment**]** program **under this subsection**, the board of probation and parole shall advise the sentencing court of an offender's probationary release date thirty days prior to release. **[**The court shall release the offender unless such release constitutes an abuse of discretion. If the court determined that there is an abuse of discretion, the court may order the execution of the offender's sentence only after conducting a hearing on the matter within ninety to one hundred twenty days of the offender's sentence. If the court does not respond when an offender successfully completes the program, the offender shall be released on probation. Upon successful completion of a shock incarceration program, the board of probation and parole shall advise the sentencing court of an offender's probationary release date thirty days prior to release.**]** The court shall follow the recommendation of the department unless the court determines that probation is not appropriate. If the court determines that probation is not appropriate, the court may order the execution of the offender's sentence only after conducting a hearing on the matter within ninety to one hundred twenty days **[**of the offender's sentence. If the department determines that an offender is not successful in a program, then after one hundred days of incarceration the circuit court shall receive from**]** **from the date the offender was delivered to the department of corrections. If the department determines the offender has not successfully completed a one hundred twenty-day program under this subsection, the offender shall be removed from the program and the court shall be advised of the removal.** The department **[**of corrections a**]** **shall** report on the offender's participation in the program and **[**department**]** **may provide** recommendations for terms and conditions of an offender's probation. The court shall then **[**release the offender on probation or order the offender to remain in the department to serve the sentence imposed**]** **have the power to grant probation or order the execution of the offender's sentence**.

4. **If the court is advised that an offender is not eligible for placement in a one hundred twenty-day program under subsection 3 of this section, the court shall consider other authorized dispositions.** If the department of corrections one hundred twenty-day program **under subsection 3 of this section** is full, the court may place the offender in a private program approved by the department of corrections or the court, the expenses of such program to be paid by the offender, or in an available program offered by another organization. If the offender is convicted of a class C or class D nonviolent felony, the court may order probation while awaiting appointment to treatment.

5. Except when the offender has been found to be a predatory sexual offender pursuant to section 558.018, the court shall request **[**that the offender be placed in the sexual offender assessment unit of the department of corrections**]** **the department of corrections to conduct a sexual offender assessment** if the defendant has pleaded guilty to or has been found guilty of sexual abuse when classified as a class B felony. **Upon completion of the assessment, the department shall provide to the court a report on the offender and may provide recommendations for terms and conditions of an offender's probation. The assessment shall not be considered a one hundred twenty-day program as provided under subsection 3 of this section. The process for granting probation to an offender who has completed the assessment shall be as provided under subsections 2 and 6 of this section.**

6. Unless the offender is being granted probation pursuant to successful completion of a one hundred twenty-day program the circuit court shall notify the state in writing when the court

intends to grant probation to the offender pursuant to the provisions of this section. The state may, in writing, request a hearing within ten days of receipt of the court's notification that the court intends to grant probation. Upon the state's request for a hearing, the court shall grant a hearing as soon as reasonably possible. If the state does not respond to the court's notice in writing within ten days, the court may proceed upon its own motion to grant probation.

7. An offender's first incarceration **[**for one hundred twenty days for participation in a department of corrections program**]** **under this section** prior to release on probation shall not be considered a previous prison commitment for the purpose of determining a minimum prison term under the provisions of section 558.019.

8. Notwithstanding any other provision of law, probation may not be granted pursuant to this section to offenders who have been convicted of murder in the second degree pursuant to section 565.021; forcible rape pursuant to section 566.030 **as it existed prior to August 28, 2013; rape in the first degree under section 566.030**; forcible sodomy pursuant to section 566.060 **as it existed prior to August 28, 2013; sodomy in the first degree under section 566.060**; statutory rape in the first degree pursuant to section 566.032; statutory sodomy in the first degree pursuant to section 566.062; child molestation in the first degree pursuant to section 566.067 when classified as a class A felony; abuse of a child pursuant to section 568.060 when classified as a class A felony; an offender who has been found to be a predatory sexual offender pursuant to section 558.018; or any offense in which there exists a statutory prohibition against either probation or parole.

559.117. MENTAL HEALTH ASSESSMENT PILOT PROGRAM — OFFENDERS ELIGIBLE — REPORT TO SENTENCING COURT — NO PROBATION, WHEN — REPORT TO GOVERNOR AND GENERAL ASSEMBLY. — 1. The director of the department of corrections is authorized to establish, as a three-year pilot program, a mental health assessment process.

2. Only upon a motion filed by the prosecutor in a criminal case, the judge who is hearing the criminal case in a participating county may request that an offender be placed in the department of corrections for one hundred twenty days for a mental health assessment and for treatment if it appears that the offender has a mental disorder or mental illness such that the offender may qualify for probation including community psychiatric rehabilitation (CPR) programs and such probation is appropriate and not inconsistent with public safety. Before the judge rules upon the motion, the victim shall be given notice of such motion and the opportunity to be heard. Upon recommendation of the court, the department shall determine the offender's eligibility for the mental health assessment process.

3. Following this assessment and treatment period, an assessment report shall be sent to the sentencing court and the sentencing court may, if appropriate, release the offender on probation. The offender shall be supervised on probation by a state probation and parole officer, who shall work cooperatively with the department of mental health to enroll eligible offenders in community psychiatric rehabilitation (CPR) programs.

4. Notwithstanding any other provision of law, probation shall not be granted under this section to offenders who:

(1) Have been found guilty of, or plead guilty to, murder in the second degree under section 565.021;

(2) Have been found guilty of, or plead guilty to, **rape in the first degree under section 566.030 or** forcible rape under section 566.030 **as it existed prior to August 28, 2013**;

(3) Have been found guilty of, or plead guilty to, statutory rape in the first degree under section 566.032;

(4) Have been found guilty of, or plead guilty to, **sodomy in the first degree under section 566.060 or** forcible sodomy under section 566.060 **as it existed prior to August 28, 2013**;

(5) Have been found guilty of, or plead guilty to, statutory sodomy in the first degree under section 566.062;

(6) Have been found guilty of, or plead guilty to, child molestation in the first degree under section 566.067 when classified as a class A felony;

(7) Have been found to be a predatory sexual offender under section 558.018; or

(8) Have been found guilty of, or plead guilty to, any offense for which there exists a statutory prohibition against either probation or parole.

5. At the end of the three-year pilot, the director of the department of corrections and the director of the department of mental health shall jointly submit recommendations to the governor and to the general assembly by December 31, 2015, on whether to expand the process statewide.

566.020. MISTAKE AS TO AGE — CONSENT NOT A DEFENSE, WHEN. — 1. **[**Whenever in this chapter the criminality of conduct depends upon a victim's being incapacitated, no crime is committed if the actor reasonably believed that the victim was not incapacitated and reasonably believed that the victim consented to the act. The defendant shall have the burden of injecting the issue of belief as to capacity and consent.

2.**]** Whenever in this chapter the criminality of conduct depends upon a child being thirteen years of age or younger, it is no defense that the defendant believed the child to be older.

[3.**]** **2.** Whenever in this chapter the criminality of conduct depends upon a child being under seventeen years of age, it is an affirmative defense that the defendant reasonably believed that the child was seventeen years of age or older.

[4.**]** **3.** Consent is not an affirmative defense to any offense under chapter 566 if the alleged victim is less than twelve years of age.

566.030. RAPE IN THE FIRST DEGREE, PENALTIES — SUSPENDED SENTENCES NOT GRANTED, WHEN. — 1. A person commits the **[**crime**]** **offense** of **[**forcible**]** rape **in the first degree** if **[**such person**]** **he or she** has sexual intercourse with another person **who is incapacitated, incapable of consent, or lacks the capacity to consent, or** by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.

2. **[**Forcible**]** **The offense of** rape **in the first degree** or an attempt to commit **[**forcible**]** rape **in the first degree** is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless:

(1) In the course thereof the actor inflicts serious physical injury or displays a deadly weapon or dangerous instrument in a threatening manner or subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person, in which case the authorized term of imprisonment is life imprisonment or a term of years not less than fifteen years;

(2) The victim is a child less than twelve years of age, in which case the required term of imprisonment is life imprisonment without eligibility for probation or parole until the **[**defendant**]** **offender** has served not less than thirty years of such sentence or unless the **[**defendant**]** **offender** has reached the age of seventy-five years and has served at least fifteen years of such sentence, unless such **[**forcible**]** rape **in the first degree** is described under subdivision (3) of this subsection; or

(3) The victim is a child less than twelve years of age and such **[**forcible**]** rape **in the first degree or attempt to commit rape in the first degree** was outrageously or wantonly vile, horrible or inhumane, in that it involved torture or depravity of mind, in which case the required term of imprisonment is life imprisonment without eligibility for probation, parole or conditional release.

3. Subsection 4 of section 558.019 shall not apply to the sentence of a person who has **[**pleaded guilty to or has**]** been found guilty of **[**forcible**]** rape **in the first degree or attempt to commit rape in the first degree** when the victim is **[**under the age of**]** **less than** twelve **years**

of age, and "life imprisonment" shall mean imprisonment for the duration of a person's natural life for the purposes of this section.

4. No person found guilty of **[**or pleading guilty to forcible**]** rape **in the first degree** or an attempt to commit **[**forcible**]** rape **in the first degree** shall be granted a suspended imposition of sentence or suspended execution of sentence.

[566.040.] 566.031. RAPE IN THE SECOND DEGREE, PENALTIES. — 1. A person commits the [crime**]** **offense** of **[**sexual assault**]** **rape in the second degree** if he **or she** has sexual intercourse with another person knowing that he **or she** does so without that person's consent.

2. **[**Sexual assault**]** **The offense of rape in the second degree** is a class C felony.

566.060. SODOMY IN THE FIRST DEGREE, PENALTIES — SUSPENDED SENTENCE NOT GRANTED, WHEN. — 1. A person commits the **[**crime**]** **offense** of **[**forcible**]** sodomy **in the first degree** if **[**such person**]** **he or she** has deviate sexual intercourse with another person **who is incapacitated, incapable of consent, or lacks the capacity to consent, or** by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.

2. **[**Forcible**]** **The offense of** sodomy **in the first degree** or an attempt to commit **[**forcible**]** sodomy **in the first degree** is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless:

(1) In the course thereof the actor inflicts serious physical injury or displays a deadly weapon or dangerous instrument in a threatening manner or subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person, in which case the authorized term of imprisonment is life imprisonment or a term of years not less than ten years; or

(2) The victim is a child less than twelve years **[**of age**]** **old**, in which case the required term of imprisonment is life imprisonment without eligibility for probation or parole until the **[**defendant**]** **offender** has served not less than thirty years of such sentence or unless the **[**defendant**]** **offender** has reached the age of seventy-five years and has served at least fifteen years of such sentence, unless such **[**forcible**]** sodomy **in the first degree** is described under subdivision (3) of this subsection; or

(3) The victim is a child less than twelve years of age and such **[**forcible**]** sodomy **in the first degree or attempt to commit sodomy in the first degree** was outrageously or wantonly vile, horrible or inhumane, in that it involved torture or depravity of mind, in which case the required term of imprisonment is life imprisonment without eligibility for probation, parole or conditional release.

3. Subsection 4 of section 558.019 shall not apply to the sentence of a person who has **[**pleaded guilty to or has**]** been found guilty of **[**forcible**]** sodomy **in the first degree or an attempt to commit sodomy in the first degree** when the victim is **[**under the age of**]** **less than** twelve **years of age**, and "life imprisonment" shall mean imprisonment for the duration of a person's natural life for the purposes of this section.

4. No person found guilty of **[**or pleading guilty to forcible**]** sodomy **in the first degree** or an attempt to commit **[**forcible**]** sodomy **in the first degree** shall be granted a suspended imposition of sentence or suspended execution of sentence.

[566.070.] **566.061. DEVIATE SEXUAL ASSAULT, PENALTY.** — 1. A person commits the [crime of deviate sexual assault**]** **offense of sodomy in the second degree** if he **or she** has deviate sexual intercourse with another person knowing that he **or she** does so without that person's consent.

2. [Deviate sexual assault] **The offense of sodomy in the second degree** is a class C felony.

566.093. SEXUAL MISCONDUCT, FIRST DEGREE, PENALTIES. — 1. A person commits the [crime] **offense** of sexual misconduct in the [second] **first** degree if such person:

(1) Exposes his or her genitals under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm;

(2) Has sexual contact in the presence of a third person or persons under circumstances in which he or she knows that such conduct is likely to cause affront or alarm; or

(3) Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person.

2. **The offense of** sexual misconduct in the [second] **first** degree is a class B misdemeanor unless the [actor] **person** has previously been [convicted] **found guilty** of an offense under this chapter, in which case it is a class A misdemeanor.

566.095. SEXUAL MISCONDUCT, SECOND DEGREE, PENALTY. — 1. A person commits the [crime] **offense** of sexual misconduct in the [third] **second** degree if he **or she** solicits or requests another person to engage in sexual conduct under circumstances in which he **or she** knows that [his requests] **such request** or solicitation is likely to cause affront or alarm.

2. **The offense of** sexual misconduct in the [third] **second** degree is a class C misdemeanor.

566.100. SEXUAL ABUSE IN THE FIRST DEGREE, PENALTIES. — 1. A person commits the [crime] **offense** of sexual abuse **in the first degree** if he **or she** subjects another person to sexual contact **when that person is incapacitated, incapable of consent, or lacks the capacity to consent, or** by the use of forcible compulsion.

2. **The offense of** sexual abuse **in the first degree** is a class C felony unless in the course thereof the actor inflicts serious physical injury or displays a deadly weapon or dangerous instrument in a threatening manner or subjects the victim to sexual contact with more than one person or the victim is less than fourteen years of age, in which case [the crime] **it** is a class B felony.

[566.090.] 566.101. SEXUAL ABUSE, SECOND DEGREE, PENALTIES. — 1. A person commits the [crime] **offense** of sexual [misconduct] **abuse** in the [first] **second** degree if [such person] **he or she** purposely subjects another person to sexual contact without that person's consent.

2. **The offense of** sexual [misconduct] **abuse** in the [first] **second** degree is a class A misdemeanor**,** unless the actor has previously been convicted of an offense under this chapter or unless in the course thereof the actor displays a deadly weapon in a threatening manner or the offense is committed as a part of a ritual or ceremony, in which case it is a class D felony.

566.224. POLYGRAPH TESTS AND PSYCHOLOGICAL STRESS EVALUATOR EXAMS NOT PERMITTED, WHEN. — No prosecuting or circuit attorney, peace officer, governmental official, or employee of a law enforcement agency shall request or require a victim of **rape in the second degree under section 566.031,** sexual assault under section 566.040 **as it existed prior to August 28, 2013, rape in the first degree under section 566.030,** or forcible rape under section 566.030 **as it existed prior to August 28, 2013** to submit to any polygraph test or psychological stress evaluator exam as a condition for proceeding with a criminal investigation of such crime.

566.226. IDENTIFIABLE INFORMATION IN COURT RECORDS TO BE REDACTED, WHEN — ACCESS TO INFORMATION PERMITTED, WHEN — DISCLOSURE OF IDENTIFYING INFORMATION REGARDING DEFENDANT, WHEN. — 1. After August 28, 2007, any information

contained in any court record, whether written or published on the internet, that could be used to identify or locate any victim of sexual assault, domestic assault, stalking, **rape in the first or second degree,** or forcible rape shall be closed and redacted from such record prior to disclosure to the public. Identifying information shall include the name, home or temporary address, telephone number, Social Security number or physical characteristics.

2. If the court determines that a person or entity who is requesting identifying information of a victim has a legitimate interest in obtaining such information, the court may allow access to the information, but only if the court determines that disclosure to the person or entity would not compromise the welfare or safety of such victim.

3. Notwithstanding the provisions of subsection 1 of this section, the judge presiding over a sexual assault, domestic assault, stalking, **[**or**]** forcible rape**, or rape in the first or second degree** case shall have the discretion to publicly disclose identifying information regarding the defendant which could be used to identify or locate the victim of the crime. The victim may provide a statement to the court regarding whether he or she desires such information to remain closed. When making the decision to disclose such information, the judge shall consider the welfare and safety of the victim and any statement to the court received from the victim regarding the disclosure.

570.120. CRIME OF PASSING BAD CHECKS, PENALTY — ACTUAL NOTICE GIVEN, WHEN — ADMINISTRATIVE HANDLING COSTS, AMOUNT, DEPOSIT IN FUND — USE OF FUND — ADDITIONAL COSTS, AMOUNT — PAYROLL CHECKS, ACTION, WHEN — SERVICE CHARGE MAY BE COLLECTED — RETURN OF BAD CHECK TO DEPOSITOR BY FINANCIAL INSTITUTION MUST BE ON CONDITION THAT ISSUER IS IDENTIFIABLE. — 1. A person commits the crime of passing a bad check when:

(1) With purpose to defraud, the person makes, issues or passes a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money, knowing that it will not be paid by the drawee, or that there is no such drawee; or

(2) The person makes, issues, or passes a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money, knowing that there are insufficient funds in or on deposit with that account for the payment of such check, sight order, or other form of presentment involving the transmission of account information in full and all other checks, sight orders, or other forms of presentment involving the transmission of account information upon such funds then outstanding, or that there is no such account or no drawee and fails to pay the check or sight order or other form of presentment involving the transmission of account information within ten days after receiving actual notice in writing that it has not been paid because of insufficient funds or credit with the drawee or because there is no such drawee.

2. As used in subdivision (2) of subsection 1 of this section, "actual notice in writing" means notice of the nonpayment which is actually received by the defendant. Such notice may include the service of summons or warrant upon the defendant for the initiation of the prosecution of the check or checks which are the subject matter of the prosecution if the summons or warrant contains information of the ten-day period during which the instrument may be paid and that payment of the instrument within such ten-day period will result in dismissal of the charges. The requirement of notice shall also be satisfied for written communications which are tendered to the defendant and which the defendant refuses to accept.

3. The face amounts of any bad checks passed pursuant to one course of conduct within any ten-day period may be aggregated in determining the grade of the offense.

4. Passing bad checks is a class A misdemeanor, unless:

(1) The face amount of the check or sight order or the aggregated amounts is five hundred dollars or more; or

(2) The issuer had no account with the drawee or if there was no such drawee at the time the check or order was issued, in which cases passing bad checks is a class C felony.

5. **[**(1)**]** In addition to all other costs and fees allowed by law, each prosecuting attorney or circuit attorney who takes any action pursuant to the provisions of this section shall collect from the issuer in such action an administrative handling cost. The cost shall be twenty-five dollars for checks of less than one hundred dollars, and fifty dollars for checks of one hundred dollars but less than two hundred fifty dollars. For checks of two hundred fifty dollars or more an additional fee of ten percent of the face amount shall be assessed, with a maximum fee for administrative handling costs not to exceed seventy-five dollars total. Notwithstanding the provisions of sections 50.525 to 50.745, the costs provided for in this subsection shall be deposited by the county treasurer into **[**a separate interest-bearing fund to be expended by the prosecuting attorney or circuit attorney. The funds shall be expended, upon warrants issued by the prosecuting attorney or circuit attorney directing the treasurer to issue checks thereon, only for purposes related to that previously authorized in this section. Any revenues that are not required for the purposes of this section may be placed in the general revenue fund of the county or city not within a county**] the "Administrative Handling Cost Fund", established under section 559.100**. Notwithstanding any law to the contrary, in addition to the administrative handling cost, the prosecuting attorney or circuit attorney shall collect an additional cost of five dollars per check for deposit to the Missouri office of prosecution services fund established in subsection 2 of section 56.765. All moneys collected pursuant to this section which are payable to the Missouri office of prosecution services fund shall be transmitted at least monthly by the county treasurer to the director of revenue who shall deposit the amount collected pursuant to the credit of the Missouri office of prosecution services fund under the procedure established pursuant to subsection 2 of section 56.765.

[(2) The moneys deposited in the fund may be used by the prosecuting or circuit attorney for office supplies, postage, books, training, office equipment, capital outlay, expenses of trial and witness preparation, additional employees for the staff of the prosecuting or circuit attorney, employees' salaries, and for other lawful expenses incurred by the circuit or prosecuting attorney in operation of that office.

(3) This fund may be audited by the state auditor's office or the appropriate auditing agency.

(4) If the moneys collected and deposited into this fund are not totally expended annually, then the unexpended balance shall remain in said fund and the balance shall be kept in said fund to accumulate from year to year.**]**

6. Notwithstanding any other provision of law to the contrary:

(1) In addition to the administrative handling costs provided for in subsection 5 of this section, the prosecuting attorney or circuit attorney may collect from the issuer, in addition to the face amount of the check, a reasonable service charge, which along with the face amount of the check, shall be turned over to the party to whom the bad check was issued;

(2) If a check that is dishonored or returned unpaid by a financial institution is not referred to the prosecuting attorney or circuit attorney for any action pursuant to the provisions of this section, the party to whom the check was issued, or his or her agent or assignee, or a holder, may collect from the issuer, in addition to the face amount of the check, a reasonable service charge, not to exceed twenty-five dollars, plus an amount equal to the actual charge by the depository institution for the return of each unpaid or dishonored instrument.

7. When any financial institution returns a dishonored check to the person who deposited such check, it shall be in substantially the same physical condition as when deposited, or in such condition as to provide the person who deposited the check the information required to identify the person who wrote the check.

573.037. POSSESSION OF CHILD PORNOGRAPHY — PENALTY. — 1. A person commits the **[**crime**] offense** of possession of child pornography if such person knowingly or recklessly

possesses any child pornography of a minor **[**under the age of**]** **less than** eighteen **years old** or obscene material portraying what appears to be a minor **[**under the age of**]** **less than** eighteen **years old**.

2. **The offense of** possession of child pornography is a class C felony **[**unless**]** **if the person possesses one still image of child pornography or one obscene still image. The offense of possession of child pornography is a class B felony if** the person:

(1) Possesses**:**

(a) More than twenty still images of child pornography**[**, possesses**]** **; or**

(b) More than twenty obscene still images; or

(c) Child pornography comprised of one motion picture, film, videotape, videotape production, or other moving image **[**of child pornography,**]** **; or**

(d) Obscene material comprised of one motion picture, film, videotape production, or other moving image; or

(2) Has **previously** pleaded guilty to or has been found guilty of an offense under this section**[**, in which case it is a class B felony**]**.

3. A person who has committed the offense of possession of child pornography is subject to separate punishments for each item of child pornography or obscene material possessed by the person.

589.015. DEFINITIONS.— As used in sections 589.010 to 589.040:

(1) The term "center" shall mean the state center for the prevention and control of sexual assault established pursuant to section 589.030;

(2) The term "sexual assault" shall include:

(a) The acts of rape **in the first or second degree**, forcible rape, **rape,** statutory rape in the first degree, statutory rape in the second degree, sexual assault, sodomy **in the first or second degree**, forcible sodomy, **sodomy,** statutory sodomy in the first degree, statutory sodomy in the second degree, child molestation in the first degree, child molestation in the second degree, deviate sexual assault, sexual misconduct and sexual abuse, or attempts to commit any of the aforesaid, as these acts are defined in chapter 566;

(b) The act of incest, as this act is defined in section 568.020;

(c) The act of abuse of a child, as defined in subdivision (1) of subsection 1 of section 568.060, which involves sexual contact, and as defined in subdivision (2) of subsection 1 of section 568.060;

(d) The act of use of a child in a sexual performance as defined in section 568.080; and

(e) The act of enticement of a child, as defined in section 566.151, or any attempt to commit such act.

590.700. DEFINITIONS — RECORDING REQUIRED FOR CERTAIN CRIMES — MAY BE RECORDED, WHEN — WRITTEN POLICY REQUIRED — VIOLATION, PENALTY. — 1. As used in this section, the following terms shall mean:

(1) "Custodial interrogation", the questioning of a person under arrest, who is no longer at the scene of the crime, by a member of a law enforcement agency along with the answers and other statements of the person questioned. "Custodial interrogation" shall not include:

(a) A situation in which a person voluntarily agrees to meet with a member of a law enforcement agency;

(b) A detention by a law enforcement agency that has not risen to the level of an arrest;

(c) Questioning that is routinely asked during the processing of the arrest of the suspect;

(d) Questioning pursuant to an alcohol influence report;

(e) Questioning during the transportation of a suspect;

(2) "Recorded" and "recording", any form of audiotape, videotape, motion picture, or digital recording.

2. All custodial interrogations of persons suspected of committing or attempting to commit murder in the first degree, murder in the second degree, assault in the first degree, assault of a law enforcement officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, arson in the first degree, **rape in the first degree,** forcible rape, **sodomy in the first degree,** forcible sodomy, kidnapping, statutory rape in the first degree, statutory sodomy in the first degree, child abuse, or child kidnapping shall be recorded when feasible.

3. Law enforcement agencies may record an interrogation in any circumstance with or without the knowledge or consent of a suspect, but they shall not be required to record an interrogation under subsection 2 of this section:

(1) If the suspect requests that the interrogation not be recorded;

(2) If the interrogation occurs outside the state of Missouri;

(3) If exigent public safety circumstances prevent recording;

(4) To the extent the suspect makes spontaneous statements;

(5) If the recording equipment fails; or

(6) If recording equipment is not available at the location where the interrogation takes place.

4. Each law enforcement agency shall adopt a written policy to record custodial interrogations of persons suspected of committing or attempting to commit the felony crimes described in subsection 2 of this section.

5. If a law enforcement agency fails to comply with the provisions of this section, the governor may withhold any state funds appropriated to the noncompliant law enforcement agency if the governor finds that the agency did not act in good faith in attempting to comply with the provisions of this section.

6. Nothing in this section shall be construed as a ground to exclude evidence, and a violation of this section shall not have impact other than that provided for in subsection 5 of this section. Compliance or noncompliance with this section shall not be admitted as evidence, argued, referenced, considered or questioned during a criminal trial.

7. Nothing contained in this section shall be construed to authorize, create, or imply a private cause of action.

595.220. FORENSIC EXAMINATIONS, DEPARTMENT OF PUBLIC SAFETY TO PAY MEDICAL PROVIDERS, WHEN — MINOR MAY CONSENT TO EXAMINATION, WHEN — ATTORNEY GENERAL TO DEVELOP FORMS — COLLECTION KITS — DEFINITIONS — RULEMAKING AUTHORITY. — 1. The department of public safety shall make payments to appropriate medical providers, out of appropriations made for that purpose, to cover the reasonable charges of the forensic examination of persons who may be a victim of a sexual offense if:

(1) The victim or the victim's guardian consents in writing to the examination; and

(2) The report of the examination is made on a form approved by the attorney general with the advice of the department of public safety. The department shall establish maximum reimbursement rates for charges submitted under this section, which shall reflect the reasonable cost of providing the forensic exam.

2. A minor may consent to examination under this section. Such consent is not subject to disaffirmance because of minority, and consent of parent or guardian of the minor is not required for such examination. The appropriate medical provider making the examination shall give written notice to the parent or guardian of a minor that such an examination has taken place.

3. The attorney general, with the advice of the department of public safety, shall develop the forms and procedures for gathering evidence during the forensic examination under the provisions of this section. The department of health and senior services shall develop a checklist, protocols, and procedures for appropriate medical providers to refer to while providing medical treatment to victims of a sexual offense, including those specific to victims who are minors.

4. Evidentiary collection kits shall be developed and made available, subject to appropriation, to appropriate medical providers by the highway patrol or its designees and eligible crime laboratories. Such kits shall be distributed with the forms and procedures for gathering evidence during forensic examinations of victims of a sexual offense to appropriate medical providers upon request of the provider, in the amount requested, and at no charge to the medical provider. All appropriate medical providers shall, with the written consent of the victim, perform a forensic examination using the evidentiary collection kit, or other collection procedures developed for victims who are minors, and forms and procedures for gathering evidence following the checklist for any person presenting as a victim of a sexual offense.

5. In reviewing claims submitted under this section, the department shall first determine if the claim was submitted within ninety days of the examination. If the claim is submitted within ninety days, the department shall, at a minimum, use the following criteria in reviewing the claim: examination charges submitted shall be itemized and fall within the definition of forensic examination as defined in subdivision (3) of subsection **[**7**]** **8** of this section.

6. All appropriate medical provider charges for eligible forensic examinations shall be billed to and paid by the department of public safety. No appropriate medical provider conducting forensic examinations and providing medical treatment to victims of sexual offenses shall charge the victim for the forensic examination. For appropriate medical provider charges related to the medical treatment of victims of sexual offenses, if the victim is an eligible claimant under the crime victims' compensation fund, the victim shall seek compensation under sections 595.010 to 595.075.

7. **The department of public safety shall establish rules regarding the reimbursement of the costs of forensic examinations for children under fourteen years of age, including establishing conditions and definitions for emergency and nonemergency forensic examinations and may by rule establish additional qualifications for appropriate medical providers performing nonemergency forensic examinations for children under fourteen years of age. The department shall provide reimbursement regardless of whether or not the findings indicate that the child was abused.**

8. For purposes of this section, the following terms mean:

(1) "Appropriate medical provider",

(a) Any licensed nurse, physician, or physician assistant, and any institution employing licensed nurses, physicians, or physician assistants, provided that such licensed professionals are the only persons at such institution to perform tasks under the provisions of this section; **or**

(b) For the purposes of any nonemergency forensic examination of a child under fourteen years of age, the department of public safety may establish additional qualifications for any provider listed in paragraph (a) under rules authorized under subsection 7 of this section;

(2) "Evidentiary collection kit", a kit used during a forensic examination that includes materials necessary for appropriate medical providers to gather evidence in accordance with the forms and procedures developed by the attorney general for forensic examinations;

(3) "Forensic examination", an examination performed by an appropriate medical provider on a victim of an alleged sexual offense to gather evidence for the evidentiary collection kit or using other collection procedures developed for victims who are minors;

(4) "Medical treatment", the treatment of all injuries and health concerns resulting directly from a patient's sexual assault or victimization**;**

(5) "Emergency forensic examination", an examination of a person under fourteen years of age that occurs within five days of the alleged sexual offense. The department of public safety may further define the term "emergency forensic examination" by rule;

(6) "Nonemergency forensic examination", an examination of a person under fourteen years of age that occurs more than five days after the alleged sexual offense. The department of public safety may further define the term "nonemergency forensic examination" by rule.

[8.**]** **9.** The department shall have authority to promulgate rules and regulations necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

600.011. DEFINITIONS. — The following words and phrases as used in this chapter have the following meanings, unless the context otherwise requires:

(1) "Assigned counsel" means private attorneys who are hired by the state public defender director to handle the cases of eligible persons from time to time on a case basis;

(2) **[**"Chief deputy director" means the attorney appointed by the commission to assist the state public defender director and to exercise the duties and powers of the director in his absence or upon his resignation;

(3)**]** **"Assistant public defender", a staff attorney within a particular public defender office responsible for the handling of cases of eligible persons;**

(3) "Commission" **[**means**] ,** the public defender commission;

(4) "Defender(s)"**,** includes both attorneys which serve as staff attorneys in the state defender system and **[**assigned**]** **contract** counsel **[**who provide defense services on a case basis**]**, but does not include secretarial, investigative, social service, or paraprofessional staff;

(5) **"Deputy director", the attorney or attorneys appointed by the commission to assist the state public defender director and to temporarily exercise the duties and powers of the director in his or her absence or upon his or her resignation, pending the commission's appointment of a new director;**

(6) "Deputy district defender", an attorney who assists the district defender in the management and supervision of a public defender district office and performs the duty of the district defender in his or her absence;

(7) "Director" **[**means**] ,** the state public defender director;

[(6)**] (8) "District defender", the managing attorney in charge of a public defender district office;**

(9) "Division director", an employee responsible for the supervision and management of multiple district offices or areas of statewide responsibility as assigned by the director, or both;

(10) "Eligible person" **[**means**] ,** a person who falls within the financial rules for legal representation at public expense prescribed by section 600.086;

[(7)**] (11)** "State public defender system" **[**means**] ,** a system for providing defense services to every jurisdiction within the state by means of a centrally administered organization having a full-time staff.

600.040. OFFICE SPACE AND UTILITIES SERVICES, HOW PROVIDED — RETIREMENT SYSTEM MEMBERSHIP. — 1. The city or county shall provide office space and utility services, other than telephone service, for the **[**circuit or regional**] district** public defender and his **or her** personnel. If there is more than one county in a **[**circuit or region**] district**, each county shall contribute, on the basis of population, its pro rata share of the costs of office space and utility services, other than telephone service. The state shall pay, within the limits of the appropriation therefor, all other expenses and costs of the state public defender system authorized under this chapter.

2. A complete budget for the state public defender system shall be provided through an annual appropriation subject to approval by the governor and the general assembly. The budget

request for the state public defender system shall be approved by the commission and submitted directly to the governor and the general assembly by the director and shall not be subject to diminution or alteration by the judicial department of state government.

3. Any person who is a public defender or employee of a public defender shall be entitled to all benefits of the Missouri state employees' retirement system as defined in sections 104.310 to 104.550.

600.042. DIRECTOR'S DUTIES AND POWERS — CASES FOR WHICH REPRESENTATION IS AUTHORIZED — RULES, PROCEDURE — DISCRETIONARY POWERS OF DEFENDER SYSTEM — BAR MEMBERS APPOINTMENT AUTHORIZED. — 1. The director shall:

(1) Direct and supervise the work of the deputy directors and other state public defender office personnel appointed pursuant to this chapter; and he **or she** and the **[**chief**]** deputy director **or directors** may participate in the trial and appeal of criminal actions at the request of the defender;

(2) Submit to the commission, between August fifteenth and September fifteenth of each year, a report which shall include all pertinent data on the operation of the state public defender system, the costs, projected needs, and recommendations for statutory changes. Prior to October fifteenth of each year, the commission shall submit such report along with such recommendations, comments, conclusions, or other pertinent information it chooses to make to the chief justice, the governor, and the general assembly. Such reports shall be a public record, shall be maintained in the office of the state public defender, and shall be otherwise distributed as the commission shall direct;

(3) With the approval of the commission, establish such divisions, facilities and offices and select such professional, technical and other personnel, including investigators, as he deems reasonably necessary for the efficient operation and discharge of the duties of the state public defender system under this chapter;

(4) Administer and coordinate the operations of defender services and be responsible for the overall supervision of all personnel, offices, divisions and facilities of the state public defender system, except that the director shall have no authority to direct or control the legal defense provided by a defender to any person served by the state public defender system;

(5) Develop programs and administer activities to achieve the purposes of this chapter;

(6) Keep and maintain proper financial records with respect to the **[**providing**]** **provision** of all public defender services for use in the calculating of direct and indirect costs of any or all aspects of the operation of the state public defender system;

(7) Supervise the training of all public defenders, **[**assistant public defenders, deputy public defenders**]** and other personnel and establish such training courses as shall be appropriate;

(8) With approval of the commission, promulgate necessary rules, regulations and instructions consistent with this chapter defining the organization of **[**his office**]** **the state public defender system** and the responsibilities of **[**public**]** **division directors, district** defenders, **[**assistant public**]** **deputy district** defenders, **[**deputy**]** **assistant** public defenders and other personnel;

(9) With the approval of the commission, apply for and accept on behalf of the public defender system any funds which may be offered or which may become available from government grants, private gifts, donations or bequests or from any other source. Such moneys shall be deposited in the state general revenue fund;

(10) Contract for legal services with private attorneys on a case-by-case basis and with assigned counsel as the commission deems necessary considering the needs of the area, for fees approved and established by the commission;

(11) With the approval and on behalf of the commission, contract with private attorneys for the collection and enforcement of liens and other judgments owed to the state for services rendered by the state public defender system**;**

(12) Prepare a plan to establish district offices, the boundaries of which shall coincide with existing judicial circuits. Any district office may contain more than one judicial circuit within its boundaries, but in no event shall any district office boundary include any geographic region of a judicial circuit without including the entire judicial circuit. The director shall submit the plan to the chair of the house judiciary committee and the chair of the senate judiciary committee, with fiscal estimates, by December 31, 2014. The plan shall be implemented by December 31, 2018.

2. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

3. The director and defenders shall, within guidelines as established by the commission and as set forth in subsection 4 of this section, accept requests for legal services from eligible persons entitled to counsel under this chapter or otherwise so entitled under the constitution or laws of the United States or of the state of Missouri and provide such persons with legal services when, in the discretion of the director or the defenders, such provision of legal services is appropriate.

4. The director and defenders shall provide legal services to an eligible person:

(1) Who is detained or charged with a felony, including appeals from a conviction in such a case;

(2) Who is detained or charged with a misdemeanor which will probably result in confinement in the county jail upon conviction, including appeals from a conviction in such a case**, unless the prosecuting or circuit attorney has waived a jail sentence**;

(3) Who is **[**detained or**]** charged with a violation of probation **[**or parole**]** **when it has been determined by a judge that the appointment of counsel is necessary to protect the person's due process rights under section 559.036**;

(4) Who has been taken into custody pursuant to section 632.489, including appeals from a determination that the person is a sexually violent predator and petitions for release, notwithstanding any provisions of law to the contrary;

(5) For whom the federal constitution or the state constitution requires the appointment of counsel; and

(6) **[**For whom,**]** **Who is charged** in a case in which he **or she** faces a loss or deprivation of liberty, **and in which the federal or the state constitution or** any law of this state requires the appointment of counsel; however, the director and the defenders shall not be required to provide legal services to persons charged with violations of county or municipal ordinances**, or misdemeanor offenses except as provided in this section**.

5. The director may:

(1) Delegate the legal representation of any person to any member of the state bar of Missouri;

(2) Designate persons as representatives of the director for the purpose of making indigency determinations and assigning counsel.

600.048. RIGHT TO COUNSEL, NOTICE POSTED, WHERE, CONTENTS — REQUEST FOR COUNSEL, PROCEDURE — PRIVACY RIGHTS. — 1. It shall be the duty of every person in charge of a jail, police station, constable's or sheriff's office, or detention facility provided by any county to post in a conspicuous place a notice stating in effect:

(1) That every person held in custody under a charge or suspicion of a crime is entitled to have a lawyer;

(2) That if any such person is held in custody in connection with any of the cases or proceedings set out in section 600.042, and wants a lawyer to represent him **or her** and is unable, without substantial financial hardship to **[**himself**]** **self** or his **or her** dependents, to obtain a lawyer, the state will provide a lawyer to represent him **[**if he requests such representation**]** **or her upon request**; and

(3) That if the state provides **such** a lawyer **[**for him, he**] , the client** may be liable to the state for the cost of the services and expenses of the lawyer who handles **[**his**] the** case if he **or she** is or will be able to pay all or any part of such costs. The notice shall also contain a listing of the cases and proceedings for which defender services are available under section 600.042, and the telephone number of a person or answering service to call to request that a person designated by the state public defender system visit and interview him **or her**, and **[**give him**] provide** further information.

2. A person who is charged or detained in any case listed in section 600.042 or who appears in court without counsel at any stage of a case, or any other person on behalf of such person, may request that legal representation be furnished to him **or her** by the state. The court or any person representing the state public defender system to whom such request is made shall first **[**give him**] provide** a copy of the notice referred to in subsection 1 of this section or call the posted notice to **[**his**] the charged or detained person's** attention and permit him **or her** to read it or **[**explain it**] have it explained** to him **or her**. If such person renews a request for state public defender system services, he **or she** shall be required to complete and sign an affidavit in accordance with section 600.086**[**. He**] and** shall be orally informed of the punishment for intentionally falsifying such affidavit.

3. It shall be the duty of every person in charge of a jail, police station, constable's or sheriff's office, or detention facility to make a room or place available therein where any person held in custody under a charge or suspicion of a crime will be able to talk privately with his **or her** lawyer, **[**his**]** lawyer's representative, or any authorized person responding to **[**his**] a** request for an interview concerning his **or her** right to counsel.

600.062. ACCEPTANCE OF CASES, NO AUTHORITY TO LIMIT BASED ON CASELOAD STANDARDS. — Notwithstanding the provisions of sections 600.017 and 600.042 to the contrary, neither the director nor the commission shall have the authority to limit the availability of a district office or any division director, district defender, deputy district defender, or assistant public defender to accept cases based on a determination that the office has exceeded a caseload standard. The director, commission, any division director, district defender, deputy district defender, or assistant public defender may not refuse to provide representation required under this chapter without prior approval from a court of competent jurisdiction.

600.063. CASELOAD CONCERNS, MOTION TO COURT, PROCEDURE — RULEMAKING AUTHORITY. — 1. Upon approval by the director or the commission, any district defender may file a motion to request a conference to discuss caseload issues involving any individual public defender or defenders, but not the entire office, with the presiding judge of any circuit court served by the district office. The motion shall state the reasons why the individual public defender or public defenders will be unable to provide effective assistance of counsel due to caseload concerns. When a motion to request a conference has been filed, the clerk of the court shall immediately provide a copy of the motion to the prosecuting or circuit attorney who serves the circuit court.

2. If the presiding judge approves the motion, a date for the conference shall be set within thirty days of the filing of the motion. The court shall provide notice of the conference date and time to the district defender and the prosecuting or circuit attorney.

3. Within thirty days of the conference, the presiding judge shall issue an order either granting or denying relief. If relief is granted, it shall be based upon a finding that the individual public defender or defenders will be unable to provide effective assistance of counsel due to caseload issues. The judge may order one or more of the following types of relief in any appropriate combination:

(1) Appoint private counsel to represent any eligible defendant pursuant to the provisions of section 600.064;

(2) Investigate the financial status of any defendant determined to be eligible for public defender representation under section 600.086 and make findings regarding the eligibility of such defendants;

(3) Determine, with the express concurrence of the prosecuting or circuit attorney, whether any cases can be disposed of without the imposition of a jail or prison sentence and allow such cases to proceed without the provision of counsel to the defendant;

(4) Modify the conditions of release ordered in any case in which the defendant is being represented by a public defender, including, but not limited to, reducing the amount of any bond required for release;

(5) Place cases on a waiting list for defender services, taking into account the seriousness of the case, the incarceration status of the defendant, and such other special circumstances as may be brought to the attention of the court by the prosecuting or circuit attorney, the district defender, or other interested parties; and

(6) Grant continuances.

4. Upon receiving the order, the prosecuting or circuit attorney and the district defender shall have ten days to file an application for review to the appropriate appellate court. Such appeal shall be expedited by the court in every manner practicable.

5. Nothing in this section shall deny any party the right to seek any relief authorized by law nor shall any provisions of this section be construed as providing a basis for a claim for post conviction relief by a defendant.

6. The commission and the supreme court may make such rules and regulations to implement this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created by the commission under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

600.064. PRIVATE COUNSEL, APPOINTMENT OF, REQUIREMENTS — EXPENSES. — 1. Before a circuit court judge appoints private counsel to represent an indigent defendant, the judge shall:

(1) Investigate the defendant's financial status to verify that the defendant does not have the means to obtain counsel;

(2) Provide each appointed lawyer, upon request, with an evidentiary hearing as to the propriety of the appointment, taking into consideration the lawyer's right to earn a livelihood and be free from involuntary servitude. If the judge determines after the hearing that the appointment will cause any undue hardship to the lawyer, the judge shall appoint another lawyer; and

(3) Determine whether the private counsel to be appointed possesses the necessary experience, education, and expertise in criminal defense to provide effective assistance of counsel.

2. No judge shall require a lawyer to advance personal funds in any amount for the payment of litigation expenses to prepare a proper defense for an indigent defendant.

3. If an employee of the general assembly is appointed to represent an indigent defendant during the time period beginning January first and ending June first of each year, or whenever the general assembly is in a veto session or special session or is holding out-of-session committee hearings, the judge who made the appointment shall postpone the trial and all other proceedings of any kind or nature to a date that does not fall within such time period or appoint a different lawyer who is not an employee of the general assembly to represent the defendant.

4. Private counsel appointed to represent an indigent defendant may seek payment of litigation expenses from the public defender system. Such litigation expenses shall not include counsel fees and shall be limited to those expenses approved in advance by the director as reasonably necessary for the proper defense of the defendant.

632.480. DEFINITIONS. — As used in sections 632.480 to 632.513, the following terms mean:

(1) "Agency with jurisdiction", the department of corrections or the department of mental health;

(2) "Mental abnormality", a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to commit sexually violent offenses in a degree constituting such person a menace to the health and safety of others;

(3) "Predatory", acts directed towards individuals, including family members, for the primary purpose of victimization;

(4) "Sexually violent offense", the felonies of **rape in the first degree,** forcible rape, rape, statutory rape in the first degree, **sodomy in the first degree,** forcible sodomy, sodomy, statutory sodomy in the first degree, or an attempt to commit any of the preceding crimes, or child molestation in the first or second degree, sexual abuse, **sexual abuse in the first degree, rape in the second degree,** sexual assault, **sexual assault in the first degree, sodomy in the second degree,** deviate sexual assault, **deviate sexual assault in the first degree,** or the act of abuse of a child **[**as defined in subdivision (1) of subsection 1 of section 568.060 which involves sexual contact, and as defined in subdivision (2) of subsection 1 of section 568.060**] involving either sexual contact, a prohibited sexual act, sexual abuse, or sexual exploitation of a minor, or any felony offense that contains elements substantially similar to the offenses listed above**;

(5) "Sexually violent predator", any person who suffers from a mental abnormality which makes the person more likely than not to engage in predatory acts of sexual violence if not confined in a secure facility and who:

(a) Has pled guilty or been found guilty, or been found not guilty by reason of mental disease or defect pursuant to section 552.030 of a sexually violent offense; or

(b) Has been committed as a criminal sexual psychopath pursuant to section 632.475 and statutes in effect before August 13, 1980.

632.498. ANNUAL EXAMINATION OF MENTAL CONDITION, NOT REQUIRED, WHEN — ANNUAL REVIEW BY THE COURT — PETITION FOR RELEASE, HEARING, PROCEDURES (WHEN DIRECTOR DISAPPROVES). — 1. Each person committed pursuant to sections 632.480 to 632.513 shall have a current examination of the person's mental condition made once every year by the director of the department of mental health or designee. The yearly report shall be provided to the court that committed the person pursuant to sections 632.480 to 632.513. The court shall conduct an annual review of the status of the committed person. The court shall not conduct an annual review of a person's status if he or she has been conditionally released pursuant to section 632.505.

2. Nothing contained in sections 632.480 to 632.513 shall prohibit the person from otherwise petitioning the court for release. The director of the department of mental health shall provide the committed person who has not been conditionally released with an annual written notice of the person's right to petition the court for release over the director's objection. The notice shall contain a waiver of rights. The director shall forward the notice and waiver form to the court with the annual report.

3. If the committed person petitions the court for conditional release over the director's objection, the petition shall be served upon the court that committed the person, the **prosecuting attorney of the jurisdiction into which the committed person is to be released, the** director

of the department of mental health, the head of the facility housing the person, and the attorney general.

4. The committed person shall have a right to have an attorney represent the person at the hearing but the person is not entitled to be present at the hearing. If the court at the hearing determines by a preponderance of the evidence that the person no longer suffers from a mental abnormality that makes the person likely to engage in acts of sexual violence if released, then the court shall set a trial on the issue.

5. The trial shall be governed by the following provisions:

(1) The committed person shall be entitled to be present and entitled to the benefit of all constitutional protections that were afforded the person at the initial commitment proceeding;

(2) The attorney general shall represent the state and shall have a right to a jury trial and to have the committed person evaluated by a psychiatrist or psychologist not employed by the department of mental health or the department of corrections. In addition, the person may be examined by a consenting psychiatrist or psychologist of the person's choice at the person's own expense;

(3) The burden of proof at the trial shall be upon the state to prove by clear and convincing evidence that the committed person's mental abnormality remains such that the person is not safe to be at large and if released is likely to engage in acts of sexual violence. If such determination is made by a jury, the verdict must be unanimous;

(4) If the court or jury finds that the person's mental abnormality remains such that the person is not safe to be at large and if released is likely to engage in acts of sexual violence, the person shall remain in the custody of the department of mental health in a secure facility designated by the director of the department of mental health. If the court or jury finds that the person's mental abnormality has so changed that the person is not likely to commit acts of sexual violence if released, the person shall be conditionally released as provided in section 632.505.

632.505. CONDITIONAL RELEASE — INTERAGENCY AGREEMENTS FOR SUPERVISION, PLAN — COURT REVIEW OF PLAN, ORDER, CONDITIONS — COPY OF ORDER — CONTINUING CONTROL AND CARE — MODIFICATIONS — VIOLATIONS — AGREEMENTS WITH PRIVATE ENTITIES — FEE, RULEMAKING AUTHORITY — ESCAPE — NOTIFICATION TO LOCAL LAW ENFORCEMENT, WHEN. — 1. Upon determination by a court or jury that the person's mental abnormality has so changed that the person is not likely to commit acts of sexual violence if released, the court shall place the person on conditional release pursuant to the terms of this section. The primary purpose of conditional release is to provide outpatient treatment and monitoring to prevent the person's condition from deteriorating to the degree that the person would need to be returned to a secure facility designated by the director of the department of mental health.

2. The department of mental health is authorized to enter into an interagency agreement with the department of corrections for the supervision of persons granted a conditional release by the court. In conjunction with the department of corrections, the department of mental health shall develop a conditional release plan which contains appropriate conditions for the person to be released. The plan shall address the person's need for supervision, counseling, medication, community support services, residential services, vocational services, and alcohol and drug treatment. The department of mental health shall submit the proposed plan for conditional release to the court.

3. The court shall review the plan and determine the conditions that it deems necessary to meet the person's need for treatment and supervision and to protect the safety of the public. The court shall order that the person shall be subject to the following conditions and other conditions as deemed necessary:

(1) Maintain a residence approved by the department of mental health and not change residence unless approved by the department of mental health;

(2) Maintain employment unless engaged in other structured activity approved by the department of mental health;

(3) Obey all federal and state laws;

(4) Not possess a firearm or dangerous weapon;

(5) Not be employed or voluntarily participate in an activity that involves contact with children without approval of the department of mental health;

(6) Not consume alcohol or use a controlled substance except as prescribed by a treating physician and to submit, upon request, to any procedure designed to test for alcohol or controlled substance use;

(7) Not associate with any person who has been convicted of a felony unless approved by the department of mental health;

(8) Not leave the state without permission of the department of mental health;

(9) Not have contact with specific persons, including but not limited to, the victim or victim's family, as directed by the department of mental health;

(10) Not have any contact with any child without specific approval by the department of mental health;

(11) Not possess material that is pornographic, sexually oriented, or sexually stimulating;

(12) Not enter a business providing sexually stimulating or sexually oriented entertainment;

(13) Submit to a polygraph, plethysmograph, or other electronic or behavioral monitoring or assessment;

(14) Submit to electronic monitoring which may be based on a global positioning system or other technology which identifies and records a person's location at all times;

(15) Attend and fully participate in assessment and treatment as directed by the department of mental health;

(16) Take all psychiatric medications as prescribed by a treating physician;

(17) Authorize the department of mental health to access and obtain copies of confidential records pertaining to evaluation, counseling, treatment, and other such records and provide the consent necessary for the release of any such records;

(18) Pay fees to the department of mental health and the department of corrections to cover the costs of services and monitoring;

(19) Report to or appear in person as directed by the department of mental health and the department of corrections, and to follow all directives of such departments;

(20) Comply with any registration requirements under sections 589.400 to 589.425; and

(21) Comply with any other conditions that the court determines to be in the best interest of the person and society.

4. The court shall provide a copy of the order containing the conditions of release to the person, the attorney general, the department of mental health, the head of the facility housing the person, and the department of corrections.

5. A person who is conditionally released and supervised by a probation and parole officer employed by the department of corrections remains under the control, care, and treatment of the department of mental health.

6. The court may modify conditions of release upon its own motion or upon the petition of the department of mental health, the department of corrections, or the person on conditional release.

7. The following provisions shall apply to violations of conditional release:

(1) If any probation and parole officer has reasonable cause to believe that a person on conditional release has violated a condition of release or that the person is no longer a proper subject for conditional release, the officer may issue a warrant for the person's arrest. The warrant shall contain a brief recitation of the facts supporting the officer's belief. The warrant shall direct any peace officer to take the person into custody immediately so that the person can be returned to a secure facility;

(2) If the director of the department of mental health or the director's designee has reasonable cause to believe that a person on conditional release has violated a condition of release or that the person is no longer a proper subject for conditional release, the director or the director's designee may request that a peace officer take the person into custody immediately, or request that a probation and parole officer or the court which ordered the release issue a warrant for the person's arrest so that the person can be returned to a secure facility;

(3) At any time during the period of a conditional release, the court which ordered the release may issue a notice to the released person to appear to answer a charge of a violation of the terms of the release and the court may issue a warrant of arrest for the violation. Such notice shall be personally served upon the released person. The warrant shall authorize the return of the released person to the custody of the court or to the custody of the director of mental health or the director's designee;

(4) No peace officer responsible for apprehending and returning the person to the facility upon the request of the director of the department of mental health or the director's designee or a probation and parole officer shall be civilly liable for apprehending or transporting such person to the facility so long as such duties were performed in good faith and without negligence;

(5) The department of mental health shall promptly notify the court that the person has been apprehended and returned to a secure facility;

(6) Within seven days of the person's return to a secure facility, the department of mental health must either request that the attorney general file a petition to revoke the person's conditional release or continue the person on conditional release;

(7) If a petition to revoke conditional release is filed, the person shall remain in custody until a hearing is held on the petition. The hearing shall be given priority on the court's docket. If upon hearing the evidence, the court finds by preponderance of the evidence that the person has violated a condition of release and that the violation of the condition was sufficient to render the person no longer suitable for conditional release, the court shall revoke the conditional release and order the person returned to a secure facility designated by the director of the department of mental health. If the court determines that revocation is not required, the court may modify or increase the conditions of release or order the person's release on the existing conditions of release;

(8) A person whose conditional release has been revoked may petition the court for subsequent release pursuant to sections 632.498, 632.501, and 632.504 no sooner than six months after the person's return to a secure facility.

8. The department of mental health may enter into agreements with the department of corrections and other departments and may enter into contracts with private entities for the purpose of supervising a person on conditional release.

9. The department of mental health and the department of corrections may require a person on conditional release to pay a reasonable fee to cover the costs of providing services and monitoring while the person is released. Each department may adopt rules with respect to establishing, waiving, collecting, and using fees. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.

10. In the event a person on conditional release escapes from custody, the department of mental health shall notify the court, the department of corrections, the attorney general, the chief law enforcement officer of the county or city not within a county from where the person escaped or absconded, and any other persons necessary to protect the safety of the public or to assist in the apprehension of the person. The attorney general shall notify victims and

witnesses. Upon receiving such notice, the attorney general shall file escape from commitment charges under section 575.195.

11. When a person who has been granted conditional release under this section is being electronically monitored and remains in the county, city, town, or village where the facility is located that released the person, the department of corrections shall provide, upon request, the chief of the local law enforcement agency of such county, city, town, or village with access to the information gathered by the global positioning system or other technology used to monitor the person. This access shall include, but not be limited to, any user name or password needed to view any real-time or recorded information about the person, and any alert or message generated by the technology. The access shall continue while the person is being electronically monitored and is living in the county, city, town, or village where the facility that released the offender is located. The information obtained by the chief of the local law enforcement agency shall be closed and shall not be disclosed to any person outside the law enforcement agency except upon an order of the court supervising the conditional release.

SECTION 1. ABROGATION OF CASE LAW, SEXUALLY VIOLENT OFFENSE DEFINITION. — It is the intent of the legislature to reject and abrogate earlier case law interpretations on the meaning of or definition of "sexually violent offense" to include, but not be limited to, holdings in: Robertson v. State, 392 S.W.3d 1 (Mo. App. W.D., 2012); and State ex rel. Whitaker v. Satterfield, 386 S.W.3d 893 (Mo. App. S.D., 2012); and all cases citing, interpreting, applying, or following those cases. It is the intent of the legislature to apply these provisions retroactively.

SECTION B. — Because immediate action is necessary to ensure the quality of representation of indigent criminal defendants and to protect victims of criminal offenses, the enactment of section 600.062, and the repeal and reenactment of section 632.480 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, the enactment of section 600.062, and the repeal and reenactment of section 632.480 of this act shall be in full force and effect upon its passage and approval.

Approved July 2, 2013

HB 233 [SCS HCS HB 233]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding the Missouri State Employee Retirement System and the Missouri Department of Transportation and Highway Patrol Employees' Retirement System

AN ACT to repeal sections 104.010, 104.040, 104.090, 104.140, 104.200, 104.272, 104.312, 104.352, 104.354, 104.380, 104.395, 104.420, 104.490, 104.601, 104.620, 104.800, 104.1003, 104.1015, 104.1021, 104.1030, 104.1039, 104.1051, 104.1054, 104.1060, 105.684, and 476.515, RSMo, and to enact in lieu thereof twenty-six new sections relating to the administration of state employee benefits, with a penalty provision.

SECTION

A. Enacting clause.
104.010. Definitions.
104.040. Members to receive credit for prior service — military service to be considered — purchase of credit for service in the Armed Forces, cost, interest rate, computation — certain creditable prior service, purchase of, effect — nonfederal public employment, purchase of credit for service.
104.090. Normal annuity of retired member — additional allowance to patrolmen, qualifications — survivorship options — option selected prior to retirement, death of spouse, effect — spouse as beneficiary, effect.
104.140. Death prior to retirement, benefits.
104.200. Board may correct error in amounts paid member, limitation.
104.272. Certain members entitled to credit for service regardless of classification.
104.312. Pension, annuity, benefit, right, and allowance is marital property — division of benefits order, requirements — information for courts — rejection of division of benefits order — basis for payment to alternate payee.
104.352. Part-time legislative employees — insurance benefits — vesting service — deferred normal and partial annuities — requirements.
104.354. Part-time legislative employee retirement benefits — funding.
104.380. Retired members elected to state office, effect of — reemployment of retired members, effect of.
104.395. Options available to members in lieu of normal annuity — spouse as designated beneficiary, when — statement that spouse aware of retirement plan elected — reversion of amount of benefit, conditions — special consultant, compensation — election to be made, when.
104.420. Death before retirement, member or disabled member — surviving spouse to receive benefits — if no qualifying surviving spouse, children's benefits.
104.490. Correction of errors in amount paid members — falsification of records, penalty — survivor or beneficiary charged with killing member, denial of benefits, resumption of payments if not convicted.
104.601. Years of service to include unused accumulated sick leave, when — credited sick leave not counted for vesting purposes — applicable also to teachers' and school employees' retirement system.
104.620. Contribution refund to members — effect on benefits — record retention — reversion to credit of fund, when — reversion of unclaimed benefits, when — refund received, when.
104.800. Transfers of creditable service to other retirement system — transfer to be made, when — effect of transfer — death of member prior to retirement and transfer to be computed under system with most advantageous benefits.
104.1003. Definitions.
104.1015. Election into year 2000 plan, effect of — comparison of plans provided — calculation of annuity.
104.1021. Credited service determined by board — calculation.
104.1030. Death prior to annuity starting date, effect of — surviving spouse's benefits — children's benefits — applicability to members of general assembly and statewide officials.
104.1039. Reemployment of a retiree, effect on annuity — cost-of-living adjustments.
104.1051. Annuity deemed marital property — division of benefits.
104.1054. Benefits are obligations of the state — benefits not subject to execution, garnishment, attachment, writ of sequestration — benefits unassignable — reversion of benefits, when — refund received, when.
104.1060. Erroneous amount paid, correction — penalty for falsification — disqualification from receipt of payments, when.
105.684. Benefit increases prohibited, when — amortization of unfunded actuarial accrued liabilities — accelerated contribution schedule required, when.
476.515. Definitions — reinstatement of benefits for surviving spouse terminated by remarriage, when, procedure.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 104.010, 104.040, 104.090, 104.140, 104.200, 104.272, 104.312, 104.352, 104.354, 104.380, 104.395, 104.420, 104.490, 104.601, 104.620, 104.800, 104.1003, 104.1015, 104.1021, 104.1030, 104.1039, 104.1051, 104.1054, 104.1060, 105.684, and 476.515, RSMo, are repealed and twenty-six new sections enacted in lieu thereof, to be known as sections 104.010, 104.040, 104.090, 104.140, 104.200, 104.272, 104.312, 104.352, 104.354, 104.380, 104.395, 104.420, 104.490, 104.601, 104.620, 104.800, 104.1003, 104.1015, 104.1021, 104.1030, 104.1039, 104.1051, 104.1054, 104.1060, 105.684, and 476.515, to read as follows:

104.010. DEFINITIONS. — 1. The following words and phrases as used in sections 104.010 to 104.800, unless a different meaning is plainly required by the context, shall mean:

(1) "Accumulated contributions", the sum of all deductions for retirement benefit purposes from a member's compensation which shall be credited to the member's individual account and interest allowed thereon;

(2) "Active armed warfare", any declared war, or the Korean or Vietnamese Conflict;

(3) "Actuarial equivalent", a benefit which, when computed upon the basis of actuarial tables and interest, is equal in value to a certain amount or other benefit;

(4) "Actuarial tables", the actuarial tables approved and in use by a board at any given time;

(5) "Actuary", the actuary who is a member of the American Academy of Actuaries or who is an enrolled actuary under the Employee Retirement Income Security Act of 1974 and who is employed by a board at any given time;

(6) "Annuity", annual payments, made in equal monthly installments, to a retired member from funds provided for in, or authorized by, this chapter;

(7) **"Annuity starting date", the first day of the first month with respect to which an amount is paid as an annuity under sections 104.010 to 104.800, and the terms retirement, time of retirement, and date of retirement shall mean "annuity starting date" as defined in this subdivision unless the context in which the term is used indicates otherwise;**

(8) "Average compensation", the average compensation of a member for the thirty-six consecutive months of service prior to retirement when the member's compensation was greatest; or if the member is on workers' compensation leave of absence or a medical leave of absence due to an employee illness, the amount of compensation the member would have received may be used, as reported and verified by the employing department; or if the member had less than thirty-six months of service, the average annual compensation paid to the member during the period up to thirty-six months for which the member received creditable service when the member's compensation was the greatest; or if the member is on military leave, the amount of compensation the member would have received may be used as reported and verified by the employing department or, if such amount is not determinable, the amount of the employee's average rate of compensation during the twelve-month period immediately preceding such period of leave, or if shorter, the period of employment immediately preceding such period of leave. The board of each system may promulgate rules for purposes of calculating average compensation and other retirement provisions to accommodate for any state payroll system in which compensation is received on a monthly, semimonthly, biweekly, or other basis;

[(8)**] (9)** "Beneficiary", any **[**person**] persons or entities** entitled to or nominated by a member or retiree who may be legally entitled to receive benefits pursuant to this chapter;

[(9)**] (10)** "Biennial assembly", the completion of no less than two years of creditable service or creditable prior service by a member of the general assembly;

[(10)**] (11)** "Board of trustees", "board", or "trustees", a board of trustees as established for the applicable system pursuant to this chapter;

[(11)**] (12)** "Chapter", sections 104.010 to 104.800;

[(12)**] (13)** "Compensation":

(a) All salary and wages payable out of any state, federal, trust, or other funds to an employee for personal services performed for a department; but including only amounts for which contributions have been made in accordance with section 104.436, or section 104.070, whichever is applicable, and excluding any nonrecurring single sum payments or amounts paid after the member's termination of employment unless such amounts paid after such termination are a final installment of salary or wages at the same rate as in effect immediately prior to termination of employment in accordance with a state payroll system adopted on or after January 1, 2000, or any other one-time payments made as a result of such payroll system;

(b) All salary and wages which would have been payable out of any state, federal, trust or other funds to an employee on workers' compensation leave of absence during the period the

employee is receiving a weekly workers' compensation benefit, as reported and verified by the employing department;

(c) Effective December 31, 1995, compensation in excess of the limitations set forth in Internal Revenue Code Section 401(a)(17) shall be disregarded. The limitation on compensation for eligible employees shall not be less than the amount which was allowed to be taken into account under the system as in effect on July 1, 1993. For this purpose, an "eligible employee" is an individual who was a member of the system before the first plan year beginning after December 31, 1995;

[(13)**]** **(14)** "Consumer price index", the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as approved by a board, as such index is defined and officially reported by the United States Department of Labor, or its successor agency;

[(14)**]** **(15)** "Creditable prior service", the service of an employee which was either rendered prior to the establishment of a system, or prior to the date the employee last became a member of a system, and which is recognized in determining the member's eligibility and for the amount of the member's benefits under a system;

[(15)**]** **(16)** "Creditable service", the sum of membership service and creditable prior service, to the extent such service is standing to a member's credit as provided in this chapter; except that in no case shall more than one day of creditable service or creditable prior service be credited any member for any one calendar day of eligible service credit as provided by law;

[(16)**]** **(17)** "Deferred normal annuity", the annuity payable to any former employee who terminated employment as an employee or otherwise withdrew from service with a vested right to a normal annuity, payable at a future date;

[(17)**]** **(18)** "Department", any department or agency of the executive, legislative or judicial branch of the state of Missouri receiving state appropriations, including allocated funds from the federal government but not including any body corporate or politic unless its employees are eligible for retirement coverage from a system pursuant to this chapter as otherwise provided by law;

[(18)**]** **(19)** "Disability benefits", benefits paid to any employee while totally disabled as provided in this chapter;

[(19)**]** **(20)** "Early retirement age", a member's attainment of fifty-five years of age and the completion of ten or more years of creditable service, except for uniformed members of the water patrol;

[(20)**]** **(21)** "Employee":

(a) **Effective August 28, 2007,** any elective or appointive officer or person employed by the state who is employed, promoted or transferred by a department into a new or existing position and earns a salary or wage in a position normally requiring the performance by the person of duties during not less than one thousand forty hours per year, including each member of the general assembly but not including any patient or inmate of any state, charitable, penal or correctional institution. However, persons who are members of the public school retirement system and who are employed by a state agency other than an institution of higher learning shall be deemed employees for purposes of participating in all insurance programs administered by a board established pursuant to section 104.450. This definition shall not exclude any employee as defined in this subdivision who is covered only under the federal Old Age and Survivors' Insurance Act, as amended. As used in this chapter, the term "employee" shall include:

a. Persons who are currently receiving annuities or other retirement benefits from some other retirement or benefit fund, so long as they are not simultaneously accumulating creditable service in another retirement or benefit system which will be used to determine eligibility for or the amount of a future retirement benefit;

b. Persons who have elected to become or who have been made members of a system pursuant to section 104.342;

(b) Any person who is not a retiree and has performed services in the employ of the general assembly or either house thereof, or any employee of any member of the general

assembly while acting in the person's official capacity as a member, and whose position does not normally require the person to perform duties during at least one thousand forty hours per year, with a month of service being any monthly pay period in which the employee was paid for full-time employment for that monthly period; except that persons described in this paragraph shall not include any such persons who are employed on or after August 28, 2007, and who have not previously been employed in such positions;

(c) "Employee" does not include special consultants employed pursuant to section 104.610;

(d) The system shall consider a person who is employed in multiple positions simultaneously within a single agency to be working in a single position for purposes of determining whether the person is an employee as defined in this subdivision;

[(21)**] (22)** "Employer", a department of the state;

[(22)**] (23)** "Executive director", the executive director employed by a board established pursuant to the provisions of this chapter;

[(23)**] (24)** "Fiscal year", the period beginning July first in any year and ending June thirtieth the following year;

[(24)**] (25)** "Full biennial assembly", the period of time beginning on the first day the general assembly convenes for a first regular session until the last day of the following year;

[(25)**] (26)** "Fund", the benefit fund of a system established pursuant to this chapter;

[(26)**] (27)** "Interest", interest at such rate as shall be determined and prescribed from time to time by a board;

[(27)**] (28)** "Member", as used in sections 104.010 to 104.272 or 104.601 to 104.800 shall mean an employee, retiree, or former employee entitled to a deferred annuity covered by the Missouri department of transportation and highway patrol employees' retirement system. "Member", as used in this section and sections 104.312 to 104.800, shall mean an employee, retiree, or former employee entitled to deferred annuity covered by the Missouri state employees' retirement system;

[(28)**] (29)** "Membership service", the service after becoming a member that is recognized in determining a member's eligibility for and the amount of a member's benefits under a system;

[(29)**] (30)** "Military service", all active service performed in the United States Army, Air Force, Navy, Marine Corps, Coast Guard, and members of the United States Public Health Service or any women's auxiliary thereof; and service in the Army National Guard and Air National Guard when engaged in active duty for training, inactive duty training or full-time National Guard duty, and service by any other category of persons designated by the President in time of war or emergency;

[(30)**] (31)** "Normal annuity", the annuity provided to a member upon retirement at or after the member's normal retirement age;

[(31)**] (32)** "Normal retirement age", an employee's attainment of sixty-five years of age and the completion of four years of creditable service or the attainment of age sixty-five years of age and the completion of five years of creditable service by a member who has terminated employment and is entitled to a deferred normal annuity or the member's attainment of age sixty and the completion of fifteen years of creditable service, except that normal retirement age for uniformed members of the highway patrol shall be fifty-five years of age and the completion of four years of creditable service and uniformed employees of the water patrol shall be fifty-five years of age and the completion of four years of creditable service or the attainment of age fifty-five and the completion of five years of creditable service by a member of the water patrol who has terminated employment and is entitled to a deferred normal annuity and members of the general assembly shall be fifty-five years of age and the completion of three full biennial assemblies. Notwithstanding any other provision of law to the contrary, a member of the **[**highways and transportation employees' and highway patrol retirement system**]** **Missouri department of transportation and highway patrol employees' retirement system** or a member of the Missouri state employees' retirement system shall be entitled to retire with a

normal annuity and shall be entitled to elect any of the survivor benefit options and shall also be entitled to any other provisions of this chapter that relate to retirement with a normal annuity if the sum of the member's age and creditable service equals eighty years or more and if the member is at least forty-eight years of age;

[(32)**] (33)** "Payroll deduction", deductions made from an employee's compensation;

[(33)**] (34)** "Prior service credit", the service of an employee rendered prior to the date the employee became a member which service is recognized in determining the member's eligibility for benefits from a system but not in determining the amount of the member's benefit;

[(34)**] (35)** "Reduced annuity", an actuarial equivalent of a normal annuity;

[(35)**] (36)** "Retiree", a member who is not an employee and who is receiving an annuity from a system pursuant to this chapter;

[(36)**] (37)** "System" or "retirement system", the Missouri department of transportation and highway patrol employees' retirement system, as created by sections 104.010 to 104.270, or sections 104.601 to 104.800, or the Missouri state employees' retirement system as created by sections 104.320 to 104.800;

[(37)**] (38)** "Uniformed members of the highway patrol", the superintendent, lieutenant colonel, majors, captains, director of radio, lieutenants, sergeants, corporals, and patrolmen of the Missouri state highway patrol who normally appear in uniform;

[(38)**] (39)** "Uniformed members of the water patrol", employees of the Missouri state water patrol of the department of public safety who are classified as water patrol officers who have taken the oath of office prescribed by the provisions of chapter 306 and who have those peace officer powers given by the provisions of chapter 306;

[(39)**] (40)** "Vesting service", the sum of a member's prior service credit and creditable service which is recognized in determining the member's eligibility for benefits under the system.

2. Benefits paid pursuant to the provisions of this chapter shall not exceed the limitations of Internal Revenue Code Section 415, the provisions of which are hereby incorporated by reference. Notwithstanding any other law to the contrary, the board of trustees may establish a benefit plan under Section 415(m) of the Internal Revenue Code of 1986, as amended. Such plan shall be created solely for the purposes described in Section 415(m)(3)(A) of the Internal Revenue Code of 1986, as amended. The board of trustees may promulgate regulations necessary to implement the provisions of this subsection and to create and administer such benefit plan.

104.040. MEMBERS TO RECEIVE CREDIT FOR PRIOR SERVICE — MILITARY SERVICE TO BE CONSIDERED — PURCHASE OF CREDIT FOR SERVICE IN THE ARMED FORCES, COST, INTEREST RATE, COMPUTATION — CERTAIN CREDITABLE PRIOR SERVICE, PURCHASE OF, EFFECT — NONFEDERAL PUBLIC EMPLOYMENT, PURCHASE OF CREDIT FOR SERVICE. — 1. Any member shall be entitled to creditable prior service within the meaning of sections 104.010 to 104.272 for all service in the United States Army, Navy, or other armed services of the United States, or any women's auxiliary thereof in time of active armed warfare, if such member was a state employee immediately prior to his or her entry into the armed services and became an employee of the state within ninety days after termination of such service by an honorable discharge or release to inactive status; the requirement of section 104.010 of duties during not less than one thousand **forty** hours for status as an "employee" shall not apply to persons who apply for creditable prior service pursuant to the provisions of this section.

2. Any member of the system who served as an employee prior to the original effective date of sections 104.010 to 104.272, but was not an employee on that date, shall be entitled to creditable prior service that such member would have been entitled to had such member become a member of the retirement system on the date of its inception if such member has, or hereafter attains, one year of continuous membership service.

3. Any employee who completes one continuous year of creditable service in the system shall receive credit for service with a state department, if such service has not otherwise been credited.

4. Any member who had served in the Armed Forces of the United States prior to becoming a member, or who is otherwise ineligible pursuant to subsection 1 of this section or other provisions of this chapter, and who became a member after his or her discharge under honorable conditions may elect, prior to retirement, to purchase all of his or her creditable prior service equivalent to such service in the Armed Forces, but not to exceed four years, if the member is not receiving and is not eligible to receive retirement credits or benefits from any other public or private retirement plan for the service to be purchased, and an affidavit so stating shall be filed by the member with the retirement system. However, if the member is eligible to receive retirement credits in a United States military service retirement system, the member shall be permitted to purchase creditable prior service equivalent to his or her service in the armed services, but not to exceed four years, any other provision of law to the contrary notwithstanding. The purchase shall be effected by the member's paying to the retirement system an amount equal to what would have been contributed by the state in his or her behalf had the member been a member for the period for which the member is electing to purchase credit and had his or her compensation during such period of membership been the same as the annual salary rate at which the member was initially employed as a member, with the calculations based on the contribution rate in effect on the date of his or her employment with simple interest calculated from date of employment from which the member could first receive creditable service to the date of election pursuant to this subsection. The payment shall be made over a period of not longer than two years, measured from the date of election, and with simple interest on the unpaid balance. Payments made for such creditable prior service pursuant to this subsection shall be treated by the retirement system as would contributions made by the state and shall not be subject to any prohibition on member contributions or refund provisions in effect at the time of enactment of this subsection.

5. Any uniformed member of the highway patrol who served as a certified police officer prior to becoming a member may elect, prior to retirement, to purchase all of his or her creditable prior service equivalent to such service in the police force, but not to exceed four years, if he or she is not receiving and is not eligible to receive credits or benefits from any other public or private retirement plan for the service to be purchased, and an affidavit so stating shall be filed by the member with the retirement system. The purchase shall be effected by the member's paying to the retirement system an amount equal to what would have been contributed by the state in his or her behalf had he or she been a member of the system for the period for which the member is electing to purchase credit and had his compensation during such period been the same as the annual salary rate at which the member was initially employed as a member, with the calculations based on the contribution rate in effect on the date of his or her employment with simple interest calculated from the date of employment from which the member could first receive creditable service to the date of election pursuant to the provisions of this section. The payment shall be made over a period of not longer than two years, measured from the date of election, and with simple interest on the unpaid balance. Payments made for such creditable prior service pursuant to the provisions of this section shall be treated by the retirement system as would contributions made by the state and shall not be subject to any prohibition on member contributions or refund provisions in effect at the time of enactment of this section.

6. Any member of the system under section 104.030 or 104.170 who is an active employee and who served as a nonfederal full-time public employee in this state prior to becoming a member may elect, prior to retirement, to purchase all of his or her creditable prior service equivalent to such service, but not to exceed four years, if he or she is not receiving and is not eligible to receive credits or benefits from any other public plan for the service to be purchased. The purchase shall be effected by the member's paying to the retirement system an

amount equal to what would have been contributed by the state in his or her behalf had he or she been a member of the system for the period for which the member is electing to purchase credit and had his compensation during such period been the same as the annual salary rate at which the member was initially employed as a member, with the calculations based on the contribution rate in effect on the date of his or her employment with simple interest calculated from the date of employment from which the member could first receive creditable service to the date of election pursuant to the provisions of this section. The payment shall be made over a period of not longer than two years, measured from the date of election, and with simple interest on the unpaid balance. Payments made for such creditable prior service pursuant to the provisions of this section shall be treated by the retirement system as would contributions made by the state and shall not be subject to any prohibition on member contributions or refund provisions in effect at the time of enactment of this section. All purchase payments under this subsection must be completed prior to retirement or prior to termination of employment. If a member who purchased creditable service under this subsection dies prior to retirement, the surviving spouse may, upon written request, receive a refund of the amount contributed for such purchase of such creditable service. The surviving spouse shall not be eligible for a refund under this subsection if he or she is entitled to survivorship benefits payable under section 104.140. A member who is entitled to a deferred annuity under section 104.035 shall be ineligible to purchase service under this subsection.

104.090. NORMAL ANNUITY OF RETIRED MEMBER — ADDITIONAL ALLOWANCE TO PATROLMEN, QUALIFICATIONS — SURVIVORSHIP OPTIONS — OPTION SELECTED PRIOR TO RETIREMENT, DEATH OF SPOUSE, EFFECT — SPOUSE AS BENEFICIARY, EFFECT. — 1. The normal annuity of a member shall equal one and six-tenths percent of the average compensation of the member multiplied by the number of years of creditable service of such member. In addition, the normal annuity of a uniformed member of the patrol shall be increased by thirty-three and one-third percent.

2. In addition, a uniformed member of the highway patrol who is retiring with a normal annuity after attaining normal retirement age shall receive an additional sum of ninety dollars per month as a contribution by the system until such member attains the age of sixty-five years, when such contribution shall cease. To qualify for the contribution provided in this subsection by the system, the retired uniformed member of the highway patrol is made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters. Such additional contribution shall be reduced each month by such amount earned by the retired uniformed member of the highway patrol in gainful employment. In order to qualify for the additional contribution provided in this subsection, the retired uniformed member of the highway patrol shall have been:

(1) Hired by the Missouri state highway patrol prior to January 1, 1995; and

(2) Employed by the Missouri state highway patrol or receiving long-term disability or work-related disability benefits on the day before the effective date of the member's retirement.

3. In lieu of the annuity payable to the member pursuant to section 104.100, a member whose age at retirement is forty-eight or more may elect in the member's application for retirement to receive **[**either**]** **one of the following**:

Option 1. An actuarial reduction approved by the board of the member's annuity in reduced monthly payments for life during retirement with the provision that upon the member's death the reduced annuity at date of death shall be continued throughout the life of, and be paid to, the member's spouse; or

Option 2. The member's normal annuity in regular monthly payments for life during retirement with the provision that upon the member's death a survivor's benefit equal to one-half the member's normal annuity at date of death shall be paid to the member's spouse in regular monthly payments for life; or

Option 3. An actuarial reduction approved by the board of **the** member's normal annuity in reduced monthly payments for the member's life with the provision that if the member dies prior to the member's having received one hundred twenty monthly payments of the member's reduced annuity, the member's reduced allowance to which the member would have been entitled had the member lived shall be paid for the remainder of the one hundred twenty-month period to such **[**person**]** **beneficiary** as the member shall have nominated by written designation duly executed and filed with the board. If there is no beneficiary surviving the retiree, the reserve for such allowance for the remainder of such one hundred twenty-month period shall be paid to the retiree's estate; or

Option 4. An actuarial reduction approved by the board of the member's normal annuity in reduced monthly payments for the member's life with the provision that if the member dies prior to the member having received sixty monthly payments of the member's reduced annuity, the member's reduced allowance to which the member would have been entitled had the member lived shall be paid for the remainder of the sixty-month period to such **[**person**]** **beneficiary** as the member shall have nominated by written designation duly executed and filed with the board. If there is no beneficiary surviving the retiree, the reserve for such allowance for the remainder of such sixty-month period shall be paid to the retiree's estate.

4. The election may be made only in the application for retirement, and such application shall be filed at least thirty days but not more than ninety days prior to the date on which the retirement of the member is to be effective, provided that if either the member or the spouse nominated to receive the survivorship payment dies before the effective date of retirement, the election shall not be effective. If after the reduced annuity commences, the spouse predeceases the retired member, the reduced annuity continues to the retired member during the member's lifetime.

5. Effective July 1, 2000, a member may make an election under option 1 or 2 after the date retirement benefits are initiated if the member makes the election within one year from the date of marriage or July 1, 2000, whichever is later, under any of the following circumstances:

(1) The member elected to receive a normal annuity and was not eligible to elect option 1 or 2 on the date retirement benefits were initiated; or

(2) The member's annuity reverted to a normal annuity pursuant to subsection 8 of section 104.103 and the member remarried; or

(3) The member elected option 1 or 2 but the member's spouse at the time of retirement has died and the member has remarried.

6. Any person who terminates employment or retires prior to July 1, 2000, shall be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters, and for such services shall be eligible to elect to receive the benefits described in subsection 5 of this section.

7. For retirement applications filed on or after August 28, 2004, the beneficiary for either option 1 or option 2 of subsection 3 of this section shall be the member's spouse at the time of retirement. If the member's marriage ends after retirement as a result of a dissolution of marriage, such dissolution shall not affect the option election and the former spouse shall continue to be eligible to receive survivor benefits upon death of the member.

8. Any application for retirement shall only become effective on the first day of the month.

104.140. DEATH PRIOR TO RETIREMENT, BENEFITS. — 1. (1) If a member who has five or more years of creditable service dies before retirement, the member's surviving spouse, to whom the member was married on the date of the member's death, if any, shall receive the reduced survivorship benefits provided in option 1 of subsection 3 of section 104.090 calculated as if the member were of normal retirement age and had retired as of the date of the member's death and had elected option 1**[**;**]** **.**

(2) If there is no eligible surviving spouse, or when a spouse's annuity has ceased to be payable, the member's eligible surviving children under twenty-one years of age shall receive monthly, in equal shares, an amount equal to eighty percent of the member's accrued annuity calculated as if the member were of normal retirement age and retired as of the date of death. Benefits otherwise payable to a child under eighteen years of age shall be payable to the surviving parent as natural guardian of such child if such parent has custody or assumes custody of such minor child, or to the legal **[**guardian**]** **conservator** of such child, until such child attains age eighteen, and thereafter, the benefit may be paid to the child until age twenty-one; provided, the age twenty-one maximum shall be extended for any child who has been found totally incapacitated by a court of competent jurisdiction**[**;**]** **.**

(3) No benefit is payable pursuant to this section if no eligible surviving spouse or children under twenty-one years of age survive the member. Benefits cease pursuant to this section when there is no eligible surviving beneficiary through either death of the eligible surviving spouse or through either death or the attainment of twenty-one years of age by the eligible surviving children. If the member's surviving children are receiving equal shares of the benefit described in subdivision (2) of this subsection, and one or more of such children become ineligible by reason of death or the attainment of twenty-one years of age, the benefit shall be reallocated so that the remaining eligible children receive equal shares of the total benefit as described in subdivision (2) of this subsection.

2. Effective January 1, 1985, if an employee who has three or more, but less than five years of creditable service dies before retirement, the surviving spouse of the deceased employee, if married to the deceased employee on the date of the employee's death, or the deceased employee's surviving eligible children under the age of twenty-one, shall receive a total monthly payment equal to twenty-five percent of the deceased employee's accrued monthly benefit calculated as if the employee were of normal retirement age as of the date of death. If the surviving spouse dies leaving any eligible children under the age of twenty-one years, the payment shall continue until the children reach twenty-one years of age. If there is no surviving spouse eligible for benefits under this subsection, but there are any children of the deceased employee eligible for payments, the payments shall continue until the children reach twenty-one years of age. Any benefits payable to eligible children under twenty-one years of age shall be made on a pro rata basis among the surviving children under twenty-one years of age.

3. For the purpose of computing the amount of a benefit payable pursuant to this section, if the board finds that the death was a natural and proximate result of a personal injury or disease arising out of and in the course of the member's actual performance of duty as an employee, then the minimum benefit to such member's surviving spouse or, if no surviving spouse benefits are payable, the minimum benefit that shall be divided among and paid to such member's surviving eligible children under the age of twenty-one shall be fifty percent of the member's final average compensation. The service requirements of subsections 1 and 2 of this section shall not apply to any benefit payable pursuant to this subsection.

104.200. BOARD MAY CORRECT ERROR IN AMOUNTS PAID MEMBER, LIMITATION. — Should any error in any records result in any member's or beneficiary's receiving more or less than he would have been entitled to receive had the records been correct, the board shall correct such error, and, as far as practicable, make future payments in such a manner that the actuarial equivalent of the benefit to which such member or beneficiary was entitled shall be paid, and to this end may recover any overpayments. **In all cases in which such error has been made, no such error shall be corrected unless the system discovers or is notified of such error within ten years after the initial date of error.**

104.272. CERTAIN MEMBERS ENTITLED TO CREDIT FOR SERVICE REGARDLESS OF CLASSIFICATION. — Other provisions of law to the contrary notwithstanding, any person who is an employee of state government and a member of the **[**transportation department employees'

and highway patrol**] Missouri department of transportation and highway patrol employees'** retirement system is entitled to credit for all of his service during employment with the department of transportation or the state highway patrol if he is an employee of that same agency upon retirement regardless of whether he was classified as full-time, part-time or temporary, and the requirement of section 104.010 of duties during not less than one thousand **forty** hours for status as an employee shall not apply to persons applying for retirement credit under the provisions of this section.

104.312. PENSION, ANNUITY, BENEFIT, RIGHT, AND ALLOWANCE IS MARITAL PROPERTY — DIVISION OF BENEFITS ORDER, REQUIREMENTS — INFORMATION FOR COURTS — REJECTION OF DIVISION OF BENEFITS ORDER — BASIS FOR PAYMENT TO ALTERNATE PAYEE. — 1. The provisions of subsection 2 of section 104.250, subsection 2 of section 104.540, subsection 2 of section 287.820, and section 476.688 to the contrary notwithstanding, any pension, annuity, benefit, right, or retirement allowance provided pursuant to this chapter, chapter 287, or chapter 476 is marital property and after August 28, 1994, a court of competent jurisdiction may divide the pension, annuity, benefits, rights, and retirement allowance provided pursuant to this chapter, chapter 287, or chapter 476 between the parties to any action for dissolution of marriage. A division of benefits order issued pursuant to this section:

(1) Shall not require the applicable retirement system to provide any form or type of annuity or retirement plan not selected by the member and not normally made available by that system;

(2) Shall not require the applicable retirement system to commence payments until the member submits a valid application for an annuity and the annuity becomes payable in accordance with the application;

(3) Shall identify the monthly amount to be paid to the alternate payee, which shall be expressed as a percentage and which shall not exceed fifty percent of the amount of the member's annuity accrued during all or part of the time while the member and alternate payee were married; and which shall be based on the member's vested annuity on the date of the dissolution of marriage or an earlier date as specified in the order, which amount shall be adjusted proportionately if the member's annuity is reduced due to early retirement or the member's annuity is reduced pursuant to section 104.395 under an annuity option in which the member named the alternate payee as beneficiary prior to the dissolution of marriage or pursuant to section 104.090 under an annuity option in which the member on or after August 28, 2007, named the alternative payee as beneficiary prior to the dissolution of marriage, and the percentage established shall be applied to the pro rata portion of any lump sum distribution pursuant to subsection 6 of section 104.335, accrued during the time while the member and alternate payee were married;

(4) Shall not require the payment of an annuity amount to the member and alternate payee which in total exceeds the amount which the member would have received without regard to the order;

(5) Shall provide that any benefit formula increases, additional years of service, increased average compensation or other type of increases accrued after the date of the dissolution of marriage shall accrue solely to the benefit of the member; except that on or after September 1, 2001, any annual benefit increase shall not be considered to be an increase accrued after the date of termination of marriage and shall be part of the monthly amount subject to division pursuant to any order issued after September 1, 2001;

(6) Shall terminate upon the death of either the member or the alternate payee, whichever occurs first;

(7) Shall not create an interest which is assignable or subject to any legal process;

(8) Shall include the name, address**,** and **[**Social Security number**] date of birth** of both the member and the alternate payee, and the identity of the retirement system to which it applies;

(9) Shall be consistent with any other division of benefits orders which are applicable to the same member**;**

(10) Shall not require the applicable retirement system to continue payments to the alternate payee if the member's retirement benefit is suspended or waived as provided by this chapter but such payments shall resume when the retiree begins to receive retirement benefits in the future.

2. A system established by this chapter shall provide the court having jurisdiction of a dissolution of marriage proceeding or the parties to the proceeding with information necessary to issue a division of benefits order concerning a member of the system, upon written request from either the court, the member or the member's spouse, which cites this section and identifies the case number and parties.

3. A system established by this chapter shall have the discretionary authority to reject a division of benefits order for the following reasons:

(1) The order does not clearly state the rights of the member and the alternate payee;

(2) The order is inconsistent with any law governing the retirement system.

4. The amount paid to an alternate payee under an order issued pursuant to this section shall be based on the plan the member was in on the date of the dissolution of marriage; except that any annual benefit increases subject to division shall be based on the actual annual benefit increases received after the retirement plan election.

104.352. PART-TIME LEGISLATIVE EMPLOYEES — INSURANCE BENEFITS — VESTING SERVICE — DEFERRED NORMAL AND PARTIAL ANNUITIES — REQUIREMENTS. — 1. Each employee described in paragraph (b) of subdivision **[**(20)**]** **(21)** of section 104.010 shall be entitled to the same insurance benefits provided under sections 103.003 to 103.175 to employees described in paragraph (a) of subdivision **[**(20)**]** **(21)** of section 104.010 to cover the medical expenses of such employees and their spouses and children. Such insurance benefits shall be made available to employees described in paragraph (b) of subdivision **[**(20)**]** **(21)** of section 104.010 upon their initial employment as such employees in the same manner provided for employees described in paragraph (a) of subdivision **[**(20)**]** **(21)** of section 104.010, and shall be continued during any period of time, not to exceed one year, in which such employees are not paid for full-time employment, so long as such employees pay the same amount for such insurance benefits as is required of employees described in paragraph (a) of subdivision **[**(20)**]** **(21)** of section 104.010 who continue receiving such insurance benefits during a leave of absence without pay from their employment with the state. Any employee described in paragraph (b) of subdivision **[**(20)**]** **(21)** of section 104.010 who is reemployed by the general assembly or either house thereof, or by any member of the general assembly while acting in his official capacity as a member, by the thirteenth legislative day of the session of the general assembly immediately following the session of the general assembly in which such employee was last so employed, without having elected to discontinue the insurance benefits described in this subsection, shall be entitled to continue such insurance benefits without having to prove insurability for himself or any of his covered dependents for whom he has paid for such coverage continuously since last employed as an employee described in paragraph (b) of subdivision **[**(20)**]** **(21)** of section 104.010. Any employee described in paragraph (b) of subdivision **[**(20)**]** **(21)** of section 104.010 who is not reemployed by the general assembly or either house thereof, or by any member of the general assembly while acting in his official capacity as a member, by the thirteenth legislative day of the session of the general assembly immediately following the session of the general assembly in which such employee was last so employed, shall be deemed terminated as an employee as of such thirteenth legislative day, and the insurance benefits provided for such employee under this subsection and sections 103.003 to 103.175 shall be terminated as provided for employees described in paragraph (a) of subdivision **[**(20)**]** **(21)** of section 104.010 whose employment is terminated. During each month of service in which an

employee described in paragraph (b) of subdivision **[**(20)**] (21)** of section 104.010 is employed, the state shall make any contribution required by sections 103.003 to 103.175 for such employee.

2. Any employee described in paragraph (b) of subdivision **[**(20)**] (21)** of section 104.010 who is actively employed on or after September 28, 1992, shall be deemed vested for purposes of determining eligibility for benefits under sections 104.320 to 104.620 after being so employed for at least sixty months.

104.354. PART-TIME LEGISLATIVE EMPLOYEE RETIREMENT BENEFITS — FUNDING. — In each fiscal year in which retirement benefits are to be paid to retired employees described in paragraph (b) of subdivision **[**(20)**] (21)** of section 104.010 because of the provisions of section 104.352, funding for such benefits shall be provided as set forth in section 104.436. All benefits paid because of the provisions of section 104.352 shall be paid by the retirement system along with all other retirement benefits due such retired employees under the retirement system.

104.380. RETIRED MEMBERS ELECTED TO STATE OFFICE, EFFECT OF — REEMPLOYMENT OF RETIRED MEMBERS, EFFECT OF. — If a retired member is elected to any state office or is appointed to any state office or is employed by a department in a position normally requiring the performance by the person of duties during not less than one thousand forty hours per year, the member shall not receive an annuity for any month or part of a month for which the member serves as an officer or employee, but the member shall be considered to be a new employee with no previous creditable service and must accrue creditable service continuously for at least one year in order to receive any additional annuity. Any retired member who again becomes an employee and who accrues additional creditable service and later retires shall receive an additional amount of monthly annuity calculated to include only the creditable service and the average compensation earned by the member since such employment or creditable service earned as a member of the general assembly. Years of membership service and twelfths of a year are to be used in calculating any additional annuity except for creditable service earned as a member of the general assembly, and such additional annuity shall be based on the type of service accrued. In either event, the original annuity and the additional annuity, if any, shall be paid commencing with the end of the first month after the month during which the member's term of office has been completed, or the member's employment terminated. If a retired member is employed by a department in a position that does not normally require the person to perform duties during at least one thousand forty hours per year, the member shall not be considered an employee as defined pursuant to section 104.010. A retired member who becomes reemployed as an employee on or after August 28, 2001, in a position covered by the **[**highways and transportation employees' and highway patrol retirement system**]** **Missouri department of transportation and highway patrol employees' retirement system** shall not be eligible to receive retirement benefits or additional creditable service from the state employees' retirement system. **Annual benefit increases paid under section 104.415 shall not accrue while a retired member is employed as described in this section. Any future annual benefit increases paid after the member terminates such employment will be paid in the same month as the member's original annual benefit increases were paid. Benefits paid under subsection 3 of section 104.374 are not applicable to any additional annuity paid under this section.**

104.395. OPTIONS AVAILABLE TO MEMBERS IN LIEU OF NORMAL ANNUITY — SPOUSE AS DESIGNATED BENEFICIARY, WHEN — STATEMENT THAT SPOUSE AWARE OF RETIREMENT PLAN ELECTED — REVERSION OF AMOUNT OF BENEFIT, CONDITIONS — SPECIAL CONSULTANT, COMPENSATION — ELECTION TO BE MADE, WHEN. — 1. In lieu of the normal annuity otherwise payable to a member pursuant to sections 104.335, 104.370, 104.371, 104.374, or 104.400, and prior to the last business day of the month before the annuity starting date pursuant to section 104.401, a member shall elect whether or not to have such

member's normal annuity reduced as provided by the options set forth in this section; provided that if such election has not been made within such time, annuity payments due beginning on and after such annuity starting date shall be made the month following the receipt by the system of such election, and further provided, that if such person dies after such annuity starting date but before making such election, no benefits shall be paid except as required pursuant to section 104.420:

Option 1. An actuarial reduction approved by the board of the member's annuity in reduced monthly payments for life during retirement with the provision that upon the member's death the reduced annuity at the date of the member's death shall be continued throughout the life of, and be paid to, the member's spouse to whom the member was married at the date of retirement and who was nominated by the member to receive such payments in the member's application for retirement or as otherwise provided pursuant to subsection 5 of this section. Such annuity shall be reduced in the same manner as an annuity under option 2 as in effect immediately prior to August 28, 1997. The surviving spouse shall designate a beneficiary to receive any final monthly payment due after the death of the surviving spouse; or

Option 2. The member's normal annuity in regular monthly payments for life during the member's retirement with the provision that upon the member's death a survivor's benefit equal to one-half the member's annuity at the date of the member's death shall be paid to the member's spouse to whom the member was married at the date of retirement and who was nominated by the member to receive such payments in the member's application for retirement or as otherwise provided pursuant to subsection 5 of this section, in regular monthly payments for life. The surviving spouse shall designate a beneficiary to receive any final monthly payment due after the death of the surviving spouse; or

Option 3. An actuarial reduction approved by the board of the member's normal annuity in reduced monthly payments for the member's life with the provision that if the member dies prior to the member having received one hundred twenty monthly payments of the member's reduced annuity, the member's reduced annuity to which the member would have been entitled had the member lived shall be paid for the remainder of the one hundred twenty months' period to such **[**person**]** **beneficiary** as the member shall have nominated by written designation duly executed and filed with the board. If there is no such beneficiary surviving the retirant, the reserve for such annuity for the remainder of such one hundred twenty months' period shall be paid as provided under subsection 3 of section 104.620. If such beneficiary dies after the member's date of death but before having received the remainder of the one hundred twenty monthly payments of the retiree's reduced annuity, the reserve for such annuity for the remainder of such one hundred twenty-month period shall be paid as provided under subsection 3 of section 104.620; or

Option 4. An actuarial reduction approved by the board of the member's normal annuity in reduced monthly payments for the member's life with the provision that if the member dies prior to the member having received sixty monthly payments of the member's reduced annuity, the member's reduced annuity to which the member would have been entitled had the member lived shall be paid for the remainder of the sixty months' period to such **[**person**]** **beneficiary** as the member shall have nominated by written designation duly executed and filed with the board. If there be no such beneficiary surviving the retirant, the reserve for such annuity for the remainder of such sixty months' period shall be paid as provided under subsection 3 of section 104.620. If such beneficiary dies after the member's date of death but before having received the remainder of the sixty monthly payments of the retiree's reduced annuity, the reserve for such annuity for the remainder of the sixty-month period shall be paid as provided under subsection 3 of section 104.620.

2. Effective July 1, 2000, if a member is married as of the annuity starting date to a person who has been the member's spouse, the member's annuity shall be paid pursuant to the provisions of either option 1 or option 2 as set forth in subsection 1 of this section, at the member's choice,

with the spouse as the member's designated beneficiary unless the spouse consents in writing to the member electing another available form of payment.

3. For members who retire on or after August 28, 1995, in the event such member elected a joint and survivor option pursuant to the provisions of this section and the member's eligible spouse or eligible former spouse precedes the member in death, the member's annuity shall revert effective the first of the month following the death of the spouse or eligible former spouse regardless of when the board receives the member's written application for the benefit provided in this subsection, to an amount equal to the member's normal annuity, as adjusted for early retirement if applicable; such benefit shall include any increases the member would have received since the date of retirement had the member elected a normal annuity. If a member dies prior to notifying the system of the spouse's death, the benefit will not revert to a normal annuity and no retroactive payments shall be made.

4. Effective on or after August 28, 1995, any retired member who had elected a joint and survivor option and whose spouse or eligible former spouse precedes or preceded the member in death shall upon application to the board be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters. As a special consultant pursuant to the provisions of this section, the member's reduced annuity shall revert to a normal annuity as adjusted for early retirement, if applicable, effective the first of the month following the death of the spouse or eligible former spouse or August 28, 1995, whichever is later, if the member cancels the member's original joint and survivor election; such annuity shall include any increases the retired member would have received since the date of retirement had the member elected a normal annuity.

5. Effective July 1, 2000, a member may make an election under option 1 or 2 after the date retirement benefits are initiated if the member makes such election within one year from the date of marriage or July 1, 2000, whichever is later, under any of the following circumstances:

(1) The member elected to receive a normal annuity and was not eligible to elect option 1 or 2 on the date retirement benefits were initiated; or

(2) The member's annuity reverted to a normal annuity pursuant to subsection 3 or 4 of this section and the member remarried.

6. Any person who terminates employment or retires prior to July 1, 2000, shall be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters, and for such services shall be eligible to elect to receive the benefits described in subsection 5 of this section.

7. Effective September 1, 2001, the retirement application of any member who fails to make an election pursuant to subsection 1 of this section within ninety days of the annuity starting date contained in such retirement application shall be nullified. Any member whose retirement application is nullified shall not receive retirement benefits until the member files a new application for retirement pursuant to section 104.401 and makes the election pursuant to subsection 1 of this section. In no event shall any retroactive retirement benefits be paid.

8. A member may change a member's election made under this section at any time prior to the system mailing or electronically transferring the first annuity payment to such member.

104.420. DEATH BEFORE RETIREMENT, MEMBER OR DISABLED MEMBER — SURVIVING SPOUSE TO RECEIVE BENEFITS — IF NO QUALIFYING SURVIVING SPOUSE, CHILDREN'S BENEFITS. — 1. Unless otherwise provided by law, if a member or disabled member who has a vested right to a normal annuity dies prior to retirement, regardless of the age of the member at the time of death, the member's or disabled member's surviving spouse, to whom the member or disabled member was married on the date of the member's death, if any, shall receive the reduced survivorship benefits provided in option 1 of section 104.395 calculated as if the member were of normal retirement age and had retired as of the date of the member's death and had elected option 1.

2. If there is no eligible surviving spouse, or when a spouse annuity has ceased to be payable, the member's or disabled member's eligible surviving children under twenty-one years of age shall receive monthly, in equal shares, an amount equal to eighty percent of the member's or disabled member's accrued annuity calculated as if the member or disabled member were of a normal retirement age and retired as of the date of death. Benefits otherwise payable to a child under eighteen years of age shall be payable to the surviving parent as natural guardian of such child if such parent has custody or assumes custody of such minor child, or to the legal **[**guardian**]** **conservator** of such child, until such child attains age eighteen; thereafter, the benefit may be paid to the child until age twenty-one; provided the age twenty-one maximum shall be extended for any child who has been found totally incapacitated by a court of competent jurisdiction.

3. No benefit is payable pursuant to this section if no eligible surviving spouse or children under twenty-one years of age survive the member or disabled member. Benefits cease pursuant to this section when there is no eligible surviving beneficiary through either death of the eligible surviving spouse or through either death or the attainment of twenty-one years of age by the eligible surviving children. If the member's or disabled member's surviving children are receiving equal shares of the benefit described in subsection 2 of this section, and one or more of such children become ineligible by reason of death or the attainment of twenty-one years of age, the benefit shall be reallocated so that the remaining eligible children receive equal shares of the total benefit as described in subsection 2 of this section.

4. For the purpose of computing the amount of an annuity payable pursuant to this section, if the board finds that the death was the natural and proximate result of a personal injury or disease arising out of and in the course of the member's actual performance of duty as an employee, then the minimum annuity to such member's surviving spouse or, if no surviving spouse benefits are payable, the minimum annuity that shall be divided among and paid to such member's surviving children shall be fifty percent of the member's final average compensation; except that for members of the general assembly and statewide elected officials with twelve or more years of service, the monthly rate of compensation in effect on the date of death shall be used in lieu of final average compensation. The vesting service requirement of subsection 1 of this section shall not apply to any annuity payable pursuant to this subsection.

104.490. CORRECTION OF ERRORS IN AMOUNT PAID MEMBERS — FALSIFICATION OF RECORDS, PENALTY — SURVIVOR OR BENEFICIARY CHARGED WITH KILLING MEMBER, DENIAL OF BENEFITS, RESUMPTION OF PAYMENTS IF NOT CONVICTED. — 1. Should any error result in any member or beneficiary receiving more or less than he or she would have been entitled to receive had the error not occurred, the board shall correct such error, and, as far as practicable, make future payments in such a manner that the actuarial equivalent of the benefit to which such member or beneficiary was entitled shall be paid, and to this end may recover any overpayments. **In all cases in which such error has been made, no such error shall be corrected unless the system discovers or is notified of such error within ten years after the initial date of error.**

2. A person who knowingly makes a false statement, or falsifies or permits to be falsified a record of the system, in an attempt to defraud the system is subject to fine or imprisonment pursuant to the Missouri revised statutes.

3. The board of trustees of the Missouri state employees' retirement system shall cease paying benefits to any survivor or beneficiary who is charged with the intentional killing of a member without legal excuse or justification. A survivor or beneficiary who is convicted of such charge shall no longer be entitled to receive benefits. If the survivor or beneficiary is not convicted of such charge, the board shall resume payment of benefits and shall pay the survivor or beneficiary any benefits that were suspended pending resolution of such charge.

104.601. YEARS OF SERVICE TO INCLUDE UNUSED ACCUMULATED SICK LEAVE, WHEN — CREDITED SICK LEAVE NOT COUNTED FOR VESTING PURPOSES — APPLICABLE ALSO TO TEACHERS' AND SCHOOL EMPLOYEES' RETIREMENT SYSTEM. — Any member retiring pursuant to the provisions of this chapter or any member retiring pursuant to provisions of chapter 169 who is a member of the public school retirement system and who is employed by a **[**state agency**]** **department** other than an institution of higher learning, after working continuously until reaching retirement age, shall be credited with all his or her unused sick leave as reported **by the last department that employed the member prior to retirement** through the financial and human resources system maintained by the office of administration, or if a state agency's employees are not paid salaries or wages through such system, as reported directly by the **[**state agency**]** **last department that employed the member prior to retirement**. When calculating years of service, each member shall be entitled to one-twelfth of a year of creditable service for each one hundred sixty-eight hours of unused accumulated sick leave earned by the member. The employing agency shall not certify unused sick leave unless such unused sick leave could have been used by the member for sickness or injury. The rate of accrual of sick leave for purposes of computing years of service pursuant to this section shall be no greater than ten hours per month. Nothing under this section shall allow a member to vest in the retirement system by using such credited sick leave to reach the time of vesting.

104.620. CONTRIBUTION REFUND TO MEMBERS — EFFECT ON BENEFITS — RECORD RETENTION — REVERSION TO CREDIT OF FUND, WHEN — REVERSION OF UNCLAIMED BENEFITS, WHEN — REFUND RECEIVED, WHEN. — 1. Any member who has not received a lump sum payment equal to the sum total of the contributions that the member paid into the retirement system, plus interest credited to his or her account, shall be entitled to such a lump sum payment. Lump sum payments made pursuant to this section shall not be reduced by any retirement benefits which a member is entitled to receive, but shall be paid in full out of appropriate funds pursuant to appropriations for this purpose.

2. In the event any accumulated contributions standing to a member of the Missouri state employees' retirement system's credit remains unclaimed by such member for a period of four years or more, such accumulated contributions shall automatically revert to the credit of the fund for the Missouri state employees' retirement system. If an application is made, after such reversion, for such accumulated contributions, the board shall pay such contributions from the fund for the Missouri state employees' retirement system; except that, no interest shall be paid on such funds after the date of the reversion to the fund for the Missouri state employees' retirement system.

3. In the event any amount is due a deceased member, survivor, or beneficiary who dies after September 1, 2002, **and the member's survivor's or beneficiary's financial institution is unable to accept the final payments due to the member, survivor, or beneficiary,** such amount shall be paid to the person or entity designated in writing as beneficiary to receive such amount by such member, survivor, or beneficiary. The member, survivor, or beneficiary may designate in writing a beneficiary to receive any final payment due after the death of a member, survivor, or beneficiary pursuant to this chapter. If no living person or entity so designated as beneficiary exists at the time of death, such amount shall be paid to the surviving spouse married to the deceased member, survivor, or beneficiary at the time of death. If no surviving spouse exists, such amount shall be paid to the surviving children **[**or their descendants**]** of such member, survivor, or beneficiary in equal parts. If no surviving children **[**or any of their descendants**]** exist, such amount shall be paid to the surviving parents of such member, survivor, or beneficiary in equal parts. If no surviving parents exist, such amount shall be paid to the surviving brothers**[**,**]** **or** sisters**[**, or their descendants**]** of such member, survivor, or beneficiary in equal parts. If no surviving brothers**[**,**]** **or** sisters**[**, or their descendants**]** exist, payment may be made as otherwise permitted by law. Notwithstanding this subsection, any amount due to a deceased member as payment of all or part of a lump sum pursuant to section 104.625 shall be paid to the

member's surviving spouse married to the member at the time of death, and otherwise payment may be made as provided in this subsection. In the event any amount that is due to a **[**member of**]** **person from** either system remains unclaimed **[**by such member**]** for a period of four years or more, such amount shall automatically revert to the credit of the fund of the member's system. If an application is made after such reversion for such amount, the board shall pay such amount **to the person** from the board's fund **[**to the member**]**, except that no interest shall be paid on such funds after the date of the reversion to the fund.

4. The beneficiary of any member who purchased creditable service in the Missouri state employees' retirement system shall receive a refund upon the member's death equal to the amount of any purchase less any retirement benefits received by the member unless an annuity is payable to a survivor or beneficiary as a result of the member's death. In that event, the beneficiary of the survivor or beneficiary who received the annuity shall receive a refund upon the survivor's or beneficiary's death equal to the amount of the member's purchase of service less any annuity amounts received by the member and the survivor or beneficiary.

104.800. TRANSFERS OF CREDITABLE SERVICE TO OTHER RETIREMENT SYSTEM — TRANSFER TO BE MADE, WHEN — EFFECT OF TRANSFER — DEATH OF MEMBER PRIOR TO RETIREMENT AND TRANSFER TO BE COMPUTED UNDER SYSTEM WITH MOST ADVANTAGEOUS BENEFITS. — 1. Except as otherwise provided by law, any person having earned creditable service pursuant to the provisions of the state employees' retirement system or pursuant to the provisions of the state transportation department employees' and highway patrol retirement system or having service as a statewide state elective officer or having service as a member of the general assembly or having service pursuant to the provisions of sections 287.812 to 287.855, or having service as a judge, as defined in section 476.515, may elect prior to retirement and not after retirement, to make a one-time transfer of credit for such service or such creditable service to or from any other retirement system or type of service specified in this section or sections 56.800 to 56.840 for which the person has accumulated service or creditable service. The amount of transferred credit shall be accumulated with the amount of such creditable service or such service earned by the person in the retirement system or type of service to which the service is transferred for purposes of determining the benefits to which the person is entitled under the retirement system or type of service to which the service is transferred. The transfer of such creditable service or service shall become effective **[**on the first day of the second month following the month in which**]** **at the time** the person files written notification of the person's election with the retirement boards affected by such service transfer. When the election to transfer creditable service or service becomes effective, the person shall thereby forfeit any claim to any benefit under the provisions of the retirement system or type of service, as the case may be, from which the service or creditable service was transferred regardless of the amount of service or creditable service previously earned in such retirement system or type of service. Any person who has transferred service pursuant to this subsection prior to August 28, 2002, and who is an employee covered by a retirement plan described in this subsection after that date, may elect to make an additional transfer of service prior to retirement if additional service would otherwise be available to be transferred except for the forfeiture of that service after the previous transfer. In no event shall the amount of service that a person shall be entitled to transfer pursuant to the provisions of this section exceed eight years.

2. In the event of the death of a member before retirement and prior to exercising transfer rights pursuant to the provisions of this section, survivorship benefits shall be computed as if such person had in fact exercised or not exercised the person's transfer rights to produce the most advantageous benefit possible.

3. Any person that has earned creditable service pursuant to the provisions governing the Missouri state employees' retirement system or pursuant to the provisions of chapter 287 or chapter 476, who terminated employment prior to August 13, 1986, shall, upon application to the board of trustees of the Missouri state employees' retirement system, be made, constituted and

appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters for the remainder of the person's life. Upon request of the board or the court from which the person retired, the consultant shall give opinions or be available to give opinions in writing or orally in response to such request. As compensation for such services, the consultant shall be eligible, prior to retirement, to make a one-time transfer of creditable service as provided in this section.

104.1003. DEFINITIONS. — 1. Unless a different meaning is plainly required by the context, the following words and phrases as used in sections 104.1003 to 104.1093 shall mean:

(1) "Act", the year 2000 plan created by sections 104.1003 to 104.1093;

(2) "Actuary", an actuary who is experienced in retirement plan financing and who is either a member of the American Academy of Actuaries or an enrolled actuary under the Employee Retirement Income Security Act of 1974;

(3) "Annuity", annual benefit amounts, paid in equal monthly installments, from funds provided for in, or authorized by, sections 104.1003 to 104.1093;

(4) "Annuity starting date" means the first day of the first month with respect to which an amount is paid as an annuity pursuant to sections 104.1003 to 104.1093;

(5) "Beneficiary", any **[**person or entity**]** **persons or entities** entitled to receive an annuity or other benefit pursuant to sections 104.1003 to 104.1093 based upon the employment record of another person;

(6) "Board of trustees", "board", or "trustees", a governing body or bodies established for the year 2000 plan pursuant to sections 104.1003 to 104.1093;

(7) "Closed plan", a benefit plan created pursuant to this chapter and administered by a system prior to July 1, 2000. No person first employed on or after July 1, 2000, shall become a member of the closed plan, but the closed plan shall continue to function for the benefit of persons covered by and remaining in the closed plan and their beneficiaries;

(8) "Consumer price index", the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as approved by the board, as such index is defined and officially reported by the United States Department of Labor, or its successor agency;

(9) "Credited service", the total credited service to a member's credit as provided in sections 104.1003 to 104.1093; except that in no case shall more than one day of credited service be credited to any member or vested former member for any one calendar day of eligible credit as provided by law;

(10) "Department", any department or agency of the executive, legislative, or judicial branch of the state of Missouri receiving state appropriations, including allocated funds from the federal government but not including any body corporate or politic unless its employees are eligible for retirement coverage from a system pursuant to this chapter as otherwise provided by law;

(11) "Early retirement eligibility", a member's attainment of fifty-seven years of age and the completion of at least five years of credited service;

(12) "Effective date", July 1, 2000;

(13) "Employee" shall be any person who is employed by a department and is paid a salary or wage by a department in a position normally requiring the performance of duties of not less than one thousand forty hours per year, provided:

(a) The term "employee" shall not include any patient or inmate of any state, charitable, penal or correctional institution, or any person who is employed by a department in a position that is covered by a state-sponsored defined benefit retirement plan not created by this chapter;

(b) The term "employee" shall be modified as provided by other provisions of sections 104.1003 to 104.1093;

(c) The system shall consider a person who is employed in multiple positions simultaneously within a single agency to be working in a single position for purposes of determining whether the person is an employee as defined in this subdivision;

(d) Beginning September 1, 2001, the term "year" as used in this subdivision shall mean the twelve-month period beginning on the first day of employment;

(e) The term "employee" shall include any person as defined under paragraph (b) of subdivision **[**(20)**] (21)** of subsection 1 of section 104.010 who is first employed on or after July 1, 2000, but prior to August 28, 2007;

(14) "Employer", a department;

(15) "Executive director", the executive director employed by a board established pursuant to the provisions of sections 104.1003 to 104.1093;

(16) "Final average pay", the average pay of a member for the thirty-six full consecutive months of service before termination of employment when the member's pay was greatest; or if the member was on workers' compensation leave of absence or a medical leave of absence due to an employee illness, the amount of pay the member would have received but for such leave of absence as reported and verified by the employing department; or if the member was employed for less than thirty-six months, the average monthly pay of a member during the period for which the member was employed. The board of each system may promulgate rules for purposes of calculating final average pay and other retirement provisions to accommodate for any state payroll system in which pay is received on a monthly, semimonthly, biweekly, or other basis;

(17) "Fund", a fund of the year 2000 plan established pursuant to sections 104.1003 to 104.1093;

(18) "Investment return", or "interest", rates as shall be determined and prescribed from time to time by a board;

(19) "Member", a person who is included in the membership of the system, as set forth in section 104.1009;

(20) "Normal retirement eligibility", a member's attainment of at least sixty-two years of age and the completion of at least five or more years of credited service or, the attainment of at least forty-eight years of age with a total of years of age and years of credited service which is at least eighty or, in the case of a member of the highway patrol who shall be subject to the mandatory retirement provisions of section 104.080, the mandatory retirement age and completion of five years of credited service or, the attainment of at least forty-eight years of age with a total of years of age and years of credited service which is at least eighty;

(21) "Pay" shall include:

(a) All salary and wages payable to an employee for personal services performed for a department; but excluding:

a. Any amounts paid after an employee's employment is terminated, unless the payment is made as a final installment of salary or wages at the same rate as in effect immediately prior to termination of employment in accordance with a state payroll system adopted on or after January 1, 2000;

b. Any amounts paid upon termination of employment for unused annual leave or unused sick leave;

c. Pay in excess of the limitations set forth in Section 401(a)(17) of the Internal Revenue Code of 1986 as amended and other applicable federal laws or regulations;

d. Any nonrecurring single sum payments; and

e. Any amounts for which contributions have not been made in accordance with section 104.1066;

(b) All salary and wages which would have been payable to an employee on workers' compensation leave of absence during the period the employee is receiving a weekly workers' compensation benefit, as reported and verified by the employing department;

(c) All salary and wages which would have been payable to an employee on a medical leave due to employee illness, as reported and verified by the employing department;

(d) For purposes of members of the general assembly, pay shall be the annual salary provided to each senator and representative pursuant to section 21.140, plus any salary adjustment pursuant to section 21.140;

(22) "Retiree", a person receiving an annuity from the year 2000 plan based upon the person's employment record;

(23) "State", the state of Missouri;

(24) "System" or "retirement system", the Missouri state employees' retirement system or the Missouri department of transportation and highway patrol employees' retirement system, as the case may be;

(25) "Vested former member", a person entitled to receive a deferred annuity pursuant to section 104.1036;

(26) "Year 2000 plan", the benefit plan created by sections 104.1003 to 104.1093.

2. Benefits paid under the provisions of this chapter shall not exceed the limitations of Internal Revenue Code Section 415, the provisions of which are hereby incorporated by reference. Notwithstanding any other law to the contrary, the board of trustees may establish a benefit plan under Section 415(m) of the Internal Revenue Code of 1986, as amended. Such plan shall be created solely for the purposes described in Section 415(m)(3)(A) of the Internal Revenue Code of 1986, as amended. The board of trustees may promulgate regulations necessary to implement the provisions of this subsection and to create and administer such benefit plan.

104.1015. ELECTION INTO YEAR 2000 PLAN, EFFECT OF — COMPARISON OF PLANS PROVIDED — CALCULATION OF ANNUITY. — 1. Persons covered by a closed plan on July 1, 2000, shall elect whether or not to change to year 2000 plan coverage. Any such person who elects to be covered by the year 2000 plan shall forfeit all rights to receive benefits under this chapter except as provided under the year 2000 plan and all creditable service of such person under the closed plan shall be credited under the year 2000 plan. Any such person who elects not to be covered by the year 2000 plan shall waive all rights to receive benefits under the year 2000 plan. In no event shall any retroactive annuity be paid to such persons pursuant to sections 104.1003 to 104.1093 except as described in subsection 2 of this section. **Any person who elects year 2000 plan coverage under subsection 3, 4, 5, or 6 of this section shall be in the closed plan until the person's annuity starting date.**

2. Each retiree of the closed plan on July 1, 2000, shall be furnished by the appropriate system a written comparison of the retiree's closed plan coverage and the retiree's potential year 2000 plan coverage. A retiree shall elect whether or not to change to year 2000 plan coverage by making a written election, on a form furnished by the appropriate board, and providing that form to the system by no later than twelve months after July 1, 2000, and any retiree who fails to make such election within such time period shall be deemed to have elected to remain covered under the closed plan; provided the election must be after the retiree has received from the appropriate system such written comparison. The retirement option elected under the year 2000 plan shall be the same as the retirement option elected under the closed plan, except any retiree who is receiving one of the options providing for a continuing lifetime annuity to a surviving spouse under the closed plan may elect to receive an annuity under option 1 or 2 of section 104.1027, or a life annuity under subsection 2 of section 104.1024, provided the person who was married to the member at the time of retirement, if any, consents in writing to such election made pursuant to section 104.1024, or to any election described in this section if the person was married to a member of the Missouri state employees' retirement system. The effective date of payment of an annuity under the year 2000 plan as provided in this subsection shall begin on July 1, 2000. No adjustment shall be made to retirement benefits paid to the retiree prior to July 1, 2000. In order to calculate a new monthly annuity for retirees electing coverage under the year 2000 plan pursuant to this subsection, the following calculations shall be made:

(1) Except as otherwise provided in this subsection, the retiree's gross monthly retirement annuity in effect immediately prior to July 1, 2000, shall be multiplied by the percentage increase in the life annuity formula between the closed plan and the year 2000 plan. This amount shall be added to the retiree's gross monthly retirement annuity in effect immediately prior to July 1, 2000, to arrive at the retiree's new monthly retirement annuity in the year 2000 plan on July 1, 2000. The age of eligibility and reduction factors applicable to the retiree's original annuity under the closed plan shall remain the same in the annuity payable under the year 2000 plan, except as provided in subdivision (2) of this subsection;

(2) If option 1 or 2 pursuant to section 104.1027 is chosen by the retiree under the year 2000 plan, the new monthly retirement annuity calculated pursuant to subdivision (1) of this subsection shall be recalculated using the reduction factors for the option chosen pursuant to section 104.1027;

(3) If a temporary annuity is payable pursuant to subsection 4 of section 104.1024 the additional temporary annuity shall be calculated by multiplying the retiree's credited service by the retiree's final average pay by eight-tenths of one percent;

(4) Cost-of-living adjustments paid pursuant to section 104.1045 will commence on the anniversary of the retiree's annuity starting date coincident with or next following July 1, 2000;

(5) Any retiree or other person described in this section who elects coverage under the year 2000 plan based on service rendered as a member of the general assembly or as a statewide elected official shall receive an annuity under the year 2000 plan calculated pursuant to the provisions of section 104.1084 using the current monthly pay at the time of the election with future COLAs calculated pursuant to subsection 7 of section 104.1084.

3. Each person who is an employee and covered by the closed plan and not a retiree of the closed plan on July 1, 2000, shall elect whether or not to change to year 2000 plan coverage prior to the last business day of the month before the person's annuity starting date, and if such election has not been made within such time, annuity payments due beginning on and after the month of the annuity starting date shall be made the month following the receipt by the appropriate system of such election and any other information required by the year 2000 plan created by sections 104.1003 to 104.1093; provided, such election must be after the person has received from the year 2000 plan a written comparison of the person's closed plan coverage and the person's potential year 2000 plan coverage and the election must be made in writing on a form furnished by the appropriate board. If such person dies after the annuity starting date but before making such election and providing such other information, no benefits shall be paid except as required pursuant to section 104.420 or subsection 2 of section 104.372 for members of the general assembly.

4. Each person who is not an employee and not a retiree and is eligible for a deferred annuity from the closed plan on July 1, 2000, shall elect whether or not to change to the year 2000 plan coverage prior to the last business day of the month before the person's annuity starting date, and if such election has not been made within such time, annuity payments due beginning on and after the month of the annuity starting date shall be made the month following the receipt by the appropriate system of such election and any other information required by the year 2000 plan created by sections 104.1003 to 104.1093; provided, the election must be after the person has received from the year 2000 plan a written comparison of the person's closed plan coverage and the person's potential year 2000 plan coverage and the election must be made in writing on a form furnished by the appropriate board. If such person dies after the annuity starting date but before making such election and providing such other information, no benefits shall be paid except as required pursuant to section 104.420 or subsection 2 of section 104.372 for members of the general assembly.

5. Each person who is not an employee and not a retiree and is eligible for a deferred annuity from the closed plan and returns to covered employment on or after July 1, 2000, shall be covered under the closed plan; provided, such person shall elect whether or not to change to the year 2000 plan coverage prior to the last business day of the month before the person's

annuity starting date, and if such election has not been made within such time, annuity payments due beginning on and after the month of the annuity starting date shall be made the month following the receipt by the appropriate system of such election and any other information required by the year 2000 plan created by sections 104.1003 to 104.1093 and the election must be after the person has received from the year 2000 plan a written comparison of the person's closed plan coverage and the person's potential year 2000 plan coverage and the election must be made in writing on a form furnished by the appropriate board. If such person dies after the annuity starting date but before making such election and providing such other information, no benefits shall be paid except as required under section 104.420 or subsection 2 of section 104.372 for members of the general assembly.

6. Each person who is not an employee and not a retiree and not eligible for a deferred annuity from the closed plan but has forfeited creditable service with the closed plan and becomes an employee on or after August 28, 2002, shall be changed to year 2000 plan coverage and upon receiving credited service continuously for one year shall receive credited service for all such forfeited creditable service under the closed plan.

7. Each person who was employed as a member of the general assembly through December 31, 2000, covered under the closed plan, and has served at least two full biennial assemblies as defined in subdivision **[**(24)**] (25)** of subsection 1 of section 104.010 but who is not eligible for a deferred annuity under the closed plan shall be eligible to receive benefits under the new plan pursuant to subdivision (5) of subsection 2 of this section upon meeting the age requirements under the new plan.

8. The retirees and persons described in subsections 2 and 4 of this section shall be eligible for benefits under those subsections pursuant to subsection 8 of section 104.610.

9. A member may change a member's plan election made under this section at any time prior to the system mailing or electronically transferring the first annuity payment to such member.

104.1021. CREDITED SERVICE DETERMINED BY BOARD — CALCULATION. — 1. The appropriate board shall determine how much credited service shall be given each member consistent with this section.

2. If a member terminates employment and is eligible to receive an annuity pursuant to the year 2000 plan, or becomes a vested former member at the time of termination, the member's or former member's unused sick leave as reported through the financial and human resources system maintained by the office of administration **by the last department that employed the member prior to retirement**, or if a department's employees are not paid salaries or wages through such system, as reported directly by the department **that last employed the member prior to retirement**, for which the member has not been paid will be converted to credited service at the time of application for retirement benefits. The member shall receive one-twelfth of a year of credited service for each one hundred and sixty-eight hours of such unused sick leave. The employing department shall not certify unused sick leave unless such unused sick leave could have been used by the member for sickness or injury. The rate of accrual of sick leave for purposes of computing years of service pursuant to this section shall be no greater than ten hours per month. Such credited service shall not be used in determining the member's eligibility for retirement or final average pay. Such credited service shall be added to the credited service in the last position of employment held as a member of the system.

3. If a member is employed in a covered position and simultaneously employed in one or more other covered or noncovered positions, credited service shall be determined as if all such employment were in one position, and covered pay shall be the total of pay for all such positions.

4. In calculating any annuity, "credited service" means a period expressed as whole years and any fraction of a year measured in twelfths that begins on the date an employee commences employment in a covered position and ends on the date such employee's membership terminates

pursuant to section 104.1018 plus any additional period for which the employee is credited with service pursuant to this section.

5. A member shall be credited for all military service after membership commences as required by state and federal law.

6. Any member who had active military service in the United States Army, Air Force, Navy, Marine Corps, Army or Air National Guard, Coast Guard, or any reserve component thereof prior to last becoming a member, or who is otherwise ineligible to receive credited service pursuant to subsection 1 or 5 of this section, and who became a member after the person's discharge from military service under honorable conditions may elect, prior to retirement, to purchase credited service for all such military service, but not to exceed four years, provided the person is not receiving and is not eligible to receive retirement credits or benefits from any other public or private retirement plan, other than a United States military service retirement system, for the military service to be purchased along with the submission of appropriate documentation verifying the member's dates of active service. The purchase shall be effected by the member paying to the system an amount equal to the state's contributions that would have been made to the system on the member's behalf had the member been a member for the period for which the member is electing to purchase credit and had the member's pay during such period of membership been the same as the annual pay rate as of the date the member was initially employed as a member, with the calculations based on the contribution rate in effect on the date of such member's employment with simple interest calculated from the date of employment to the date of election pursuant to this subsection. The payment shall be made over a period of not longer than two years, measured from the date of election, and with simple interest on the unpaid balance. If a member who purchased credited service pursuant to this subsection dies prior to retirement, the surviving spouse may, upon written request, receive a refund of the amount contributed for such purchase of such credited service, provided the surviving spouse is not entitled to survivorship benefits payable pursuant to the provisions of section 104.1030.

7. Any member of the Missouri state employees' retirement system shall receive credited service for the creditable prior service that such employee would have been entitled to under the closed plan pursuant to section 104.339, subsections 2, and 6 to 9 of section 104.340, subsection 12 of section 104.342, section 104.344, subsection 4 of section 104.345, subsection 4 of section 104.372, section 178.640, and section 211.393, provided such service has not been credited under the closed plan.

8. Any member who has service in both systems and dies or terminates employment shall have the member's service in the other system transferred to the last system that covered such member and any annuity payable to such member shall be paid by that system. Any such member may elect to transfer service between systems prior to termination of employment, provided, any annuity payable to such member shall be paid by the last system that covered such member prior to the receipt of such annuity.

9. In no event shall any person or member receive credited service pursuant to the year 2000 plan if that same service is credited for retirement benefits under any defined benefit retirement system not created pursuant to this chapter.

10. Any additional credited service as described in subsections 5 to 7 of this section shall be added to the credited service in the first position of employment held as a member of the system. Any additional creditable service received pursuant to section 105.691 shall be added to the credited service in the position of employment held at the time the member completes the purchase or transfer pursuant to such section.

11. A member may not purchase any credited service described in this section unless the member has met the five-year minimum service requirement as provided in subdivisions (11) and (20) of subsection 1 of section 104.1003, the three full biennial assemblies minimum service requirement as provided in section 104.1084, or the four-year minimum service requirement as provided in section 104.1084.

12. Absences taken by an employee without compensation for sickness and injury of the employee of less than twelve months or for leave taken by such employee without compensation pursuant to the provisions of the Family and Medical Leave Act of 1993 shall be counted as years of credited service.

104.1030. DEATH PRIOR TO ANNUITY STARTING DATE, EFFECT OF — SURVIVING SPOUSE'S BENEFITS — CHILDREN'S BENEFITS — APPLICABILITY TO MEMBERS OF GENERAL ASSEMBLY AND STATEWIDE OFFICIALS. — 1. If a member with five or more years of credited service or a vested former member dies before such member's or such vested former member's annuity starting date, the applicable annuity provided in this section shall be paid.

2. The member's surviving spouse who was married to the member at the date of death shall receive an annuity computed as if such member had:

(1) Retired on the date of death with a normal retirement annuity based upon credited service and final average pay to the date of death, and without reduction if the member's age was younger than normal retirement eligibility;

(2) Elected option 2 provided for in section 104.1027; and

(3) Designated such spouse as beneficiary under such option.

3. If a spouse annuity is not payable pursuant to the provisions of subsection 2 of this section, or when a spouse annuity has ceased to be payable, eighty percent of an annuity computed in the same manner as if the member had retired on the date of death with a normal retirement annuity based upon credited service and final average pay to the date of death and without reduction if the member's age at death was younger than normal retirement eligibility shall be divided equally among the dependent children of the deceased member. A child shall be a dependent child until death or attainment of age twenty-one, whichever occurs first; provided the age twenty-one maximum shall be extended for any child who has been found totally incapacitated by a court of competent jurisdiction. **Benefits otherwise payable to a child under eighteen years of age shall be payable to the surviving parent as a natural guardian of such child if such parent has custody or assumes custody of such minor child or to the legal conservator of such child until such child attains age eighteen.** Upon a child ceasing to be a dependent child, that child's portion of the dependent annuity shall cease to be paid, and the amounts payable to any remaining dependent children shall be proportionately increased.

4. For the purpose of computing the amount of an annuity payable pursuant to this section, if the board finds that the death was the natural and proximate result of a personal injury or disease arising out of and in the course of his or her actual performance of duty as an employee, then the minimum annuity to such member's spouse or, if no spouse benefits are payable, the minimum annuity that shall be divided among and paid to such member's dependent children shall be fifty percent of final average pay. The credited service requirement of subsection 1 of this section shall not apply to any annuity payable pursuant to this subsection.

5. The provisions of this section shall apply to members of the general assembly and statewide elected officials except that the credited service and monthly pay requirements described in section 104.1084 shall apply notwithstanding any other language to the contrary contained in this section.

104.1039. REEMPLOYMENT OF A RETIREE, EFFECT ON ANNUITY — COST-OF-LIVING ADJUSTMENTS. — If a retiree is employed as an employee by a department, the retiree shall not receive an annuity payment for any calendar month in which the retiree is so employed. While reemployed the retiree shall be considered to be a new employee with no previous credited service and must accrue credited service continuously for at least one year in order to receive any additional annuity. Such retiree shall receive an additional annuity in addition to the original annuity, calculated based only on the credited service and the pay earned by such retiree during reemployment and paid in accordance with the annuity option originally elected; provided such retiree who ceases to receive an annuity pursuant to this section shall not receive such additional

annuity if such retiree is employed by a department in a position that is covered by a state-sponsored defined benefit retirement plan not created pursuant to this chapter. The original annuity and any additional annuity shall be paid commencing as of the end of the first month after the month during which the retiree's reemployment terminates. **Cost-of-living adjustments paid under section 104.1045 shall not accrue while a retiree is employed as described in this section. Any future cost-of-living adjustments paid after the retiree terminates such employment will be paid in the same month as the retiree's original annual benefit increases were paid.**

104.1051. ANNUITY DEEMED MARITAL PROPERTY — DIVISION OF BENEFITS. — 1. Any annuity provided pursuant to the year 2000 plan is marital property and a court of competent jurisdiction may divide such annuity between the parties to any action for dissolution of marriage if at the time of the dissolution the member has at least five years of credited service pursuant to sections 104.1003 to 104.1093. A division of benefits order issued pursuant to this section:

(1) Shall not require the applicable retirement system to provide any form or type of annuity or retirement plan not selected by the member;

(2) Shall not require the applicable retirement system to commence payments until the member's annuity starting date;

(3) Shall identify the monthly amount to be paid to the former spouse, which shall be expressed as a percentage and which shall not exceed fifty percent of the amount of the member's annuity accrued during all or part of the period of the marriage of the member and former spouse and which shall be based on the member's vested annuity on the date of the dissolution of marriage or an earlier date as specified in the order, which amount shall be adjusted proportionately upon the annuity starting date if the member's annuity is reduced due to the receipt of an early retirement annuity or the member's annuity is reduced pursuant to section 104.1027 under an annuity option in which the member named the alternate payee as beneficiary prior to the dissolution of marriage;

(4) Shall not require the payment of an annuity amount to the member and former spouse which in total exceeds the amount which the member would have received without regard to the order;

(5) Shall provide that any annuity increases, additional years of credited service, increased final average pay, increased pay pursuant to subsections 2 and 5 of section 104.1084, or other type of increases accrued after the date of the dissolution of marriage and any temporary annuity received pursuant to subsection 4 of section 104.1024 shall accrue solely to the benefit of the member; except that on or after September 1, 2001, any cost-of-living adjustment (COLA) due after the annuity starting date shall not be considered to be an increase accrued after the date of termination of marriage and shall be part of the monthly amount subject to division pursuant to any order issued after September 1, 2001;

(6) Shall terminate upon the death of either the member or the former spouse, whichever occurs first;

(7) Shall not create an interest which is assignable or subject to any legal process;

(8) Shall include the name, address, **and** date of birth**[**, and Social Security number**]** of both the member and the former spouse, and the identity of the retirement system to which it applies;

(9) Shall be consistent with any other division of benefits orders which are applicable to the same member**;**

(10) Shall not require the applicable retirement system to continue payments to the alternate payee if the member's retirement benefit is suspended or waived as provided by this chapter but such payments shall resume when the retiree begins to receive retirement benefits in the future.

2. A system shall provide the court having jurisdiction of a dissolution of a marriage proceeding or the parties to the proceeding with information necessary to issue a division of

benefits order concerning a member of the system, upon written request from either the court, the member, or the member's spouse, citing this section and identifying the case number and parties.

3. A system shall have the discretionary authority to reject a division of benefits order for the following reasons:

(1) The order does not clearly state the rights of the member and the former spouse;

(2) The order is inconsistent with any law governing the retirement system.

4. Any member of the closed plan who elected the year 2000 plan pursuant to section 104.1015 and then becomes divorced and subject to a division of benefits order shall have the division of benefits order calculated pursuant to the provisions of the year 2000 plan.

104.1054. BENEFITS ARE OBLIGATIONS OF THE STATE — BENEFITS NOT SUBJECT TO EXECUTION, GARNISHMENT, ATTACHMENT, WRIT OF SEQUESTRATION — BENEFITS UNASSIGNABLE — REVERSION OF BENEFITS, WHEN — REFUND RECEIVED, WHEN. — 1. The benefits provided to each member and each member's spouse, beneficiary, or former spouse under the year 2000 plan are hereby made obligations of the state of Missouri and are an incident of every member's continued employment with the state. No alteration, amendment, or repeal of the year 2000 plan shall affect the then-existing rights of members, or their spouses, beneficiaries or former spouses, but shall be effective only as to rights which would otherwise accrue hereunder as a result of services rendered by a member after such alteration, amendment, or repeal.

2. Except as otherwise provided in section 104.1051, any annuity, benefit, funds, property, or rights created by, or accruing or paid to, any person covered under the year 2000 plan shall not be subject to execution, garnishment, attachment, writ of sequestration, or any other process or claim whatsoever, and shall be unassignable, except with regard to the collection of child support and maintenance, and except that a beneficiary may assign life insurance proceeds. Any retiree may request the executive director, in writing, to withhold and pay on his behalf to the proper person, from each of his monthly annuity payments, if the payment is large enough, the contribution due from the retiree to any group providing state-sponsored life or medical insurance and to the Missouri state employees charitable campaign.

3. The executive director shall, when requested in writing by a retiree, withhold and pay over the funds authorized in subsection 2 of this section until such time as the request to do so is revoked by the death or written revocation of the retiree.

4. In the event any amount is due a deceased member, survivor, or beneficiary who dies after September 1, 2002, **and the member's survivor's, or beneficiary's financial institution is unable to accept the final payments due to the member, survivor, or beneficiary,** such amount shall be paid to the person or entity designated in writing as beneficiary to receive such amount by such member, survivor, or beneficiary. The member, survivor, or beneficiary may designate in writing a beneficiary to receive any final payment due after the death of a member, survivor, or beneficiary pursuant to this chapter. If no living person or entity so designated as beneficiary exists at the time of death, such amount shall be paid to the surviving spouse married to the deceased member, survivor, or beneficiary at the time of death. If no surviving spouse exists, such amount shall be paid to the surviving children **[**or their descendants**]** of such member, survivor, or beneficiary in equal parts. If no surviving children **[**or any of their descendants**]** exist, such amount shall be paid to the surviving parents of such member, survivor, or beneficiary in equal parts. If no surviving parents exist, such amount shall be paid to the surviving brothers**[**,**]** **or** sisters**[**, or their descendants**]** of such member, survivor, or beneficiary in equal parts. If no surviving brothers**[**,**]** **or** sisters**[**, or their descendants**]** exist, payment may be made as otherwise permitted by law. Notwithstanding this subsection, any amount due to a deceased member as payment of all or part of a lump sum pursuant to subsection 6 of section 104.1024 shall be paid to the member's surviving spouse married to the member at the time of death, and otherwise payment may be made as provided in this subsection. In the event any amount that is due to a

person from either system remains unclaimed **[**by such member**]** for a period of four years or more, such amount shall automatically revert to the credit of the fund of the member's system. If an application is made for such amount after such reversion, the board shall pay such amount to the person from the board's fund, except that no interest shall be paid on such amounts after the date of the reversion to the fund.

5. All annuities payable pursuant to the year 2000 plan shall be determined based upon the law in effect on the last date of termination of employment.

6. The beneficiary of any member who purchased creditable service in the Missouri state employees' retirement system shall receive a refund upon the member's death equal to the amount of any purchase less any retirement benefits received by the member unless an annuity is payable to a survivor or beneficiary as a result of the member's death. In such event, the beneficiary of the survivor or beneficiary who received the annuity shall receive a refund upon the survivor's or beneficiary's death equal to the amount of the member's purchase of services less any annuity amounts received by the member and the survivor or beneficiary.

104.1060. ERRONEOUS AMOUNT PAID, CORRECTION — PENALTY FOR FALSIFICATION — DISQUALIFICATION FROM RECEIPT OF PAYMENTS, WHEN. — 1. Should any error result in any person receiving more or less than the person would have been entitled to receive had the error not occurred, the board shall correct such error, and, as far as practicable, make future payments in such a manner that the actuarial equivalent of the annuity to which such person was entitled shall be paid, and to this end may recover any overpayments. In all cases in which **[**an**]** **such** error has been made, no such error shall be corrected unless the system discovers or is notified of such error within ten years after the **initial** date of error.

2. A person who knowingly makes a false statement, or falsifies or permits to be falsified a record of the system, in an attempt to defraud the system shall be subject to fine or imprisonment under the Missouri revised statutes.

3. A board shall not pay an annuity to any survivor or beneficiary who is charged with the intentional killing of a member, retiree or survivor without legal excuse or justification. A survivor or beneficiary who is convicted of such charge shall no longer be entitled to receive an annuity. If the survivor or beneficiary is not convicted of such charge, the board shall resume annuity payments and shall pay the survivor or beneficiary any annuity payments that were suspended pending resolution of such charge.

105.684. BENEFIT INCREASES PROHIBITED, WHEN — AMORTIZATION OF UNFUNDED ACTUARIAL ACCRUED LIABILITIES — ACCELERATED CONTRIBUTION SCHEDULE REQUIRED, WHEN. — 1. Notwithstanding any law to the contrary, no plan shall adopt or implement any additional benefit increase, supplement, enhancement, lump sum benefit payments to participants, or cost-of-living adjustment beyond current plan provisions in effect prior to August 28, 2007, unless the plan's actuary determines that the funded ratio **of the most recent periodic actuarial valuation and** prior to such adoption or implementation is at least eighty percent and will not be less than seventy-five percent after such adoption or implementation.

2. The unfunded actuarial accrued liabilities associated with benefit changes described in this section shall be amortized over a period not to exceed twenty years for purposes of determining the contributions associated with the adoption or implementation of any such benefit increase, supplement, or enhancement.

3. Any plan with a funded ratio below sixty percent shall have the actuary prepare an accelerated contribution schedule based on a descending amortization period for inclusion in the actuarial valuation.

4. Nothing in this section shall apply to any plan established under chapter 70 or chapter 476.

5. Nothing in this section shall prevent a plan from adopting and implementing any provision necessary to maintain a plan's status as a qualified trust pursuant to 26 U.S.C. 401(a).

476.515. DEFINITIONS — REINSTATEMENT OF BENEFITS FOR SURVIVING SPOUSE TERMINATED BY REMARRIAGE, WHEN, PROCEDURE. — 1. As used in sections 476.515 to 476.565, unless the context clearly indicates otherwise, the following terms mean:

(1) "Beneficiary", a surviving spouse married to the deceased judge continuously for a period of at least two years immediately preceding the judge's death or if there is no surviving spouse eligible to receive benefits pursuant to sections 476.515 to 476.565, the term "beneficiary" shall mean any **[**minor**]** child **under age twenty-one** of the deceased judge, who shall share in the benefits on an equal basis with all other beneficiaries;

(2) "Benefit", a series of equal monthly payments payable during the life of a judge retiring pursuant to the provisions of sections 476.515 to 476.565 or payable to a beneficiary as provided in sections 476.515 to 476.565; all benefits paid pursuant to sections 476.515 to 476.565 in excess of any contributions made to the system by a judge shall be considered to be a part of the compensation provided a judge for the judge's services;

(3) "Commissioner of administration", the commissioner of administration of the state of Missouri;

(4) "Judge", any person who has served or is serving as a judge or commissioner of the supreme court or of the court of appeals; or as a judge of any circuit court, probate court, magistrate court, court of common pleas or court of criminal corrections of this state; as a justice of the peace; or as commissioner or deputy commissioner of the circuit court appointed after February 29, 1972;

(5) "Salary", the total compensation paid for personal services as a judge by the state or any of its political subdivisions.

2. A surviving spouse whose benefits were terminated because of remarriage prior to October 1, 1984, shall, upon written application to the board within six months after October 1, 1984, have the surviving spouse's rights as a beneficiary restored. Benefits shall resume as of October 1, 1984.

Approved July 2, 2013

HB 235 [HCS HB 235]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding the qualifications for a candidate for county collector, county treasurer, or county collector-treasurer

AN ACT to repeal sections 52.010, 54.040, and 54.330, RSMo, and to enact in lieu thereof three new sections relating to county candidate qualifications.

SECTION

A. Enacting clause.
52.010. Election — term — residency — other requirements.
54.040. Qualifications of county treasurer — persons ineligible for treasurer.
54.330. Candidate requirements and bonds of collector-treasurers — bond requirements for deputies and assistants — vacancies.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 52.010, 54.040, and 54.330, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 52.010, 54.040, and 54.330, to read as follows:

52.010. ELECTION — TERM — RESIDENCY — OTHER REQUIREMENTS. — 1. At the general election in 1906, and every four years thereafter, a collector, to be styled the collector of the revenue, shall be elected in each of the counties of this state, except counties under township organization, who shall hold his or her office for four years and until his successor is duly elected and qualified. The collector shall reside in the county from which such person is elected throughout his or her term in office.

2. Except in any county with a charter form of government, a candidate for the office of collector shall be at least twenty-one years of age and a resident of the state and the county in which he or she is a candidate for at least one year prior to the date of filing for such office. The candidate shall be a registered voter and current in the payment of all state income taxes and personal and real property taxes.

3. The candidate shall present to the election authority a copy of a signed affidavit from a surety company authorized to do business in this state, indicating that the candidate meets the statutory bond requirements for the office for which the candidate is filing.

54.040. QUALIFICATIONS OF COUNTY TREASURER — PERSONS INELIGIBLE FOR TREASURER. — 1. **Except in a county with a charter form of government,** a candidate for county treasurer shall be at least twenty-one years of age and a resident of the state of Missouri and the county in which he or she is a candidate for at least one year prior to the date of the general election for such office. The candidate shall also be a registered voter and shall be current in the payment of all personal and real estate taxes. Upon election to such office, the person shall continue to reside in that county during his or her tenure in office. **Each candidate for county treasurer shall also provide to the election authority a copy of a signed affidavit from a surety company authorized to do business in this state indicating that the candidate meets the bond requirements for the office of county treasurer under this chapter.**

2. No sheriff, marshal, clerk or collector, or the deputy of any such officer, shall be eligible to the office of treasurer of any county.

54.330. CANDIDATE REQUIREMENTS AND BONDS OF COLLECTOR-TREASURERS — BOND REQUIREMENTS FOR DEPUTIES AND ASSISTANTS — VACANCIES. — 1. A candidate for county collector-treasurer shall be at least twenty-one years of age and a resident of the county in which he or she is a candidate for at least one year prior to the date of filing for the office. The candidate shall also be a registered voter and shall be current in the payment of all state income taxes and personal and real property taxes. A collector-treasurer shall reside in the county throughout his or her term in office and shall remain in office until a successor is duly elected and qualified. **Each candidate for county collector-treasurer shall also provide to the election authority a copy of a signed affidavit from a surety company authorized to do business in this state indicating that the candidate meets the bond requirements for the office of county collector-treasurer under this chapter.**

2. County collector-treasurers shall be required to give bonds as other county collectors under the general revenue law, and shall have the sole authority to appoint deputies as provided to other county collectors under section 52.300.

3. Before entering upon the duties for which they are employed, deputies and assistants employed in the office of any collector-treasurer shall give bond and security to the satisfaction of the collector-treasurer. The bond for each individual deputy or assistant shall not exceed one-half of the amount of the maximum bond required for any collector-treasurer. The official bond required pursuant to this section shall be a surety bond with a surety company authorized to do

business in this state. The premium of the bond shall be paid by the county or city being protected.

4. In the event of a vacancy caused by death, resignation, or otherwise, in the office of collector-treasurer, the county clerk shall follow the procedures in section 52.180 that apply when there is a vacancy in the office of collector in other counties.

Approved July 2, 2013

HB 256 [CCS HCS HBs 256, 33 & 305]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding the Open Meetings and Records Law

AN ACT to repeal sections 610.021 and 610.150, RSMo, and to enact in lieu thereof three new sections relating to public safety, with an emergency clause.

SECTION
A. Enacting clause.
610.021. Closed meetings and closed records authorized when, exceptions.
610.150. "911" telephone reports inaccessible, exceptions.
1. Flight log records after flight, open public records for elected members of executive and legislative branches.
B. Emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 610.021 and 610.150, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 610.021, 610.150, and 1, to read as follows:

610.021. CLOSED MEETINGS AND CLOSED RECORDS AUTHORIZED WHEN, EXCEPTIONS. — Except to the extent disclosure is otherwise required by law, a public governmental body is authorized to close meetings, records and votes, to the extent they relate to the following:

(1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public government body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of section 610.011, however, the amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed; provided, however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record;

(2) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes, vote or public record approving a contract relating to the leasing, purchase or sale

of real estate by a public governmental body shall be made public upon execution of the lease, purchase or sale of the real estate;

(3) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body shall be made available with a record of how each member voted to the public within seventy-two hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two-hour period before such decision is made available to the public.

As used in this subdivision, the term "personal information" means information relating to the performance or merit of individual employees;

(4) The state militia or national guard or any part thereof;

(5) Nonjudicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment;

(6) Scholastic probation, expulsion, or graduation of identifiable individuals, including records of individual test or examination scores; however, personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years;

(7) Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again;

(8) Welfare cases of identifiable individuals;

(9) Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups;

(10) Software codes for electronic data processing and documentation thereof;

(11) Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid;

(12) Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected;

(13) Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such, and the names of private sources donating or contributing money to the salary of a chancellor or president at all public colleges and universities in the state of Missouri and the amount of money contributed by the source;

(14) Records which are protected from disclosure by law;

(15) Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest;

(16) Records relating to municipal hotlines established for the reporting of abuse and wrongdoing;

(17) Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to this chapter;

(18) Operational guidelines**, [**and**]** policies **and specific response plans** developed, adopted, or maintained by any public agency responsible for law enforcement, public safety, first response, or public health for use in responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. **Financial records related to the procurement of or expenditures relating to operational guidelines, policies or plans purchased with public funds shall be open.**

When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records [Nothing in this exception shall be deemed to close information regarding expenditures, purchases, or contracts made by an agency in implementing these guidelines or policies. When seeking to close information pursuant to this exception, the agency shall affirmatively state in writing that disclosure would impair its ability to protect the safety or health of persons, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records. This exception shall sunset on December 31, 2012**]**;

(19) Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, and information that is voluntarily submitted by a nonpublic entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety:

(a) Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open;

(b) When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;

(c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the receiving agency within ninety days of submission to determine if retention of the document is necessary in furtherance of a state security interest. If retention is not necessary, the documents shall be returned to the nonpublic governmental body or destroyed;

[(d) This exception shall sunset on December 31, 2012;**]**

(20) The portion of a record that identifies security systems or access codes or authorization codes for security systems of real property;

[(20)**] (21)** Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network, or telecommunications network, including the amount of moneys paid by, or on behalf of, a public governmental body for such computer, computer system, computer network, or telecommunications network shall be open;

[(21)**] (22)** Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body. Nothing in this section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body; and

[(22)**]** (23) Records submitted by an individual, corporation, or other business entity to a public institution of higher education in connection with a proposal to license intellectual property or perform sponsored research and which contains sales projections or other business plan information the disclosure of which may endanger the competitiveness of a business.

610.150. "911" TELEPHONE REPORTS INACCESSIBLE, EXCEPTIONS. — Except as provided by this section, any information acquired by a law enforcement agency **or a first responder agency** by way of a complaint or report of a crime made by telephone contact using the emergency number, "911", shall be inaccessible to the general public. However, information consisting of the date, time, specific location and immediate facts and circumstances surrounding the initial report of the crime or incident shall be considered to be an incident report and subject to section 610.100. Any closed records pursuant to this section shall be available upon request by law enforcement agencies or the division of workers' compensation or pursuant to a valid court order authorizing disclosure upon motion and good cause shown.

SECTION 1. FLIGHT LOG RECORDS AFTER FLIGHT, OPEN PUBLIC RECORDS FOR ELECTED MEMBERS OF EXECUTIVE AND LEGISLATIVE BRANCHES. — Any records or flight logs pertaining to any flight or request for a flight after such flight has occurred by any elected member of either the executive or legislative branch shall be open public records under chapter 610, unless otherwise provided by law. The provisions of this section shall only apply to a flight on a state-owned plane.

SECTION B. EMERGENCY CLAUSE. — Because immediate action is necessary to protect sensitive public records relating to public agency plans to prevent and respond to possible terrorist incidents and to protect security system plans for certain critical public and private buildings and facilities, the repeal and reenactment of section 610.021 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 610.021 of section A of this act shall be in full force and effect upon its passage and approval.

Approved May 31, 2013

HB 303 [SCS HCS HBs 303 & 304]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Makes specified memorial bridge and highway designations

AN ACT to repeal section 227.303, RSMo, and to enact in lieu thereof nine new sections relating to highway designations.

SECTION

A. Enacting clause.
227.303. Mark Twain Highway and Andy Gammon Memorial Highway established for portions of Interstate Highway 70 in St. Louis City.
227.314. Congressman William L. Clay, Sr. Bridge designated for the Missouri portion of the bridge on Interstate 55, Interstate 64, Interstate 70, and U.S. 40 crossing the Mississippi River.
227.325. Missouri Fallen Soldiers Memorial Bridge designated on U.S. Highway 65 in Greene County.
227.404. Leona Williams Highway designated for portion of U.S. Highway 63 in Maries County.
227.421. Stan Musial Memorial Bridge designated for the new bridge on Interstate 70 crossing the Mississippi River between downtown St. Louis and southwestern Illinois.
227.515. Sergeant Jeffry Kowalski Memorial Highway designated for a portion of Highway 32.
227.517. Police Officer Daryl Hall Memorial Highway designated for portion of Interstate 70 in St. Louis City.
227.518. Clifton J. Scott Memorial Highway designated for portion of Interstate 70 in Jackson County.
227.519. Irvine O. Hockaday, Jr. Highway designated for portion of U.S. Highway 63 in Clay County.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Section 227.303, RSMo, is repealed and nine new sections enacted in lieu thereof, to be known as sections 227.303, 227.314, 227.325, 227.404, 227.421, 227.515, 227.517, 227.518, and 227.519, to read as follows:

227.303. MARK TWAIN HIGHWAY AND ANDY GAMMON MEMORIAL HIGHWAY ESTABLISHED FOR PORTIONS OF INTERSTATE HIGHWAY 70 IN ST. LOUIS CITY. — 1. The portion of Interstate Highway 70 **[**within**]** **from the western city limits of** a city not within a county **[**to the border with the state of Illinois**]** **and proceeding east to mile marker 248** shall be designated the "Mark Twain Highway".

2. The portion of Interstate Highway 70 contained within a city not within a county, from mile marker 248 to the Illinois border, shall be designated the "Andy Gammon Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs for such designation to be paid for by private donations.

227.314. CONGRESSMAN WILLIAM L. CLAY, SR. BRIDGE DESIGNATED FOR THE MISSOURI PORTION OF THE BRIDGE ON INTERSTATE 55, INTERSTATE 64, INTERSTATE 70, AND U.S. 40 CROSSING THE MISSISSIPPI RIVER. — The Missouri portion of the bridge on Interstate 55, Interstate 64, Interstate 70, and U.S. Route 40 crossing the Mississippi River between downtown St. Louis and southwestern Illinois, commonly known as the Poplar Street Bridge, shall be designated the "Congressman William L. Clay, Sr. Bridge". The department of transportation shall erect and maintain appropriate signs designating the Missouri portion of such bridge, with the costs for such designation to be paid for by private donation. The designation under this section shall supersede any prior name or designation for such bridge.

227.325. MISSOURI FALLEN SOLDIERS MEMORIAL BRIDGE DESIGNATED ON U.S. HIGHWAY 65 IN GREENE COUNTY. — The bridge on United States Highway 65 over CST Overlook Avenue in Greene County shall be designated the "Missouri Fallen Soldiers Memorial Bridge". The department of transportation shall erect and maintain appropriate signs designating such bridge, with the costs for such designation to be paid for by private donations.

227.404. LEONA WILLIAMS HIGHWAY DESIGNATED FOR PORTION OF U.S. HIGHWAY 63 IN MARIES COUNTY. — The portion of U.S. Highway 63 in Maries County which is located within the city limits of Vienna shall be designated the "Leona Williams Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid for by private donation.

227.421. STAN MUSIAL MEMORIAL BRIDGE DESIGNATED FOR THE NEW BRIDGE ON INTERSTATE 70 CROSSING THE MISSISSIPPI RIVER BETWEEN DOWNTOWN ST. LOUIS AND SOUTHWESTERN ILLINOIS. — The Missouri portion of the new bridge on Interstate 70 crossing the Mississippi River between downtown St. Louis and southwestern Illinois shall be designated the "Stan Musial Memorial Bridge". The department of transportation shall erect and maintain appropriate signs designating the Missouri portion of such bridge, with the costs for such designation to be paid by private donation.

227.515. SERGEANT JEFFRY KOWALSKI MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF HIGHWAY 32. — The portion of Missouri Highway 32 from the city limits of the City of Farmington northeast to the intersection of Missouri Highway 144 shall be

designated the "Sergeant Jeffery Kowalski Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the cost to be paid for by private donations.

227.517. POLICE OFFICER DARYL HALL MEMORIAL HIGHWAY DESIGNATED FOR PORTION OF INTERSTATE 70 IN ST. LOUIS CITY. — The portion of Interstate 70 in St. Louis City from Union Boulevard east to Kingshighway Boulevard shall be designated the "Police Officer Daryl Hall Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the cost to be paid for by private donations.

227.518. CLIFTON J. SCOTT MEMORIAL HIGHWAY DESIGNATED FOR PORTION OF INTERSTATE 70 IN JACKSON COUNTY. — The portion of Interstate Highway 70 beginning at Noland Road and continuing eastward to Lee's Summit Road in Jackson County within the city limits of Independence shall be designated as the "Clifton J. Scott Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway with the cost for such designation to be paid for by private donation.

227.519. IRVINE O. HOCKADAY, JR. HIGHWAY DESIGNATED FOR PORTION OF U.S. HIGHWAY 63 IN CLAY COUNTY. — The portion of U.S. Highway 69 in Clay County, beginning from its intersection with Interstate 435, north to its intersection with Interstate 35, shall be designated the "Irvine O. Hockaday, Jr. Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid for by private donations.

Approved July 10, 2013

HB 307 [CCS SS SCS HB 307]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding emergency service providers

AN ACT to repeal sections 77.046, 78.340, 79.240, 80.420, 84.120, 84.490, 84.830, 85.551, 106.270, 174.700, 174.703, 174.706, 190.100, 321.015, 321.210, 321.322, and 544.157, RSMo, and to enact in lieu thereof twenty-two new sections relating to emergency service providers, with existing penalty provisions.

SECTION

A. Enacting clause.
67.145. First responders, political activity while off duty and not in uniform, political subdivisions not to prohibit.
77.046. Other officers, appointment, discharge, regulations concerning.
78.340. Oath.
79.240. Removal of officers.
80.420. Marshal and policemen — removal.
84.120. Police force members — qualifications — removal — delegation of jurisdiction of hearing officers, functions (St. Louis).
84.490. Chief of police — tenure — removal or demotion — acting chief (Kansas City).
84.830. Police department — prohibited activities — penalties (Kansas City).
85.551. Marshal to be chief of police where department not adopted — assistants and policemen appointed under ordinance — removal (third class cities).

106.270. Removal of officer — vacancy, how filled.
106.273. Removal of chief law enforcement officer, when.
174.700. Board of regents and board of governors may appoint necessary police officers.
174.703. Police officers to take oath and be issued certificate of appointment — powers of arrest and other powers — training or experience requirements.
174.706. Boards may appoint guards or watchmen not having authority of police officers.
174.709. Vehicular traffic, control of, governing body may regulate — codification — violations, penalty.
174.712. Motor vehicles on campus subject to general motor vehicle laws of Missouri.
190.098. Community paramedic, certification requirements — scope of practice — written agreement — rulemaking authority.
190.100. Definitions.
321.015. District director not to hold other lucrative employment — exemptions certain counties and employment — lucrative office or employment, defined.
321.210. Election and terms of directors — filing fee.
321.322. Cities with population of 2,500 to 65,000 with fire department, annexing property in a fire protection district — rights and duties, procedure — exception.
544.157. Law enforcement officers, conservation agents, capitol police, college or university police officers, and park rangers, arrest powers — fresh pursuit defined — policy of agency electing to institute vehicular pursuits.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 77.046, 78.340, 79.240, 80.420, 84.120, 84.490, 84.830, 85.551, 106.270, 174.700, 174.703, 174.706, 190.100, 321.015, 321.210, 321.322, and 544.157, RSMo, are repealed and twenty-two new sections enacted in lieu thereof, to be known as sections 67.145, 77.046, 78.340, 79.240, 80.420, 84.120, 84.490, 84.830, 85.551, 106.270, 106.273, 174.700, 174.703, 174.706, 174.709, 174.712, 190.098, 190.100, 321.015, 321.210, 321.322, and 544.157, to read as follows:

67.145. FIRST RESPONDERS, POLITICAL ACTIVITY WHILE OFF DUTY AND NOT IN UNIFORM, POLITICAL SUBDIVISIONS NOT TO PROHIBIT. — No political subdivision of this state shall prohibit any first responder, as the term "first responder" is defined in section 192.800, from engaging in any political activity while off duty and not in uniform, being a candidate for elected or appointed public office, or holding such office unless such political activity or candidacy is otherwise prohibited by state or federal law.

77.046. OTHER OFFICERS, APPOINTMENT, DISCHARGE, REGULATIONS CONCERNING. — 1. Upon the adoption of a city administrator form of government, the governing body of the city may provide that all other officers and employees of the city, except elected officers, shall be appointed and discharged by the city administrator, but the governing body may make reasonable rules and regulations governing the same.

2. Nothing in this section shall be construed to authorize the city to remove or discharge any chief, as that term is defined in section 106.273.

78.340. OATH. — 1. Before entering upon the duties of their office each of said commissioners shall take and subscribe an oath, which shall be filed and kept in the office of the city clerk, to support the Constitution of the state of Missouri and to obey the laws and aim to secure and maintain an honest and efficient force free from partisan distinction or control, and to perform the duties of his office to the best of his ability.

2. Nothing in this section shall be construed to authorize the commissioners to remove or discharge any chief, as that term is defined in section 106.273.

79.240. REMOVAL OF OFFICERS. — 1. The mayor may, with the consent of a majority of all the members elected to the board of aldermen, remove from office, for cause shown, any elective officer of the city, such officer being first given opportunity, together with his witnesses, to be heard before the board of aldermen sitting as a board of impeachment. Any elective

officer, including the mayor, may in like manner, for cause shown, be removed from office by a two-thirds vote of all members elected to the board of aldermen, independently of the mayor's approval or recommendation. The mayor may, with the consent of a majority of all the members elected to the board of aldermen, remove from office any appointive officer of the city at will, and any such appointive officer may be so removed by a two-thirds vote of all the members elected to the board of aldermen, independently of the mayor's approval or recommendation. The board of aldermen may pass ordinances regulating the manner of impeachments and removals.

2. Nothing in this section shall be construed to authorize the mayor, with the consent of the majority of all the members elected to the board of aldermen, or the board of aldermen by a two-thirds vote of all its members, to remove or discharge any chief, as that term is defined in section 106.273.

80.420. MARSHAL AND POLICEMEN — REMOVAL. — 1. The policemen of the town, in the discharge of their duties, shall be subject to the orders of the marshal only as chief of police; but any marshal, assistant marshal or policeman may be instantly removed from his office by the board of trustees at a regular or called meeting, for any wanton neglect of duty.

2. Nothing in this section shall be construed to authorize the board of trustees to remove or discharge any chief, as that term is defined in section 106.273.

84.120. POLICE FORCE MEMBERS — QUALIFICATIONS — REMOVAL — DELEGATION OF JURISDICTION OF HEARING OFFICERS, FUNCTIONS (ST. LOUIS). — 1. No person shall be appointed or employed as policeman, turnkey, or officer of police who shall have been convicted of, or against whom any indictment may be pending, for any offense, the punishment of which may be confinement in the penitentiary; nor shall any person be so appointed who is not of good character, or who is not a citizen of the United States, or who is not able to read and write the English language, or who does not possess ordinary physical strength and courage. The patrolmen and turnkeys hereafter appointed shall serve while they shall faithfully perform their duties and possess mental and physical ability and be subject to removal only for cause after a hearing by the boards, who are hereby invested with the jurisdiction in the premises.

2. The board shall have the sole discretion whether to delegate portions of its jurisdiction to hearing officers. The board shall retain final and ultimate authority over such matters and over the person to whom the delegation may be made. In any hearing before the board under this section, the member involved may make application to the board to waive a hearing before the board and request that a hearing be held before a hearing officer.

3. Nothing in this section or chapter shall be construed to prohibit the board of police commissioners from delegating any task related to disciplinary matters, disciplinary hearings, or any other hearing or proceeding which could otherwise be heard by the board or concerning any determination related to whether an officer is able to perform the necessary functions of the position. Tasks related to the preceding matter may be delegated by the board to a hearing officer under the provisions of subsection 4 of this section.

4. (1) The hearing officer to whom a delegation has been made by the board may, at the sole discretion of the board, perform certain functions, including but not limited to the following:

(a) Presiding over a disciplinary matter from its inception through to the final hearing;

(b) Preparing a report to the board of police commissioners; and

(c) Making recommendations to the board of police commissioners as to the allegations and the appropriateness of the recommended discipline.

(2) The board shall promulgate rules, which may be changed from time to time as determined by the board, and shall make such rules known to the hearing officer or others.

(3) The board shall at all times retain the authority to render the final decision after a review of the relevant documents, evidence, transcripts, videotaped testimony, or report prepared by the hearing officer.

5. Hearing officers shall be selected in the following manner:

(1) The board shall establish a panel of not less than five persons, all who are to be licensed attorneys in good standing with the Missouri Bar. The composition of the panel may change from time to time at the board's discretion;

(2) From the panel, the relevant member or officer and a police department representative shall alternatively and independently strike names from the list with the last remaining name being the designated hearing officer. The board shall establish a process to be utilized for each hearing which will determine which party makes the first strike and the process may change from time to time;

(3) After the hearing officer is chosen and presides over a matter, such hearing officer shall become ineligible until all hearing officers listed have been utilized, at which time the list shall renew, subject to officers' availability.

6. Nothing in this section shall be construed to authorize the board of police commissioners to remove or discharge any chief, as that term is defined in section 106.273.

84.490. CHIEF OF POLICE — TENURE — REMOVAL OR DEMOTION — ACTING CHIEF (KANSAS CITY). — 1. The chief of police shall serve during the pleasure of the board**, except that such chief shall only be removed, suspended, or demoted for cause. For purposes of this section, cause may include the following reasons:**

(a) The chief is unable to perform his or her duties with reasonable competence or reasonable safety as a result of a mental condition, including alcohol or substance abuse;

(b) The chief has committed any act, while engaged in the performance of his or her duties, that constitutes a reckless disregard for the safety of the public or another law enforcement officer;

(c) The chief has caused a material fact to be misrepresented for any improper or unlawful purpose;

(d) The chief has acted in a manner for the sole purpose of furthering his or her self-interest, or in a manner inconsistent with the interests of the public or the chief's governing body;

(e) The chief has been found to have violated any law, statute, or ordinance which constitutes a felony; or

(f) The chief has been deemed insubordinate or found to be in violation of a written established policy, unless such claimed insubordination or violation of a written established policy was a violation of any federal or state law or local ordinance.

2. In case the board determines to remove**, suspend,** or demote the chief of police, he shall be notified in writing. Within ten days after receipt of such notice, the chief may, in writing, file with the secretary of the board of police commissioners, demand and he shall receive a written statement of the reasons for such removal**, suspension,** or demotion, and a hearing thereon at a public meeting of the board within ten days after the chief files such notice. The chief may be suspended from office pending such hearing. The action of the board in suspending, removing or demoting the chief of police shall be final **[**and not subject to review by any court**]**.

[2.**]** **3.** The board may, in case of and during the absence or disability of the chief, designate a qualified police officer who shall serve as acting chief and perform the duties of the office. No man shall serve as acting chief who has not the qualifications required for the position of chief.

84.830. POLICE DEPARTMENT — PROHIBITED ACTIVITIES — PENALTIES (KANSAS CITY). — 1. **[**No person shall solicit orally, or by letter or otherwise, or shall be in any manner concerned in soliciting, any assessment, contribution, or payment for any political purpose whatsoever from any officer or employee in the service of the police department for such cities or from members of the said police board.**]** No officer, agent, or employee of the police department of such cities shall permit any **[**such**]** solicitation **for political purpose** in any building or room occupied for the discharge of the official duties of the said department. **[**No officer or employee in the service of said police department shall directly or indirectly give, pay, lend, or contribute any part of his salary or compensation or any money or other valuable thing to any person on account of, or to be applied to, the promotion of any political party, political club, or any political purpose whatever.**]**

2. No officer or employee of said department shall promote, remove, or reduce any other official or employee, or promise or threaten to do so, for withholding or refusing to make any contribution for any political party or purpose or club, or for refusal to render any political service, and shall not directly or indirectly attempt to coerce, command, or advise any other officer or employee to make any such contribution or render any such service. No officer or employee in the service of said department or member of the police board shall use his official authority or influence for the purpose of interfering with any election or any nomination for office, or affecting the result thereof. No officer or employee of such department shall **[**be a member or official of any committee of any political party, or be a ward committeeman or committeewoman, nor shall any such officer or employee**]** solicit any person to vote for or against any candidate for public office, or "poll precincts" or be connected with other political work of similar character on behalf of any political organization, party, or candidate **while on duty or while wearing the official uniform of the department**. All such persons shall, however, retain the right to vote as they may choose and to express their opinions on all political subjects and candidates.

3. No person or officer or employee of said department shall affix any sign, bumper sticker or other device to any property or vehicle under the control of said department which either supports or opposes any ballot measure or political candidate.

4. No question in any examination shall relate to political or religious opinions or affiliations, and no appointment, transfer, layoff, promotion, reduction, suspension, or removal shall be affected by such opinions or affiliations.

5. No person shall make false statement, certification, mark, rating, or report with regard to any tests, certificate, or appointment made under any provision of sections 84.350 to 84.860 or in any manner commit or attempt to commit any fraud preventing the impartial execution of this section or any provision thereof.

6. No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for or on account of any appointment, proposed appointment, promotion to, or any advancement in, a position in the service of the police departments of such cities.

7. No person shall defeat, deceive, or obstruct any person in his right to examination, eligibility, certification, appointment or promotion under sections 84.350 to 84.860, or furnish to any person any such secret information for the purpose of affecting the right or prospects of any person with respect to employment in the police departments of such cities.

8. Any officer or any employee of the police department of such cities who shall be found by the board to have violated any of the provisions of this section shall be discharged forthwith from said service. It shall be the duty of the chief of police to prefer charges against any such offending person at once. Any member of the board or of the common council of such cities may bring suit to restrain payment of compensation to any such offending officer or employee and, as an additional remedy, any such member of the board or of the common council of such cities may also apply to the circuit court for a writ of mandamus to compel the dismissal of such offending officer or employee. Officers or employees discharged by such mandamus shall have

no right of review before the police board. Any person dismissed or convicted under this section shall, for a period of five years, be ineligible for appointment to any position in the service of the police department of such cities or the municipal government of such cities. Any persons who shall willfully or through culpable negligence violate any of the provisions of this section may, upon conviction thereof, be punished by a fine of not less than fifty dollars and not exceeding five hundred dollars, or by imprisonment for a time not exceeding six months, or by both such fine and imprisonment.

85.551. MARSHAL TO BE CHIEF OF POLICE WHERE DEPARTMENT NOT ADOPTED — ASSISTANTS AND POLICEMEN APPOINTED UNDER ORDINANCE — REMOVAL (THIRD CLASS CITIES). — 1. In cities of the third class which shall not have adopted the merit system police department provided for in sections 85.541 to 85.571, the marshal shall be the chief of police, and there also may be one assistant marshal, who shall serve for a term of one year and who shall be deputy chief of police; such number of regular policemen as may be deemed necessary by the council for the good government of the city, who shall serve for terms of one year; and such number of special policemen as may be prescribed by ordinance, to serve for such time as may be prescribed by ordinance.

2. The manner of appointing the assistant marshal and all policemen of the city shall be prescribed by ordinance. The council shall also, by ordinance, provide for the removal of any marshal, assistant marshal or policeman guilty of misbehavior in office.

3. Nothing in this section shall be construed to authorize the council to remove or discharge any chief, as that term is defined in section 106.273.

106.270. REMOVAL OF OFFICER — VACANCY, HOW FILLED. — 1. If any official against whom a proceeding has been filed, as provided for in sections 106.220 to 106.290, shall be found guilty of failing personally to devote his time to the performance of the duties of such office, or of any willful, corrupt or fraudulent violation or neglect of official duty, or of knowingly or willfully failing or refusing to do or perform any official act or duty which by law it is made his duty to do or perform with respect to the execution or enforcement of the criminal laws of the state, the court shall render judgment removing him from such office, and he shall not be elected or appointed to fill the vacancy thereby created, but the same shall be filled as provided by law for filling vacancies in other cases. All actions and proceedings under sections 106.220 to 106.290 shall be in the nature of civil actions, and tried as such.

2. Nothing in this section shall be construed to authorize the removal or discharge of any chief, as that term is defined in section 106.273.

106.273. REMOVAL OF CHIEF LAW ENFORCEMENT OFFICER, WHEN. — 1. For the purposes of this section, the following terms shall mean:

(1) "Chief", any non-elected chief law enforcement officer of any political subdivision;

(2) "Just cause", exists when a chief:

(a) Is unable to perform his or her duties with reasonable competence or reasonable safety as a result of a mental condition, including alcohol or substance abuse;

(b) Has committed any act, while engaged in the performance of his or her duties, that constitutes a reckless disregard for the safety of the public or another law enforcement officer;

(c) Has caused a material fact to be misrepresented for any improper or unlawful purpose;

(d) Acts in a manner for the sole purpose of furthering his or her self-interest or in a manner inconsistent with the interests of the public or the chief's governing body;

(e) Has been found to have violated any law, statute, or ordinance which constitutes a felony; or

(f) Has been deemed insubordinate or found to be in violation of a written established policy, unless such claimed insubordination or violation of a written established policy was a violation of any federal or state law or local ordinance.

2. A chief shall be subject to removal from office or employment by the appointing authority or the governing body of the political subdivision employing the chief if:

(1) The governing body of the political subdivision employing the chief issues a written notice to the chief whose removal is being sought no fewer than ten business days prior to the meeting at which his or her removal will be considered;

(2) The chief has been given written notice as to the governing body's intent to remove him or her. Such notice shall include:

(a) Charges specifying just cause for which removal is sought;

(b) A statement of facts that are alleged to constitute just cause for the chief's removal; and

(c) The date, time, and location of the meeting at which the chief's removal will be considered;

(3) The chief is given an opportunity to be heard before the governing body, together with any witnesses, evidence and counsel of his or her choosing; and

(4) The governing body, by two-thirds majority vote, finds just cause for removing the chief.

3. Upon the satisfaction of the removal procedure under subsection 2 of this section, the chief shall be immediately removed from his or her office, shall be relieved of all duties and responsibilities of said office, and shall be entitled to no further compensation or benefits not already earned, accrued, or agreed upon.

4. Any chief removed pursuant to subsection 3 of this section shall be issued a written notice of the grounds of his or her removal within fourteen calendar days of the removal.

174.700. BOARD OF REGENTS AND BOARD OF GOVERNORS MAY APPOINT NECESSARY POLICE OFFICERS. — The board of regents or board of governors of any state college or university may appoint and employ as many college or university police officers as it may deem necessary to **enforce regulations established under section 174.709 and general motor vehicle laws of this state in accordance with section 174.712,** protect persons, property, and to preserve peace and good order only in the public buildings, properties, grounds, and other facilities and locations over which it has charge or control and to respond to emergencies or natural disasters outside of the boundaries of university property and provide services if requested by the law enforcement agency with jurisdiction.

174.703. POLICE OFFICERS TO TAKE OATH AND BE ISSUED CERTIFICATE OF APPOINTMENT — POWERS OF ARREST AND OTHER POWERS — TRAINING OR EXPERIENCE REQUIREMENTS. — **1.** The college or university police officers, before they enter upon their duties, shall take and subscribe an oath of office before some officer authorized to administer oaths, to faithfully and impartially discharge the duties thereof, which oath shall be filed in the office of the board, and the secretary of the board shall give each college police officer so appointed and qualified a certificate of appointment, under the seal of the board, which certificate shall empower him or her with the same authority to maintain order, preserve peace and make arrests as is now held by peace officers.

2. The college or university police officers shall have the authority to enforce the regulations established in section 174.709 and general motor vehicle laws in accordance with section 174.712 on the campus as prescribed in chapter 304. The college or university police officer may in addition expel from the public buildings, campuses, and grounds, persons violating the rules and regulations that may be prescribed by the board or others under the authority of the board.

3. Such officer or employee of the state college or university as may be designated by the board shall have immediate charge, control and supervision of police officers appointed by authority of this section. Such college or university police officers shall have satisfactorily completed before appointment a training course for police officers as prescribed by chapter 590 for state peace officers or, by virtue of previous experience or training, have met the requirements of chapter 590**, and have been certified under that chapter**.

174.706. BOARDS MAY APPOINT GUARDS OR WATCHMEN NOT HAVING AUTHORITY OF POLICE OFFICERS. — Nothing in sections 174.700 to 174.706 shall be construed as denying the board the right to appoint guards or watchmen who shall not be given the authority and powers authorized by sections 174.700 to **[**174.706**]** **174.712**.

174.709. VEHICULAR TRAFFIC, CONTROL OF, GOVERNING BODY MAY REGULATE — CODIFICATION — VIOLATIONS, PENALTY. — 1. For the purpose of promoting public safety, health, and general welfare and to protect life and property, the board of regents or board of governors of any state college or university may establish regulations to control vehicular traffic, including speed regulations, on any thoroughfare owned or maintained by the state college or university and located within any of its campuses. Such regulations shall be consistent with the provisions of the general motor vehicle laws of this state. Upon adoption of such regulations, the state college or university shall have the authority to place official traffic control signals, as defined in section 300.010, on campus property.

2. The regulations established by the board of regents or board of governors of any state college or university under subsection 1 of this section shall be codified, printed, and distributed for public use. Adequate signs displaying the speed limit shall be posted along such thoroughfares.

3. Violations of any regulation established under this section shall have the same effect as a violation of municipal ordinances adopted under section 304.120, with penalty provisions as provided in section 304.570. Points assessed against any person under section 302.302, for a violation of this section shall be the same as provided for a violation of a county or municipal ordinance.

4. The provisions of this section shall apply only to moving violations.

174.712. MOTOR VEHICLES ON CAMPUS SUBJECT TO GENERAL MOTOR VEHICLE LAWS OF MISSOURI. — All motor vehicles operated upon any thoroughfare owned or maintained by the state college or university and located within any of its campuses shall be subject to the provisions of the general motor vehicle laws of this state, including chapters 301, 302, 303, 304, 307, and 577. Violations shall have the same effect as though such had occurred on public roads, streets, or highways of this state.

190.098. COMMUNITY PARAMEDIC, CERTIFICATION REQUIREMENTS — SCOPE OF PRACTICE — WRITTEN AGREEMENT — RULEMAKING AUTHORITY. — 1. In order for a person to be eligible for certification by the department as a community paramedic, an individual shall:

(1) Be currently certified as a paramedic;

(2) Successfully complete or have successfully completed a community paramedic certification program from a college, university, or educational institution that has been approved by the department or accredited by a national accreditation organization approved by the department; and

(3) Complete an application form approved by the department.

2. A community paramedic shall practice in accordance with protocols and supervisory standards established by the medical director. A community paramedic shall

provide services of a health care plan if the plan has been developed by the patient's physician or by an advanced practice registered nurse through a collaborative practice arrangement with a physician or a physician assistant through a collaborative practice arrangement with a physician and there is no duplication of services to the patient from another provider.

3. Any ambulance service shall enter into a written contract to provide community paramedic services in another ambulance service area, as that term is defined in section 190.100. The contract that is agreed upon may be for an indefinite period of time, as long as it includes at least a sixty-day cancellation notice by either ambulance service.

4. A community paramedic is subject to the provisions of sections 190.001 to 190.245 and rules promulgated under sections 190.001 to 190.245.

5. No person shall hold himself or herself out as a community paramedic or provide the services of a community paramedic unless such person is certified by the department.

6. The medical director shall approve the implementation of the community paramedic program.

7. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

190.100. DEFINITIONS. — As used in sections 190.001 to 190.245, the following words and terms mean:

(1) "Advanced life support (ALS)", an advanced level of care as provided to the adult and pediatric patient such as defined by national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections 190.001 to 190.245;

(2) "Ambulance", any privately or publicly owned vehicle or craft that is specially designed, constructed or modified, staffed or equipped for, and is intended or used, maintained or operated for the transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless, or who require the presence of medical equipment being used on such individuals, but the term does not include any motor vehicle specially designed, constructed or converted for the regular transportation of persons who are disabled, handicapped, normally using a wheelchair, or otherwise not acutely ill, or emergency vehicles used within airports;

(3) "Ambulance service", a person or entity that provides emergency or nonemergency ambulance transportation and services, or both, in compliance with sections 190.001 to 190.245, and the rules promulgated by the department pursuant to sections 190.001 to 190.245;

(4) "Ambulance service area", a specific geographic area in which an ambulance service has been authorized to operate;

(5) "Basic life support (BLS)", a basic level of care, as provided to the adult and pediatric patient as defined by national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections 190.001 to 190.245;

(6) "Council", the state advisory council on emergency medical services;

(7) "Department", the department of health and senior services, state of Missouri;

(8) "Director", the director of the department of health and senior services or the director's duly authorized representative;

(9) "Dispatch agency", any person or organization that receives requests for emergency medical services from the public, by telephone or other means, and is responsible for dispatching emergency medical services;

(10) "Emergency", the sudden and, at the time, unexpected onset of a health condition that manifests itself by symptoms of sufficient severity that would lead a prudent layperson, possessing an average knowledge of health and medicine, to believe that the absence of immediate medical care could result in:

(a) Placing the person's health, or with respect to a pregnant woman, the health of the woman or her unborn child, in significant jeopardy;

(b) Serious impairment to a bodily function;

(c) Serious dysfunction of any bodily organ or part;

(d) Inadequately controlled pain;

(11) "Emergency medical dispatcher", a person who receives emergency calls from the public and has successfully completed an emergency medical dispatcher course, meeting or exceeding the national curriculum of the United States Department of Transportation and any modifications to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245;

(12) "Emergency medical response agency", any person that regularly provides a level of care that includes first response, basic life support or advanced life support, exclusive of patient transportation;

(13) "Emergency medical services for children (EMS-C) system", the arrangement of personnel, facilities and equipment for effective and coordinated delivery of pediatric emergency medical services required in prevention and management of incidents which occur as a result of a medical emergency or of an injury event, natural disaster or similar situation;

(14) "Emergency medical services (EMS) system", the arrangement of personnel, facilities and equipment for the effective and coordinated delivery of emergency medical services required in prevention and management of incidents occurring as a result of an illness, injury, natural disaster or similar situation;

(15) "Emergency medical technician", a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to 190.245, and by rules adopted by the department pursuant to sections 190.001 to 190.245;

(16) "Emergency medical technician-basic" or "EMT-B", a person who has successfully completed a course of instruction in basic life support as prescribed by the department and is licensed by the department in accordance with standards prescribed by sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;

(17) **"Emergency medical technician-community paramedic", "community paramedic", or "EMT-CP", a person who is certified as an emergency medical technician-paramedic and is certified by the department in accordance with standards prescribed in section 190.098;**

(18) "Emergency medical technician-intermediate" or "EMT-I", a person who has successfully completed a course of instruction in certain aspects of advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to 190.245 and rules and regulations adopted by the department pursuant to sections 190.001 to 190.245;

[(18)**] (19)** "Emergency medical technician-paramedic" or "EMT-P", a person who has successfully completed a course of instruction in advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;

[(19)**] (20)** "Emergency services", health care items and services furnished or required to screen and stabilize an emergency which may include, but shall not be limited to, health care services that are provided in a licensed hospital's emergency facility by an appropriate provider or by an ambulance service or emergency medical response agency;

[(20)**] (21)** "First responder", a person who has successfully completed an emergency first response course meeting or exceeding the national curriculum of the United States Department of Transportation and any modifications to such curricula specified by the department through

rules adopted pursuant to sections 190.001 to 190.245 and who provides emergency medical care through employment by or in association with an emergency medical response agency;

[(21)**] (22)** "Health care facility", a hospital, nursing home, physician's office or other fixed location at which medical and health care services are performed;

[(22)**] (23)** "Hospital", an establishment as defined in the hospital licensing law, subsection 2 of section 197.020, or a hospital operated by the state;

[(23)**] (24)** "Medical control", supervision provided by or under the direction of physicians to providers by written or verbal communications;

[(24)**] (25)** "Medical direction", medical guidance and supervision provided by a physician to an emergency services provider or emergency medical services system;

[(25)**] (26)** "Medical director", a physician licensed pursuant to chapter 334 designated by the ambulance service or emergency medical response agency and who meets criteria specified by the department by rules pursuant to sections 190.001 to 190.245;

[(26)**] (27)** "Memorandum of understanding", an agreement between an emergency medical response agency or dispatch agency and an ambulance service or services within whose territory the agency operates, in order to coordinate emergency medical services;

[(27)**] (28)** "Patient", an individual who is sick, injured, wounded, diseased, or otherwise incapacitated or helpless, or dead, excluding deceased individuals being transported from or between private or public institutions, homes or cemeteries, and individuals declared dead prior to the time an ambulance is called for assistance;

[(28)**] (29)** "Person", as used in these definitions and elsewhere in sections 190.001 to 190.245, any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or fraternal organization, estate, public trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, or any other service user or provider;

[(29)**] (30)** "Physician", a person licensed as a physician pursuant to chapter 334;

[(30)**] (31)** "Political subdivision", any municipality, city, county, city not within a county, ambulance district or fire protection district located in this state which provides or has authority to provide ambulance service;

[(31)**] (32)** "Professional organization", any organized group or association with an ongoing interest regarding emergency medical services. Such groups and associations could include those representing volunteers, labor, management, firefighters, EMT-B's, nurses, EMT-P's, physicians, communications specialists and instructors. Organizations could also represent the interests of ground ambulance services, air ambulance services, fire service organizations, law enforcement, hospitals, trauma centers, communication centers, pediatric services, labor unions and poison control services;

[(32)**] (33)** "Proof of financial responsibility", proof of ability to respond to damages for liability, on account of accidents occurring subsequent to the effective date of such proof, arising out of the ownership, maintenance or use of a motor vehicle in the financial amount set in rules promulgated by the department, but in no event less than the statutory minimum required for motor vehicles. Proof of financial responsibility shall be used as proof of self-insurance;

[(33)**] (34)** "Protocol", a predetermined, written medical care guideline, which may include standing orders;

[(34)**] (35)** "Regional EMS advisory committee", a committee formed within an emergency medical services (EMS) region to advise ambulance services, the state advisory council on EMS and the department;

[(35)**] (36)** "Specialty care transportation", the transportation of a patient requiring the services of an emergency medical technician-paramedic who has received additional training beyond the training prescribed by the department. Specialty care transportation services shall be defined in writing in the appropriate local protocols for ground and air ambulance services and approved by the local physician medical director. The protocols shall be maintained by the local

ambulance service and shall define the additional training required of the emergency medical technician-paramedic;

[(36)**] (37)** "Stabilize", with respect to an emergency, the provision of such medical treatment as may be necessary to attempt to assure within reasonable medical probability that no material deterioration of an individual's medical condition is likely to result from or occur during ambulance transportation unless the likely benefits of such transportation outweigh the risks;

[(37)**] (38)** "State advisory council on emergency medical services", a committee formed to advise the department on policy affecting emergency medical service throughout the state;

[(38)**] (39)** "State EMS medical directors advisory committee", a subcommittee of the state advisory council on emergency medical services formed to advise the state advisory council on emergency medical services and the department on medical issues;

[(39)**] (40)** "STEMI" or "ST-elevation myocardial infarction", a type of heart attack in which impaired blood flow to the patient's heart muscle is evidenced by ST-segment elevation in electrocardiogram analysis, and as further defined in rules promulgated by the department under sections 190.001 to 190.250;

[(40)**] (41)** "STEMI care", includes education and prevention, emergency transport, triage, and acute care and rehabilitative services for STEMI that requires immediate medical or surgical intervention or treatment;

[(41)**] (42)** "STEMI center", a hospital that is currently designated as such by the department to care for patients with ST-segment elevation myocardial infarctions;

[(42)**] (43)** "Stroke", a condition of impaired blood flow to a patient's brain as defined by the department;

[(43)**] (44)** "Stroke care", includes emergency transport, triage, and acute intervention and other acute care services for stroke that potentially require immediate medical or surgical intervention or treatment, and may include education, primary prevention, acute intervention, acute and subacute management, prevention of complications, secondary stroke prevention, and rehabilitative services;

[(44)**] (45)** "Stroke center", a hospital that is currently designated as such by the department;

[(45)**] (46)** "Trauma", an injury to human tissues and organs resulting from the transfer of energy from the environment;

[(46)**] (47)** "Trauma care" includes injury prevention, triage, acute care and rehabilitative services for major single system or multisystem injuries that potentially require immediate medical or surgical intervention or treatment;

[(47)**] (48)** "Trauma center", a hospital that is currently designated as such by the department.

321.015. DISTRICT DIRECTOR NOT TO HOLD OTHER LUCRATIVE EMPLOYMENT — EXEMPTIONS CERTAIN COUNTIES AND EMPLOYMENT — LUCRATIVE OFFICE OR EMPLOYMENT, DEFINED. — 1. No person holding any lucrative office or employment under this state, or any political subdivision thereof as defined in section 70.120, shall hold the office of fire protection district director under this chapter. When any fire protection district director accepts any office or employment under this state or any political subdivision thereof, his office shall thereby be vacated and he shall thereafter perform no duty and receive no salary or expenses as fire protection district director.

2. This section shall not apply to**:**

(1) Members of the organized militia, of the reserve corps, public school employees and notaries public**[**, or to**] ;**

(2) Fire protection districts located wholly within counties of the second, third or fourth **[**class or**] classification;**

(3) Fire protection districts in counties of the first classification with less than eighty-five thousand inhabitants;

(4) Fire protection districts located within **[**first class**]** counties **of the first classification** not adjoining any other **[**first class**]** county**[**, nor shall this section apply to**] of the first classification;**

(5) Fire protection districts located within any county of the first or second **[**class**] classification** not having more than nine hundred thousand inhabitants which borders any three **[**first class**]** counties **of the first classification**; **[**nor shall this section apply to**]**

(6) Fire protection districts located within any **[**first class**]** county **[**without a charter form of government**] of the first classification** which adjoins both a **[**first class**]** county with a charter form of government with **[**at least**] more than** nine hundred **fifty** thousand inhabitants, and adjoins at least four other counties**;**

(7) Fire protection districts located within any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants.

3. For the purposes of this section, the term "lucrative office or employment" does not include receiving retirement benefits, compensation for expenses, or a stipend or per diem, in an amount not to exceed seventy-five dollars for each day of service, for service rendered to a fire protection district, the state or any political subdivision thereof.

321.210. ELECTION AND TERMS OF DIRECTORS — FILING FEE. — On the first Tuesday in April after the expiration of at least two full calendar years from the date of the election of the first board of directors, and on the first Tuesday in April every two years thereafter, an election for members of the board of directors shall be held in the district. Nominations shall be filed at the headquarters of the fire protection district in which a majority of the district is located by paying a **[**ten-dollar**]** filing fee **up to the amount of a candidate for state representative as set forth under section 115.357** and filing a statement under oath that he possesses the required qualifications. The candidate receiving the most votes shall be elected. Any new member of the board shall qualify in the same manner as the members of the first board qualify.

321.322. CITIES WITH POPULATION OF 2,500 TO 65,000 WITH FIRE DEPARTMENT, ANNEXING PROPERTY IN A FIRE PROTECTION DISTRICT — RIGHTS AND DUTIES, PROCEDURE — EXCEPTION. — 1. If any property located within the boundaries of a fire protection district shall be included within a city having a population of at least two thousand five hundred but not more than sixty-five thousand which is not wholly within the fire protection district and which maintains a city fire department, then upon the date of actual inclusion of the property within the city, as determined by the annexation process, the city shall within sixty days assume by contract with the fire protection district all responsibility for payment in a lump sum or in installments an amount mutually agreed upon by the fire protection district and the city for the city to cover all obligations of the fire protection district to the area included within the city, and thereupon the fire protection district shall convey to the city the title, free and clear of all liens or encumbrances of any kind or nature, any such tangible real and personal property of the fire protection district as may be agreed upon, which is located within the part of the fire protection district located within the corporate limits of the city with full power in the city to use and dispose of such tangible real and personal property as the city deems best in the public interest, and the fire protection district shall no longer levy and collect any tax upon the property included within the corporate limits of the city; except that, if the city and the fire protection district cannot mutually agree to such an arrangement, then the city shall assume responsibility for fire protection in the annexed area on or before January first of the third calendar year following the actual inclusion of the property within the city, as determined by the annexation process, and furthermore the fire protection district shall not levy and collect any tax upon that property included within the corporate limits of the city after the date of inclusion of that property:

(1) On or before January first of the second calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee

equal to the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district;

(2) On or before January first of the third calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to four-fifths of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district;

(3) On or before January first of the fourth calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to three-fifths of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district;

(4) On or before January first of the fifth calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to two-fifths of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district; and

(5) On or before January first of the sixth calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to one-fifth of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district. Nothing contained in this section shall prohibit the ability of a city to negotiate contracts with a fire protection district for mutually agreeable services. This section shall also apply to those fire protection districts and cities which have not reached agreement on overlapping boundaries previous to August 28, 1990. Such fire protection districts and cities shall be treated as though inclusion of the annexed area took place on December thirty-first immediately following August 28, 1990.

2. Any property excluded from a fire protection district by reason of subsection 1 of this section shall be subject to the provisions of section 321.330.

3. The provisions of this section shall not apply in any county of the first class having a charter form of government and having a population of over nine hundred thousand inhabitants.

4. The provisions of this section shall not apply where the annexing city or town operates a city fire department and was on January 1, 2005, a city of the fourth classification with more than eight thousand nine hundred but fewer than nine thousand inhabitants and entirely surrounded by a single fire district. In such cases, the provision of fire and emergency medical services following annexation shall be governed by subsections 2 and 3 of section 72.418.

5. The provisions of this section shall not apply where the annexing city or town operates a city fire department, is any city of the third classification with more than six thousand but fewer than seven thousand inhabitants and located in any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants, and is entirely surrounded by a single fire protection district. In such cases, the provision of fire and emergency medical services following annexation shall be governed by subsections 2 and 3 of section 72.418.

544.157. LAW ENFORCEMENT OFFICERS, CONSERVATION AGENTS, CAPITOL POLICE, COLLEGE OR UNIVERSITY POLICE OFFICERS, AND PARK RANGERS, ARREST POWERS — FRESH PURSUIT DEFINED — POLICY OF AGENCY ELECTING TO INSTITUTE VEHICULAR PURSUITS. — 1. Any law enforcement officer certified pursuant to chapter 590 of any political subdivision of this state, any authorized agent of the department of conservation, any commissioned member of the Missouri capitol police**, any college or university police officer,** and any commissioned member of the Missouri state park rangers in fresh pursuit of a person

who is reasonably believed by such officer to have committed a felony in this state or who has committed, or attempted to commit, in the presence of such officer or agent, any criminal offense or violation of a municipal or county ordinance, or for whom such officer holds a warrant of arrest for a criminal offense, shall have the authority to arrest and hold in custody such person anywhere in this state. Fresh pursuit may only be initiated from within the pursuing peace officer's, conservation agent's, capitol police officer's**, college or university police officer's,** or state park ranger's jurisdiction and shall be terminated once the pursuing peace officer is outside of such officer's jurisdiction and has lost contact with the person being pursued. If the offense is a traffic violation, the uniform traffic ticket shall be used as if the violator had been apprehended in the municipality or county in which the offense occurred.

2. If such an arrest is made in obedience to a warrant, the disposition of the prisoner shall be made as in other cases of arrest under a warrant; if the violator is served with a uniform traffic ticket, the violator shall be directed to appear before a court having jurisdiction to try the offense; if the arrest is without a warrant, the prisoner shall be taken forthwith before a judge of a court with original criminal jurisdiction in the county wherein such arrest was made or before a municipal judge thereof having original jurisdiction to try such offense, who may release the person as provided in section 544.455, conditioned upon such person's appearance before the court having jurisdiction to try the offense. The person so arrested need not be taken before a judge as herein set out if given a summons by the arresting officer.

3. The term "fresh pursuit", as used in this section, shall include hot or fresh pursuit as defined by the common law and also the pursuit of a person who has committed a felony or is reasonably suspected of having committed a felony in this state, or who has committed or attempted to commit in this state a criminal offense or violation of municipal or county ordinance in the presence of the arresting officer referred to in subsection 1 of this section or for whom such officer holds a warrant of arrest for a criminal offense. It shall include also the pursuit of a person suspected of having committed a supposed felony in this state, though no felony has actually been committed, if there is reasonable ground for so believing. "Fresh pursuit" as used herein shall imply instant pursuit.

4. A public agency electing to institute vehicular pursuits shall adopt a policy for the safe conduct of vehicular pursuits by peace officers. Such policy shall meet the following minimum standards:

(1) There shall be supervisory control of the pursuit;

(2) There shall be procedures for designating the primary pursuit vehicle and for determining the total number of vehicles to be permitted to participate at one time in the pursuit;

(3) There shall be procedures for coordinating operation with other jurisdictions; and

(4) There shall be guidelines for determining when the interests of public safety and effective law enforcement justify a vehicular pursuit and when a vehicular pursuit should not be initiated or should be terminated.

Approved June 25, 2013

HB 315 [SS HCS HB 315]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Requires a health carrier that provides coverage for prescription eye drops to cover a refill without regard to a restriction for an early refill if it is authorized by the prescribing health care provider

AN ACT to repeal sections 334.040, 334.715, 334.735, 335.066, 338.150, and 338.220, RSMo, and to enact in lieu thereof ten new sections relating to health care services.

SECTION
A. Enacting clause.
334.040. Examination of applicants, how conducted, grades required, time limitations, extensions.
334.715. Refusal to issue or renew license, grounds, alternatives — complaint procedure — reinstatement, procedure.
334.735. Definitions — scope of practice — prohibited activities — board of healing arts to administer licensing program — supervision agreements — duties and liability of physicians.
335.066. Denial, revocation, or suspension of license, grounds for, civil immunity for providing information — complaint procedures.
335.175. Utilization of telehealth by nurses established — definition of telehealth — rulemaking authority — sunset provision.
338.150. Inspections by authorized representatives of board, where — testing program authorized — rulemaking authority.
338.200. Pharmacist may dispense emergency prescription, when, requirements — rulemaking authority.
338.220. Operation of pharmacy without permit or license unlawful — application for permit, classifications, fee — duration of permit.
376.1226. Fee schedule for services not covered under health benefit plans — definitions.
376.1237. Refills for prescription eye drops, required, when — definitions — termination date.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 334.040, 334.715, 334.735, 335.066, 338.150, and 338.220, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 334.040, 334.715, 334.735, 335.066, 335.175, 338.150, 338.200, 338.220, 376.1226, and 376.1237, to read as follows:

334.040. EXAMINATION OF APPLICANTS, HOW CONDUCTED, GRADES REQUIRED, TIME LIMITATIONS, EXTENSIONS. — 1. Except as provided in section 334.260, all persons desiring to practice as physicians and surgeons in this state shall be examined as to their fitness to engage in such practice by the board. All persons applying for examination shall file a completed application with the board upon forms furnished by the board.

2. The examination shall be sufficient to test the applicant's fitness to practice as a physician and surgeon. The examination shall be conducted in such a manner as to conceal the identity of the applicant until all examinations have been scored. In all such examinations an average score of not less than seventy-five percent is required to pass; provided, however, that the board may require applicants to take the Federation Licensing Examination, also known as FLEX, or the United States Medical Licensing Examination (USMLE). If the FLEX examination is required, a weighted average score of no less than seventy-five is required to pass. Scores from one test administration of the FLEX shall not be combined or averaged with scores from other test administrations to achieve a passing score. The passing score of the United States Medical Licensing Examination shall be determined by the board through rule and regulation. **Applicants graduating from a medical or osteopathic college, as defined in section 334.031 prior to January 1, 1994, shall provide proof of successful completion of the FLEX, USMLE, an exam administered by the National Board of Osteopathic Medical Examiners (NBOME), a state board examination approved by the board, compliance with subsection 2 of section 334.031, or compliance with 20 CSR 2150-2005. Applicants graduating from a medical or osteopathic college, as defined in section 334.031 on or after January 1, 1994, must provide proof of completion of the USMLE or an exam administered by NBOME or provide proof of compliance with subsection 2 of section 334.031.** The board shall not issue a permanent license as a physician and surgeon or allow the Missouri state board examination to be administered to any applicant who has failed to achieve a passing score within three attempts on licensing examinations administered in one or more states or territories of the United States, the District of Columbia or Canada. The steps one, two and three of the United

States Medical Licensing Examination shall be taken within a seven-year period with no more than three attempts on any step of the examination; however, the board may grant an extension of the seven-year period if the applicant has obtained a MD/PhD degree in a program accredited by the Liaison Committee on Medical Education (LCME) and a regional university accrediting body or a DO/PhD degree accredited by the American Osteopathic Association and a regional university accrediting body. The board may waive the provisions of this section if the applicant is licensed to practice as a physician and surgeon in another state of the United States, the District of Columbia or Canada and the applicant has achieved a passing score on a licensing examination administered in a state or territory of the United States or the District of Columbia and no license issued to the applicant has been disciplined in any state or territory of the United States or the District of Columbia and the applicant is certified in the applicant's area of specialty by the American Board of Medical Specialties, the American Osteopathic Association, or other certifying agency approved by the board by rule.

3. If the board waives the provisions of this section, then the license issued to the applicant may be limited or restricted to the applicant's board specialty. The board shall not be permitted to favor any particular school or system of healing.

4. If an applicant has not actively engaged in the practice of clinical medicine or held a teaching or faculty position in a medical or osteopathic school approved by the American Medical Association, the Liaison Committee on Medical Education, or the American Osteopathic Association for any two years in the three-year period immediately preceding the filing of his or her application for licensure, the board may require successful completion of another examination, continuing medical education, or further training before issuing a permanent license. The board shall adopt rules to prescribe the form and manner of such reexamination, continuing medical education, and training.

334.715. REFUSAL TO ISSUE OR RENEW LICENSE, GROUNDS, ALTERNATIVES — COMPLAINT PROCEDURE — REINSTATEMENT, PROCEDURE. — 1. The board may refuse to issue or renew any license required under sections 334.700 to 334.725 for one or any combination of causes listed in subsection 2 of this section or any cause listed in section 334.100. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided in chapter 621. As an alternative to a refusal to issue or renew any certificate, registration, or authority, the board may, in its discretion, issue a license which is subject to reprimand, probation, restriction, or limitation to an applicant for licensure for any one or any combination of causes listed in subsection 2 of this section or section 334.100. The board's order of reprimand, probation, limitation, or restriction shall contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited, or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited, or restricted license seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered waived.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided in chapter 621 against any holder of a certificate of registration or authority, permit, or license required by sections 334.700 to 334.725 or any person who has failed to renew or has surrendered the person's certification of registration or license for any one or any combination of the following causes:

(1) Violated or conspired to violate any provision of sections 334.700 to 334.725 or any provision of any rule promulgated pursuant to sections 334.700 to 334.725; or

(2) Has been found guilty of unethical conduct as defined in the ethical standards of the National Athletic Trainers Association or the National Athletic Trainers Association Board of Certification, or its successor agency, as adopted and published by the committee and the board and filed with the secretary of state; or

(3) Any cause listed in section 334.100.

3. After the filing of such complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds provided in subsection 2 of this section for disciplinary action are met, the board may, singly or in combination:

(1) Warn, censure, or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years; or

(2) Suspend the person's license, certificate, or permit for a period not to exceed three years; or

(3) Administer a public or private reprimand; or

(4) Deny the person's application for a license; or

(5) Permanently withhold issuance of a license or require the person to submit to the care, counseling, or treatment of physicians designated by the board at the expense of the individual to be examined; or

(6) Require the person to attend such continuing education courses and pass such examinations as the board may direct**; or**

(7) Restrict or limit the person's license for an indefinite period of time; or

(8) Revoke the person's license.

4. In any order of revocation, the board may provide that the person shall not apply for reinstatement of the person's license for a period of time ranging from two to seven years following the date of the order of revocation. All stay orders shall toll such time period.

5. Before restoring to good standing a license, certificate, or permit issued under this chapter which has been in a revoked, suspended, or inactive state for any cause for more than two years, the board may require the applicant to attend such continuing education courses and pass such examinations as the board may direct.

334.735. DEFINITIONS — SCOPE OF PRACTICE — PROHIBITED ACTIVITIES — BOARD OF HEALING ARTS TO ADMINISTER LICENSING PROGRAM — SUPERVISION AGREEMENTS — DUTIES AND LIABILITY OF PHYSICIANS. — 1. As used in sections 334.735 to 334.749, the following terms mean:

(1) "Applicant", any individual who seeks to become licensed as a physician assistant;

(2) "Certification" or "registration", a process by a certifying entity that grants recognition to applicants meeting predetermined qualifications specified by such certifying entity;

(3) "Certifying entity", the nongovernmental agency or association which certifies or registers individuals who have completed academic and training requirements;

(4) "Department", the department of insurance, financial institutions and professional registration or a designated agency thereof;

(5) "License", a document issued to an applicant by the board acknowledging that the applicant is entitled to practice as a physician assistant;

(6) "Physician assistant", a person who has graduated from a physician assistant program accredited by the American Medical Association's Committee on Allied Health Education and Accreditation or by its successor agency, who has passed the certifying examination administered by the National Commission on Certification of Physician Assistants and has active certification by the National Commission on Certification of Physician Assistants who provides health care services delegated by a licensed physician. A person who has been employed as a physician assistant for three years prior to August 28, 1989, who has passed the National Commission on Certification of Physician Assistants examination, and has active certification of the National Commission on Certification of Physician Assistants;

(7) "Recognition", the formal process of becoming a certifying entity as required by the provisions of sections 334.735 to 334.749;

(8) "Supervision", control exercised over a physician assistant working **[**within the same facility as the**] with a** supervising physician **[**sixty-six percent of the time a physician assistant provides patient care, except a physician assistant may make follow-up patient examinations in hospitals, nursing homes, patient homes, and correctional facilities, each such examination being reviewed, approved and signed by the supervising physician, except as provided by subsection 2 of this section. For the purposes of this section, the percentage of time a physician assistant provides patient care with the supervising physician on-site shall be measured each calendar quarter**] and oversight of the activities of and accepting responsibility for the physician assistant's delivery of care. The physician assistant shall only practice at a location where the physician routinely provides patient care, except existing patients of the supervising physician in the patient's home and correctional facilities**. The supervising physician must be **[**readily**] immediately** available in person or via telecommunication during the time the physician assistant is providing patient care. **Prior to commencing practice, the supervising physician and physician assistant shall attest on a form provided by the board that the physician shall provide supervision appropriate to the physician assistant's training and that the physician assistant shall not practice beyond the physician assistant's training and experience. Appropriate supervision shall require the supervising physician to be working within the same facility as the physician assistant for at least four hours within one calendar day for every fourteen days on which the physician assistant provides patient care as described in subsection 3 of this section. Only days in which the physician assistant provides patient care as described in subsection 3 of this section shall be counted toward the fourteen-day period. The requirement of appropriate supervision shall be applied so that no more than thirteen calendar days in which a physician assistant provides patient care shall pass between the physician's four hours working within the same facility.** The board shall promulgate rules pursuant to chapter 536 for documentation of joint review of the physician assistant activity by the supervising physician and the physician assistant. **[**The physician assistant shall be limited to practice at locations where the supervising physician is no further than thirty miles by road using the most direct route available, or in any other fashion so distanced as to create an impediment to effective intervention and supervision of patient care or adequate review of services. Any other provisions of this chapter notwithstanding, for up to ninety days following the effective date of rules promulgated by the board to establish the waiver process under subsection 2 of this section, any physician assistant practicing in a health professional shortage area as of April 1, 2007, shall be allowed to practice under the on-site requirements stipulated by the supervising physician on the supervising physician form that was in effect on April 1, 2007.**]**

2. **[**The board shall promulgate rules under chapter 536 to direct the advisory commission on physician assistants to establish a formal waiver mechanism by which an individual physician-physician assistant team may apply for alternate minimum amounts of on-site supervision and maximum distance from the supervising physician. After review of an application for a waiver, the advisory commission on physician assistants shall present its recommendation to the board for its advice and consent on the approval or denial of the application. The rule shall establish a process by which the public is invited to comment on the application for a waiver, and shall specify that a waiver may only be granted if a supervising physician and physician assistant demonstrate to the board's satisfaction in accordance with its uniformly applied criteria that:

(1) Adequate supervision will be provided by the physician for the physician assistant, given the physician assistant's training and experience and the acuity of patient conditions normally treated in the clinical setting;

(2)**] (1) A supervision agreement shall limit** the physician assistant **[**shall be limited**]** to practice **only** at locations **described in subdivision (8) of subsection 1 of this section,** where the supervising physician is no further than fifty miles by road using the most direct route

available**[**, or in any other fashion so distanced**]** **and where the location is not so situated** as to create an impediment to effective intervention and supervision of patient care or adequate review of services**[**;

(3) The community or communities served by the supervising physician and physician assistant would experience reduced access to health care services in the absence of a waiver;

(4) The applicant will practice in an area designated at the time of application as a health professional shortage area;

(5) Nothing in this section shall be construed to require a physician-physician assistant team to increase their on-site requirement allowed in their initial waiver in order to qualify for renewal of such waiver;

(6) If a waiver has been granted by the board of healing arts on or after August 28, 2009, to**]** **.**

(2) For a physician-physician assistant team working in a rural health clinic under the federal Rural Health Clinic Services Act, P.L. 95-210, as amended, no **[**additional waiver shall be required for the physician-physician assistant team, so long as the rural health clinic maintains its status as a rural health clinic under such federal act, and such physician-physician assistant team comply with federal supervision requirements. No**]** supervision requirements in addition to the minimum federal law shall be required **[**for the physician-physician assistant team in a rural health clinic if a waiver has been granted by the board. However, the board shall be able to void a current waiver after conducting a hearing and upon a finding of fact that the physician-physician assistant team has failed to comply with such federal act or either member of the team has violated a provision of this chapter;

(7) A physician assistant shall only be required to seek a renewal of a waiver every five years or when his or her supervising physician is a different physician than the physician shown on the waiver application or they move their primary practice location more than ten miles from the location shown on the waiver application**]**.

3. The scope of practice of a physician assistant shall consist only of the following services and procedures:

(1) Taking patient histories;

(2) Performing physical examinations of a patient;

(3) Performing or assisting in the performance of routine office laboratory and patient screening procedures;

(4) Performing routine therapeutic procedures;

(5) Recording diagnostic impressions and evaluating situations calling for attention of a physician to institute treatment procedures;

(6) Instructing and counseling patients regarding mental and physical health using procedures reviewed and approved by a licensed physician;

(7) Assisting the supervising physician in institutional settings, including reviewing of treatment plans, ordering of tests and diagnostic laboratory and radiological services, and ordering of therapies, using procedures reviewed and approved by a licensed physician;

(8) Assisting in surgery;

(9) Performing such other tasks not prohibited by law under the supervision of a licensed physician as the physician's assistant has been trained and is proficient to perform; **and**

(10) Physician assistants shall not perform **or prescribe** abortions.

4. Physician assistants shall not prescribe nor dispense any drug, medicine, device or therapy unless pursuant to a physician supervision agreement in accordance with the law, nor prescribe lenses, prisms or contact lenses for the aid, relief or correction of vision or the measurement of visual power or visual efficiency of the human eye, nor administer or monitor general or regional block anesthesia during diagnostic tests, surgery or obstetric procedures. Prescribing and dispensing of drugs, medications, devices or therapies by a physician assistant shall be pursuant to a physician assistant supervision agreement which is specific to the clinical

conditions treated by the supervising physician and the physician assistant shall be subject to the following:

(1) A physician assistant shall only prescribe controlled substances in accordance with section 334.747;

(2) The types of drugs, medications, devices or therapies prescribed or dispensed by a physician assistant shall be consistent with the scopes of practice of the physician assistant and the supervising physician;

(3) All prescriptions shall conform with state and federal laws and regulations and shall include the name, address and telephone number of the physician assistant and the supervising physician;

(4) A physician assistant**,** or advanced practice **registered** nurse as defined in section 335.016 may request, receive and sign for noncontrolled professional samples and may distribute professional samples to patients;

(5) A physician assistant shall not prescribe any drugs, medicines, devices or therapies the supervising physician is not qualified or authorized to prescribe; and

(6) A physician assistant may only dispense starter doses of medication to cover a period of time for seventy-two hours or less.

5. A physician assistant shall clearly identify himself or herself as a physician assistant and shall not use or permit to be used in the physician assistant's behalf the terms "doctor", "Dr." or "doc" nor hold himself or herself out in any way to be a physician or surgeon. No physician assistant shall practice or attempt to practice without physician supervision or in any location where the supervising physician is not immediately available for consultation, assistance and intervention, except as otherwise provided in this section, and in an emergency situation, nor shall any physician assistant bill a patient independently or directly for any services or procedure by the physician assistant.

6. For purposes of this section, the licensing of physician assistants shall take place within processes established by the state board of registration for the healing arts through rule and regulation. The board of healing arts is authorized to establish rules pursuant to chapter 536 establishing licensing and renewal procedures, supervision, supervision agreements, fees, and addressing such other matters as are necessary to protect the public and discipline the profession. An application for licensing may be denied or the license of a physician assistant may be suspended or revoked by the board in the same manner and for violation of the standards as set forth by section 334.100, or such other standards of conduct set by the board by rule or regulation. Persons licensed pursuant to the provisions of chapter 335 shall not be required to be licensed as physician assistants. All applicants for physician assistant licensure who complete a physician assistant training program after January 1, 2008, shall have a master's degree from a physician assistant program.

7. "Physician assistant supervision agreement" means a written agreement, jointly agreed-upon protocols or standing order between a supervising physician and a physician assistant, which provides for the delegation of health care services from a supervising physician to a physician assistant and the review of such services. **The agreement shall contain at least the following provisions:**

(1) Complete names, home and business addresses, zip codes, telephone numbers, and state license numbers of the supervising physician and the physician assistant;

(2) A list of all offices or locations where the physician routinely provides patient care, and in which of such offices or locations the supervising physician has authorized the physician assistant to practice;

(3) All specialty or board certifications of the supervising physician;

(4) The manner of supervision between the supervising physician and the physician assistant, including how the supervising physician and the physician assistant shall:

(a) Attest on a form provided by the board that the physician shall provide supervision appropriate to the physician assistant's training and experience and that the

physician assistant shall not practice beyond the scope of the physician assistant's training and experience nor the supervising physician's capabilities and training; and

(b) Provide coverage during absence, incapacity, infirmity, or emergency by the supervising physician;

(5) The duration of the supervision agreement between the supervising physician and physician assistant; and

(6) A description of the time and manner of the supervising physician's review of the physician assistant's delivery of health care services. Such description shall include provisions that the supervising physician, or a designated supervising physician listed in the supervision agreement review a minimum of ten percent of the charts of the physician assistant's delivery of health care services every fourteen days.

8. When a physician assistant supervision agreement is utilized to provide health care services for conditions other than acute self-limited or well-defined problems, the supervising physician or other physician designated in the supervision agreement shall see the patient for evaluation and approve or formulate the plan of treatment for new or significantly changed conditions as soon as practical, but in no case more than two weeks after the patient has been seen by the physician assistant.

9. At all times the physician is responsible for the oversight of the activities of, and accepts responsibility for, health care services rendered by the physician assistant.

10. It is the responsibility of the supervising physician to determine and document the completion of at least a one-month period of time during which the licensed physician assistant shall practice with a supervising physician continuously present before practicing in a setting where a supervising physician is not continuously present.

11. No contract or other agreement shall require a physician to act as a supervising physician for a physician assistant against the physician's will. A physician shall have the right to refuse to act as a supervising physician, without penalty, for a particular physician assistant. No contract or other agreement shall limit the supervising physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any physician assistant, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by **the** hospital's medical staff.

12. Physician assistants shall file with the board a copy of their supervising physician form.

13. No physician shall be designated to serve as supervising physician for more than three full-time equivalent licensed physician assistants. This limitation shall not apply to physician assistant agreements of hospital employees providing inpatient care service in hospitals as defined in chapter 197.

335.066. DENIAL, REVOCATION, OR SUSPENSION OF LICENSE, GROUNDS FOR, CIVIL IMMUNITY FOR PROVIDING INFORMATION — COMPLAINT PROCEDURES. — 1. The board may refuse to issue or reinstate any certificate of registration or authority, permit or license required pursuant to chapter 335 for one or any combination of causes stated in subsection 2 of this section or the board may, as a condition to issuing or reinstating any such permit or license, require a person to submit himself or herself for identification, intervention, treatment, or rehabilitation by the impaired nurse program as provided in section 335.067. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by sections 335.011 to 335.096 or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use or unlawful possession of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by sections 335.011 to 335.096;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated pursuant to sections 335.011 to 335.096, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to sections 335.011 to 335.096 or in obtaining permission to take any examination given or required pursuant to sections 335.011 to 335.096;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, **[**misconduct,**]** gross negligence, **[**fraud, misrepresentation or dishonesty**]** **or repeated negligence** in the performance of the functions or duties of any profession licensed or regulated by **[**sections 335.011 to 335.096**]** **chapter 335. For the purposes of this subdivision, "repeated negligence" means the failure, on more than one occasion, to use that degree of skill and learning ordinarily used under the same or similar circumstances by the member of the applicant's or licensee's profession;**

(6) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct, or unprofessional conduct in the performance of the functions or duties of any profession licensed or regulated by this chapter, including, but not limited to, the following:

(a) Willfully and continually overcharging or overtreating patients; or charging for visits which did not occur unless the services were contracted for in advance, or for services which were not rendered or documented in the patient's records;

(b) Attempting, directly or indirectly, by way of intimidation, coercion or deception, to obtain or retain a patient or discourage the use of a second opinion or consultation;

(c) Willfully and continually performing inappropriate or unnecessary treatment, diagnostic tests, or nursing services;

(d) Delegating professional responsibilities to a person who is not qualified by training, skill, competency, age, experience, or licensure to perform such responsibilities;

(e) Performing nursing services beyond the authorized scope of practice for which the individual is licensed in this state;

(f) Exercising influence within a nurse-patient relationship for purposes of engaging a patient in sexual activity;

(g) Being listed on any state or federal sexual offender registry;

(h) Failure of any applicant or licensee to cooperate with the board during any investigation;

(i) Failure to comply with any subpoena or subpoena duces tecum from the board or an order of the board;

(j) Failure to timely pay license renewal fees specified in this chapter;

(k) Violating a probation agreement, order, or other settlement agreement with this board or any other licensing agency;

(l) Failing to inform the board of the nurse's current residence;

(m) Any other conduct that is unethical or unprofessional involving a minor;

[(6)**]** **(7)** Violation of, or assisting or enabling any person to violate, any provision of sections 335.011 to 335.096, or of any lawful rule or regulation adopted pursuant to sections 335.011 to 335.096;

[(7)**]** **(8)** Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from any school;

[(8)**]** **(9)** Disciplinary action against the holder of a license or other right to practice any profession regulated by sections 335.011 to 335.096 granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

[(9)**]** **(10)** A person is finally adjudged insane or incompetent by a court of competent jurisdiction;

[(10)**]** **(11)** Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by sections 335.011 to 335.096 who is not registered and currently eligible to practice pursuant to sections 335.011 to 335.096;

[(11)**]** **(12)** Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

[(12)**]** **(13)** Violation of any professional trust or confidence;

[(13)**]** **(14)** Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

[(14)**]** **(15)** Violation of the drug laws or rules and regulations of this state, any other state or the federal government;

[(15)**]** **(16)** Placement on an employee disqualification list or other related restriction or finding pertaining to employment within a health-related profession issued by any state or federal government or agency following final disposition by such state or federal government or agency;

[(16)**]** **(17)** Failure to successfully complete the impaired nurse program**;**

(18) Knowingly making or causing to be made a false statement or misrepresentation of a material fact, with intent to defraud, for payment pursuant to the provisions of chapter 208 or chapter 630, or for payment from Title XVIII or Title XIX of the federal Medicare program;

(19) Failure or refusal to properly guard against contagious, infectious, or communicable diseases or the spread thereof; maintaining an unsanitary office or performing professional services under unsanitary conditions; or failure to report the existence of an unsanitary condition in the office of a physician or in any health care facility to the board, in writing, within thirty days after the discovery thereof;

(20) A pattern of personal use or consumption of any controlled substance unless it is prescribed, dispensed, or administered by a provider who is authorized by law to do so;

(21) Habitual intoxication or dependence on alcohol, evidence of which may include more than one alcohol-related enforcement contact as defined by section 302.525;

(22) Failure to comply with a treatment program or an aftercare program entered into as part of a board order, settlement agreement, or licensee's professional health program.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate, or permit.

4. For any hearing before the full board, the board shall cause the notice of the hearing to be served upon such licensee in person or by certified mail to the licensee at the licensee's last known address. If service cannot be accomplished in person or by certified mail, notice by publication as described in subsection 3 of section 506.160 shall be allowed; any representative of the board is authorized to act as a court or judge would in that section; any employee of the board is authorized to act as a clerk would in that section.

5. An individual whose license has been revoked shall wait one year from the date of revocation to apply for relicensure. Relicensure shall be at the discretion of the board after compliance with all the requirements of sections 335.011 to 335.096 relative to the licensing of an applicant for the first time.

6. The board may notify the proper licensing authority of any other state concerning the final disciplinary action determined by the board on a license in which the person whose license was suspended or revoked was also licensed of the suspension or revocation.

7. Any person, organization, association or corporation who reports or provides information to the board of nursing pursuant to the provisions of sections 335.011 to 335.259 and who does so in good faith shall not be subject to an action for civil damages as a result thereof.

8. **[**If the board concludes that a nurse has committed an act or is engaging in a course of conduct which would be grounds for disciplinary action which constitutes a clear and present danger to the public health and safety, the board may file a complaint before the administrative hearing commission requesting an expedited hearing and specifying the activities which give rise to the danger and the nature of the proposed restriction or suspension of the nurse's license. Within fifteen days after service of the complaint on the nurse, the administrative hearing commission shall conduct a preliminary hearing to determine whether the alleged activities of the nurse appear to constitute a clear and present danger to the public health and safety which justify that the nurse's license be immediately restricted or suspended. The burden of proving that a nurse is a clear and present danger to the public health and safety shall be upon the state board of nursing. The administrative hearing commission shall issue its decision immediately after the hearing and shall either grant to the board the authority to suspend or restrict the license or dismiss the action.**] The board may apply to the administrative hearing commission for an emergency suspension or restriction of a license for the following causes:**

(1) Engaging in sexual conduct in as defined in section 566.010, with a patient who is not the licensee's spouse, regardless of whether the patient consented;

(2) Engaging in sexual misconduct with a minor or person the licensee believes to be a minor. "Sexual misconduct" means any conduct of a sexual nature which would be illegal under state or federal law;

(3) Possession of a controlled substance in violation of chapter 195 or any state or federal law, rule, or regulation, excluding record-keeping violations;

(4) Use of a controlled substance without a valid prescription;

(5) The licensee is adjudicated incapacitated or disabled by a court of competent jurisdiction;

(6) Habitual intoxication or dependence upon alcohol or controlled substances or failure to comply with a treatment or aftercare program entered into pursuant to a board order, settlement agreement, or as part of the licensee's professional health program;

(7) A report from a board-approved facility or a professional health program stating the licensee is not fit to practice. For purposes of this section, a licensee is deemed to have waived all objections to the admissibility of testimony from the provider of the examination and admissibility of the examination reports. The licensee shall sign all necessary releases for the board to obtain and use the examination during a hearing; or

(8) Any conduct for which the board may discipline that constitutes a serious danger to the health, safety, or welfare of a patient or the public.

9. The board shall submit existing affidavits and existing certified court records together with a complaint alleging the facts in support of the board's request for an emergency suspension or restriction to the administrative hearing commission and shall supply the administrative hearing commission with the last home or business addresses on file with the board for the licensee. Within one business day of the filing of the complaint, the administrative hearing commission shall return a service packet to the board. The service packet shall include the board's complaint and any affidavits or

records the board intends to rely on that have been filed with the administrative hearing commission. The service packet may contain other information in the discretion of the administrative hearing commission. Within twenty-four hours of receiving the packet, the board shall either personally serve the licensee or leave a copy of the service packet at all of the licensee's current addresses on file with the board. Prior to the hearing, the licensee may file affidavits and certified court records for consideration by the administrative hearing commission.

10. Within five days of the board's filing of the complaint, the administrative hearing commission shall review the information submitted by the board and the licensee and shall determine based on that information if probable cause exists pursuant to subsection 8 of this section and shall issue its findings of fact and conclusions of law. If the administrative hearing commission finds that there is probable cause, the administrative hearing commission shall enter the order requested by the board. The order shall be effective upon personal service or by leaving a copy at all of the licensee's current addresses on file with the board.

11. (1) The administrative hearing commission shall hold a hearing within forty-five days of the board's filing of the complaint to determine if cause for discipline exists. The administrative hearing commission may grant a request for a continuance, but shall in any event hold the hearing within one hundred twenty days of the board's initial filing. The board shall be granted leave to amend its complaint if it is more than thirty days prior to the hearing. If less than thirty days, the board may be granted leave to amend if public safety requires.

(2) If no cause for discipline exists, the administrative hearing commission shall issue findings of fact, conclusions of law, and an order terminating the emergency suspension or restriction.

(3) If cause for discipline exists, the administrative hearing commission shall issue findings of fact and conclusions of law and order the emergency suspension or restriction to remain in full force and effect pending a disciplinary hearing before the board. The board shall hold a hearing following the certification of the record by the administrative hearing commission and may impose any discipline otherwise authorized by state law.

12. Any action under this section shall be in addition to and not in lieu of any discipline otherwise in the board's power to impose and may be brought concurrently with other actions.

13. If the administrative hearing commission does not find probable cause and does not grant the emergency suspension or restriction, the board shall remove all reference to such emergency suspension or restriction from its public records. Records relating to the suspension or restriction shall be maintained in the board's files. The board or licensee may use such records in the course of any litigation to which they are both parties. Additionally, such records may be released upon a specific, written request of the licensee.

[9.**]** **14.** If the administrative hearing commission grants temporary authority to the board to restrict or suspend the nurse's license, such temporary authority of the board shall become final authority if there is no request by the nurse for a full hearing within thirty days of the preliminary hearing. The administrative hearing commission shall, if requested by the nurse named in the complaint, set a date to hold a full hearing under the provisions of chapter 621 regarding the activities alleged in the initial complaint filed by the board.

[10.**]** **15.** If the administrative hearing commission refuses to grant temporary authority to the board or restrict or suspend the nurse's license under subsection 8 of this section, such dismissal shall not bar the board from initiating a subsequent disciplinary action on the same grounds.

16. (1) The board may initiate a hearing before the board for discipline of any licensee's license or certificate upon receipt of one of the following:

(a) Certified court records of a finding of guilt or plea of guilty or nolo contendere in a criminal prosecution under the laws of any state or of the United States for any offense involving the qualifications, functions, or duties of any profession licensed or regulated under this chapter, for any offense involving fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(b) Evidence of final disciplinary action against the licensee's license, certification, or registration issued by any other state, by any other agency or entity of this state or any other state, or the United States or its territories, or any other country;

(c) Evidence of certified court records finding the licensee has been judged incapacitated or disabled under Missouri law or under the laws of any other state or of the United States or its territories.

(2) The board shall provide the licensee not less than ten days notice of any hearing held pursuant to chapter 536.

(3) Upon a finding that cause exists to discipline a licensee's license the board may impose any discipline otherwise available.

335.175. UTILIZATION OF TELEHEALTH BY NURSES ESTABLISHED — DEFINITION OF TELEHEALTH — RULEMAKING AUTHORITY — SUNSET PROVISION. — 1. No later than January 1, 2014, there is hereby established within the state board of registration for the healing arts and the state board of nursing the "Utilization of Telehealth by Nurses". An advanced practice registered nurse (APRN) providing nursing services under a collaborative practice arrangement under section 334.104 may provide such services outside the geographic proximity requirements of section 334.104 if the collaborating physician and advanced practice registered nurse utilize telehealth in the care of the patient and if the services are provided in a rural area of need. Telehealth providers shall be required to obtain patient consent before telehealth services are initiated and ensure confidentiality of medical information.

2. As used in this section, "telehealth" means the use of medical information exchanged from one site to another via electronic communications to improve the health status of a patient, as defined in section 208.670.

3. (1) The boards shall jointly promulgate rules governing the practice of telehealth under this section. Such rules shall address, but not be limited to, appropriate standards for the use of telehealth.

(2) Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

4. For purposes of this section, "rural area of need" means any rural area of this state which is located in a health professional shortage area as defined in section 354.650.

5. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

338.150. INSPECTIONS BY AUTHORIZED REPRESENTATIVES OF BOARD, WHERE — TESTING PROGRAM AUTHORIZED — RULEMAKING AUTHORITY. — 1. Any person authorized by the board of pharmacy is hereby given the right of entry and inspection upon all open premises purporting or appearing to be drug or chemical stores, apothecary shops, pharmacies or places of business for exposing for sale, or the dispensing or selling of drugs, pharmaceuticals, medicines, chemicals or poisons or for the compounding of physicians' or veterinarians' prescriptions.

2. The board may establish and implement a program for testing drugs or drug products maintained, compounded, filled, or dispensed by licensees, registrants, or permit holders of the board. The board shall pay all testing costs and shall reimburse the licensee, registrant, or permit holder for the reasonable, usual, and customary cost of the drug or drug product requested for testing.

3. The board shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

338.200. PHARMACIST MAY DISPENSE EMERGENCY PRESCRIPTION, WHEN, REQUIREMENTS — RULEMAKING AUTHORITY. — 1. In the event a pharmacist is unable to obtain refill authorization from the prescriber due to death, incapacity, or when the pharmacist is unable to obtain refill authorization from the prescriber, a pharmacist may dispense an emergency supply of medication if:

(1) In the pharmacist's professional judgement, interruption of therapy might reasonably produce undesirable health consequences;

(2) The pharmacy previously dispensed or refilled a prescription from the applicable prescriber for the same patient and medication;

(3) The medication dispensed is not a controlled substance;

(4) The pharmacist informs the patient or the patient's agent either verbally, electronically, or in writing at the time of dispensing that authorization of a prescriber is required for future refills; and

(5) The pharmacist documents the emergency dispensing in the patient's prescription record, as provided by the board by rule.

2. (1) If the pharmacist is unable to obtain refill authorization from the prescriber, the amount dispensed shall be limited to the amount determined by the pharmacist within his or her professional judgment as needed for the emergency period, provided the amount dispensed shall not exceed a seven-day supply;

(2) In the event of prescriber death or incapacity or inability of the prescriber to provide medical services, the amount dispensed shall not exceed a thirty-day supply.

3. Pharmacists or permit holders dispensing an emergency supply pursuant to this section shall promptly notify the prescriber or the prescriber's office of the emergency dispensing, as required by the board by rule.

4. An emergency supply may not be dispensed pursuant to this section if the pharmacist has knowledge that the prescriber has otherwise prohibited or restricted emergency dispensing for the applicable patient.

5. The board shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with

and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

338.220. OPERATION OF PHARMACY WITHOUT PERMIT OR LICENSE UNLAWFUL — APPLICATION FOR PERMIT, CLASSIFICATIONS, FEE — DURATION OF PERMIT. — 1. It shall be unlawful for any person, copartnership, association, corporation or any other business entity to open, establish, operate, or maintain any pharmacy as defined by statute without first obtaining a permit or license to do so from the Missouri board of pharmacy. A permit shall not be required for an individual licensed pharmacist to perform nondispensing activities outside of a pharmacy, as provided by the rules of the board. A permit shall not be required for an individual licensed pharmacist to administer drugs, vaccines, and biologicals by protocol, as permitted by law, outside of a pharmacy. The following classes of pharmacy permits or licenses are hereby established:

(1) Class A: Community/ambulatory;
(2) Class B: Hospital outpatient pharmacy;
(3) Class C: Long-term care;
(4) Class D: Nonsterile compounding;
(5) Class E: Radio pharmaceutical;
(6) Class F: Renal dialysis;
(7) Class G: Medical gas;
(8) Class H: Sterile product compounding;
(9) Class I: Consultant services;
(10) Class J: Shared service;
(11) Class K: Internet;
(12) Class L: Veterinary**;**
(13) Class M: Specialty (bleeding disorder);
(14) Class N: Automated dispensing system (health care facility);
(15) Class O: Automated dispensing system (ambulatory care);
(16) Class P: Practitioner office/clinic.

2. Application for such permit or license shall be made upon a form furnished to the applicant; shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration; and shall be accompanied by a permit or license fee. The permit or license issued shall be renewable upon payment of a renewal fee. Separate applications shall be made and separate permits or licenses required for each pharmacy opened, established, operated, or maintained by the same owner.

3. All permits, licenses or renewal fees collected pursuant to the provisions of sections 338.210 to 338.370 shall be deposited in the state treasury to the credit of the Missouri board of pharmacy fund, to be used by the Missouri board of pharmacy in the enforcement of the provisions of sections 338.210 to 338.370, when appropriated for that purpose by the general assembly.

4. Class L: veterinary permit shall not be construed to prohibit or interfere with any legally registered practitioner of veterinary medicine in the compounding, administering, prescribing, or dispensing of their own prescriptions, or medicine, drug, or pharmaceutical product to be used for animals.

5. Except for any legend drugs under 21 U.S.C. Section 353, the provisions of this section shall not apply to the sale, dispensing, or filling of a pharmaceutical product or drug used for treating animals.

376.1226. FEE SCHEDULE FOR SERVICES NOT COVERED UNDER HEALTH BENEFIT PLANS — DEFINITIONS. — 1. No contract between a health carrier or health benefit plan and a dentist for the provision of dental services under a dental plan shall require that the dentist provide dental services to insureds in the dental plan at a fee established by the health carrier or health benefit plan if such dental services are not covered services under the dental plan.

2. For purposes of this section, the following terms shall mean:

(1) "Covered services", services reimbursable by a health carrier or health benefit plan under an applicable dental plan, subject to such contractual limitations on benefits as may apply, including but not limited to deductibles, waiting periods, or frequency limitations;

(2) "Dental plan", any policy or contract of insurance which provides for coverage of dental services;

(3) "Health benefit plan", the same meaning as such term is defined in section 376.1350;

(4) "Health carrier", the same meaning as such term is defined in section 376.1350.

376.1237. REFILLS FOR PRESCRIPTION EYE DROPS, REQUIRED, WHEN — DEFINITIONS — TERMINATION DATE. — 1. Each health carrier or health benefit plan that offers or issues health benefit plans which are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2014, and that provides coverage for prescription eye drops shall provide coverage for the refilling of an eye drop prescription prior to the last day of the prescribed dosage period without regard to a coverage restriction for early refill of prescription renewals as long as the prescribing health care provider authorizes such early refill, and the health carrier or the health benefit plan is notified.

2. For the purposes of this section, "health carrier" and "health benefit plan" shall have the same meaning as defined in section 376.1350.

3. The coverage required by this section shall not be subject to any greater deductible or co-payment than other similar health care services provided by the health benefit plan.

4. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months' or less duration, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

5. The provisions of this section shall terminate on January 1, 2017.

Approved June 12, 2013

HB 316 [HB 316]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Extends the expiration date of the Division of Tourism Supplemental Revenue Fund from the year 2015 to 2020

AN ACT to repeal section 620.467, RSMo, and to enact in lieu thereof one new section relating to the division of tourism supplemental revenue fund.

SECTION
A. Enacting clause.
620.467. Division of tourism supplemental revenue fund created — use of fund — lapse to general revenue prohibited — funding — effective and expiration dates.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Section 620.467, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 620.467, to read as follows:

620.467. DIVISION OF TOURISM SUPPLEMENTAL REVENUE FUND CREATED — USE OF FUND — LAPSE TO GENERAL REVENUE PROHIBITED — FUNDING — EFFECTIVE AND EXPIRATION DATES. — 1. The state treasurer shall annually deposit an amount prescribed in this section out of the general revenue fund pursuant to section 144.700, in a fund hereby created in the state treasury, to be known as the "Division of Tourism Supplemental Revenue Fund". The state treasurer shall administer the fund, and the moneys in such fund, except the appropriate percentage of any refund made of taxes collected under the provisions of chapter 144, shall be used solely by the division of tourism of the department of economic development to carry out the duties and functions of the division as prescribed by law. Moneys deposited in the division of tourism supplemental revenue fund shall be in addition to a budget base in each fiscal year. For fiscal year 1994, such budget base shall be six million two hundred thousand dollars, and in each succeeding fiscal year the budget base shall be the prior fiscal year's general revenue base plus any additional appropriations made to the division of tourism, including one hundred percent of the prior fiscal year's deposits made to the division of tourism supplemental revenue fund pursuant to this section. The general revenue base shall decrease by ten percent in each fiscal year following fiscal year 1994. Notwithstanding the provisions of section 33.080 to the contrary, moneys in the division of tourism supplemental revenue fund at the end of any biennium shall not be deposited to the credit of the general revenue fund.

2. In fiscal years 1995 to **[**2015**]** **2020**, a portion of general revenue determined pursuant to this subsection shall be deposited to the credit of the division of tourism supplemental revenue fund pursuant to subsection 1 of this section. The director of revenue shall determine the amount deposited to the credit of the division of tourism supplemental revenue fund in each fiscal year by computing the previous year's total appropriation into the division of tourism supplemental revenue fund and adding to such appropriation amount the total amount derived from the retail sale of tourist-oriented goods and services collected pursuant to the following sales taxes: state sales taxes; sales taxes collected pursuant to sections 144.010 to 144.430 that are designated as local tax revenue to be deposited in the school district trust fund pursuant to section 144.701; sales taxes collected pursuant to section 43(a) of article IV of the Missouri Constitution; and sales taxes collected pursuant to section 47(a) of article IV of the Missouri Constitution. If the increase in such sales taxes derived from the retail sale of tourist-oriented goods and services in the fiscal year three years prior to the fiscal year in which each deposit shall be made is at least three percent over such sales taxes derived from the retail sale of tourist-oriented goods and services generated in the fiscal year four years prior to the fiscal year in which each deposit shall be made, an amount equal to one-half of such sales taxes generated above a three percent increase shall be calculated by the director of revenue and the amount calculated shall be deposited by the state treasurer to the credit of the division of tourism supplemental revenue fund.

3. Total deposits in the supplemental revenue fund in any fiscal year pursuant to subsections 1 and 2 of this section shall not exceed the amount deposited into the division of tourism supplemental revenue fund in the fiscal year immediately preceding the current fiscal year by more than three million dollars.

4. As used in this section, "sales of tourism-oriented goods and services" are those sales by businesses registered with the department of revenue under the following SIC Codes:

(1) SIC Code 5811;

(2) SIC Code 5812;
(3) SIC Code 5813;
(4) SIC Code 7010;
(5) SIC Code 7020;
(6) SIC Code 7030;
(7) SIC Code 7033;
(8) SIC Code 7041;
(9) SIC Code 7920;
(10) SIC Code 7940;
(11) SIC Code 7990;
(12) SIC Code 7991;
(13) SIC Code 7992;
(14) SIC Code 7996;
(15) SIC Code 7998;
(16) SIC Code 7999; and
(17) SIC Code 8420.

5. Prior to each appropriation from the division of tourism supplemental revenue fund, the division of tourism shall present to the committee on tourism, recreational and cultural affairs of the house of representatives and to the transportation and tourism committee of the senate, or their successors, a promotional marketing strategy including, but not limited to, targeted markets, duration of market plans, ensuing market strategies, and the actual and estimated investment return, if any, resulting therefrom.

6. This section shall become effective July 1, 1994. This section shall expire June 30, **[**2015**] 2020**.

Approved June 27, 2013

HB 322 [SCS HB 322]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding motor vehicle insurance policies

AN ACT to repeal sections 303.024 and 303.200, RSMo, and to enact in lieu thereof five new sections relating to providing and presenting certain insurance documents through electronic means, with penalty provisions.

SECTION
A. Enacting clause.
301.149. Proof of insurance by electronic image permitted, when — mobile electronic device defined.
303.024. Insurance identification cards issued by insurer, contents — identification cards for self-insured issued by director, contents — exhibition of card to peace officers or commercial vehicle enforcement officers — failure to exhibit, violation of section 303.025.
303.200. Approval of plan for apportionment of substandard insurance risks.
379.011. Documents required for insurance transactions or proof of coverage by electronic means permitted, when, requirements — inapplicability.
379.012. Insurance forms and endorsements may be available on insurer's website, when, requirements — rulemaking authority.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 303.024 and 303.200, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 301.149, 303.024, 303.200, 379.011, and 379.012, to read as follows:

301.149. PROOF OF INSURANCE BY ELECTRONIC IMAGE PERMITTED, WHEN — MOBILE ELECTRONIC DEVICE DEFINED. — 1. Notwithstanding any law to the contrary, proof of financial responsibility required for vehicle registration under section 301.147 may be provided by displaying an electronic image of an insurance identification card on a mobile electronic device.

2. Whenever a person presents a mobile electronic device as proof of financial responsibility to any employee of the department of revenue or any agent authorized by the department of revenue under section 136.055 to register motor vehicles and trailers, the person presenting such mobile electronic device shall assume all liability for any damage that may occur to the mobile electronic device, except for damage willfully or maliciously caused by a department employee or agent.

3. When a person provides evidence of financial responsibility using a mobile electronic device pursuant to this section to any employee of the department of revenue or any agent authorized by the department of revenue under section 136.055 to register motor vehicles and trailers, such employees or agents shall only view the evidence of financial responsibility and shall not view any other content on the mobile electronic device.

4. As used in this section, the term "mobile electronic device" means any small handheld computing or communications device that has a display screen with a touch input or a miniature keyboard.

303.024. INSURANCE IDENTIFICATION CARDS ISSUED BY INSURER, CONTENTS — IDENTIFICATION CARDS FOR SELF-INSURED ISSUED BY DIRECTOR, CONTENTS — EXHIBITION OF CARD TO PEACE OFFICERS OR COMMERCIAL VEHICLE ENFORCEMENT OFFICERS — FAILURE TO EXHIBIT, VIOLATION OF SECTION 303.025. — 1. Each insurer issuing motor vehicle liability policies in this state, or an agent of the insurer, shall furnish an insurance identification card to the named insured for each motor vehicle insured by a motor vehicle liability policy that complies with the requirements of sections 303.010 to 303.050, 303.060, 303.140, 303.220, 303.290, 303.330 and 303.370. **Such insurance identification card may be produced in either paper or electronic format. Acceptable electronic forms include display of electronic images on a cellular phone or any other type of portable electronic device.**

2. The insurance identification card shall include all of the following information:

(1) The name and address of the insurer;

(2) The name of the named insured;

(3) The policy number;

(4) The effective dates of the policy, including month, day and year;

(5) A description of the insured motor vehicle, including year and make or at least five digits of the vehicle identification number or the word Fleet if the insurance policy covers five or more motor vehicles; and

(6) The statement "THIS CARD MUST BE CARRIED IN THE INSURED MOTOR VEHICLE FOR PRODUCTION UPON DEMAND" prominently displayed on the card.

3. A new insurance identification card shall be issued when the insured motor vehicle is changed, when an additional motor vehicle is insured, and when a new policy number is assigned. A replacement insurance identification card shall be issued at the request of the insured in the event of loss of the original insurance identification card.

4. The director shall furnish each self-insurer, as provided for in section 303.220, an insurance identification card for each motor vehicle so insured. The insurance identification card shall include all of the following information:

(1) Name of the self-insurer;

(2) The word self-insured; and

(3) The statement "THIS CARD MUST BE CARRIED IN THE SELF-INSURED MOTOR VEHICLE FOR PRODUCTION UPON DEMAND" prominently displayed on the card.

5. An insurance identification card shall be carried in the insured motor vehicle at all times. The operator of an insured motor vehicle shall exhibit the insurance identification card on the demand of any peace officer, commercial vehicle enforcement officer or commercial vehicle inspector who lawfully stops such operator or investigates an accident while that officer or inspector is engaged in the performance of the officer's or inspector's duties. If the operator fails to exhibit an insurance identification card, the officer or inspector shall issue a citation to the operator for a violation of section 303.025. A motor vehicle liability insurance policy, a motor vehicle liability insurance binder, **[**or**]** receipt**, or a photocopy or an image displayed on a mobile electronic device** which contains the policy information required in subsection 2 of this section, shall be satisfactory evidence of insurance in lieu of an insurance identification card. **The display of an image of the insurance card on a mobile electronic device shall not serve as consent for such officer, inspector, or other person to access other contents of the mobile electronic device in any manner other than to verify the image of the insurance card. As used in this section, the term "mobile electronic device" means any small handheld computing or communications device that has a display screen with a touch input or a miniature keyboard. Whenever a person presents a mobile electronic device as proof of financial responsibility to any peace officer, commercial vehicle enforcement officer, or commercial vehicle inspector pursuant to this section, that person shall assume all liability for any damage to the mobile electronic device, except for damage willfully or maliciously caused by a peace officer, commercial vehicle enforcement officer, or commercial vehicle inspector.**

6. Any person who knowingly or intentionally produces, manufactures, sells, or otherwise distributes a fraudulent document**, photocopy, or image displayed on a mobile electronic device** intended to serve as an insurance identification card is guilty of a class D felony. Any person who knowingly or intentionally possesses a fraudulent document **or photocopy** intended to serve as an insurance identification card **or knowingly or intentionally uses a fraudulent image displayed on a mobile electronic device** is guilty of a class B misdemeanor.

303.200. Approval of plan for apportionment of substandard insurance risks. — 1. After consultation with insurance companies authorized to issue automobile liability policies in this state, the director of the department of insurance, financial institutions and professional registration shall approve a reasonable plan or plans for the equitable apportionment among such companies of applicants for such policies and for **personal automobile and commercial** motor vehicle liability policies who are in good faith entitled to but are unable to procure such policies through ordinary methods. When any such plan has been approved, all such insurance companies shall subscribe thereto and participate therein. **[**Any such plan**]** **The plan manager, on the plan's behalf,** shall contract with an entity or entities to accept and service applicants and policies for any company that does not elect to accept and service applicants and policies. By October first of each year any company that elects to accept and service applicants and policies for the next calendar year for any such plan shall so notify the plan. **Except as provided in subsection 2 of this section,** any company that does not so notify a plan **established for handling coverage for personal automobile risks** shall be excused from accepting and servicing applicants and policies for the next calendar year for such plan and shall pay a fee to the plan or servicing entity for providing such services. The fee shall

be based on the company's market share [on the kinds of insurance offered by the plan] **as determined by the company's writings of personal automobile risks in the voluntary market**. Any applicant for any such policy, any person insured under any such plan, and any insurance company affected may appeal to the director from any ruling or decision of the manager or committee designated to operate such plan. Any person aggrieved hereunder by any order or act of the director may, within ten days after notice thereof, file a petition in the circuit court of the county of Cole for a review thereof. The court shall summarily hear the petition and may make any appropriate order or decree. **As used in this section, the term "personal automobile" means a private passenger non-fleet vehicle, motorcycle, camper and travel trailer, antique auto, amphibious auto, motor home, named non-owner applicant, or a low-speed vehicle subject to chapter 304 which is not primarily used for business or nonprofit interests and which is generally used for personal, family, or household purposes.**

2. If the total premium volume for any one plan established for handling coverage for personal automobile risks exceeds ten million dollars in a calendar year, a company with more than five percent market share of such risks in Missouri shall not be excused from accepting and servicing applicants and policies of such plan under subsection 1 of this section for the next calendar year, unless the governing body of the plan votes to allow any company with such market share the option to be excused.

379.011. DOCUMENTS REQUIRED FOR INSURANCE TRANSACTIONS OR PROOF OF COVERAGE BY ELECTRONIC MEANS PERMITTED, WHEN, REQUIREMENTS — INAPPLICABILITY. — 1. As used in this section, the following terms mean:

(1) "Delivered by electronic means", includes delivery to an electronic mail address at which a party has consented to receive notices or documents, or posting on an electronic network or site accessible via the internet, mobile application, computer, mobile device, tablet, or any other electronic device, together with a separate notice to a party directed to the electronic mail address at which the party has consented to receive notice of the posting;

(2) "Party", any recipient of any notice or document required as part of an insurance transaction, including but not limited to an applicant, an insured or a policyholder.

2. Subject to subsection 3 of this section, any notice to a party or any other document required under applicable law in an insurance transaction or that is to serve as evidence of insurance coverage may be delivered, stored, and presented by electronic means so long as it meets the requirements of sections 432.200 to 432.295. Delivery of a notice or document in accordance with this subsection shall be considered equivalent to any delivery method required under applicable law, including delivery by first class mail, first class mail postage prepaid, certified mail, or certificate of mailing.

3. A notice or document may be delivered by electronic means by an insurer to a party under this subsection if:

(1) The party has affirmatively consented to that method of delivery and has not withdrawn the consent;

(2) The party, before giving consent, is provided with a clear and conspicuous statement informing the party of:

(a) Any right or option to have the notice or document provided in paper or another nonelectronic form at no additional cost;

(b) The right of party to withdraw consent to have a notice or document delivered by electronic means;

(c) Whether the party's consent applies only to the particular transaction as to which the notice or document must be given or to identified categories of notices or documents that may be delivered by electronic means during the course of the parties' relationship;

(d) The means, after consent is given, by which a party may obtain a paper copy of a notice or document delivered by electronic means at no additional cost; and

(e) The procedure a party must follow to withdraw consent to have a notice or document delivered by electronic means and to update information needed to contact the party electronically;

(3) The party, before giving consent, is provided with a statement of the hardware and software requirements for access to and retention of a notice or document delivered by electronic means and consents electronically, and confirms consent electronically, in a manner that reasonably demonstrates that the party can access information in the electronic form that will be used for notices or documents delivered by electronic means as to which the party has given consent; and

(4) After consent of the party is given, the insurer, in the event a change in the hardware or software requirements needed to access or retain a notice or document delivered in electronic means creates a material risk that the party will not be able to access or retain a subsequent notice or document to which the consent applies:

(a) Provides the party with a statement of the revised hardware and software requirements for access to and retention of a notice or document delivered by electronic means and of the right of the party to withdraw consent pursuant to paragraph (b) of subdivision (2) of this subsection; and

(b) Complies with subdivision (2) of this subsection.

4. This section does not affect requirements relating to content or timing of any notice or document required under applicable law. If any provision of applicable law requiring a notice or document to be provided to a party expressly requires verification or acknowledgment of receipt of the notice or document, the notice or document may be delivered by electronic means only if the method used provides for verification or acknowledgment of receipt. Absent verification or acknowledgment of receipt of the initial notice or document on the part of the party, the insurer shall send two subsequent notices or documents at intervals of five business days. The legal effectiveness, validity, or enforceability of any contract or policy of insurance executed by a party may not be made contingent upon obtaining electronic consent or confirmation of consent of the party in accordance with subdivision (3) of subsection 3 of this section.

5. A withdrawal of consent by a party does not affect the legal effectiveness, validity, or enforceability of a notice or document delivered by electronic means to the party before the withdrawal of consent is effective. A withdrawal of consent by a party is effective within thirty days after receipt of the withdrawal by the insurer. Failure by an insurer to comply with subdivision (4) of subsection 3 of this section may be treated, at the election of the party, as a withdrawal of consent for purposes of this section.

6. This section does not apply to a notice or document delivered by an insurer in an electronic form before the effective date of this section to a party who, before that date, has consented to receive notices or documents in an electronic form otherwise allowed by law. If the consent of a party to receive certain notices or documents in an electronic form is on file with an insurer before the effective date of this section, and pursuant to this section, an insurer intends to deliver additional notices or documents to such party in an electronic form, then prior to delivering such additional notices or documents electronically, the insurer shall notify the party of:

(1) The notices or documents that may be delivered by electronic means under this section that were not previously delivered electronically; and

(2) The party's right to withdraw consent to have notices or documents delivered by electronic means.

7. A party who does not consent to delivery of notices or documents under subsection 3 of this section, or who withdraws their consent, shall not be subject to any

additional fees or costs for having notices or documents provided or made available to them in paper or another nonelectronic form.

8. If any provision of applicable law requires a signature or notice or document to be notarized, acknowledged, verified, or made under oath, the requirement is satisfied if the electronic signature of the person authorized to perform those acts, together with all other information required to be included by the provision, is attached to or logically associated with the signature, notice, or document.

9. This section may not be construed to modify, limit, or supercede the provisions of sections 432.200 to 432.295.

10. Nothing in this section shall prevent an insurer from offering a discount to an insured who elects to receive notices and documents electronically in accordance with this section.

379.012. INSURANCE FORMS AND ENDORSEMENTS MAY BE AVAILABLE ON INSURER'S WEBSITE, WHEN, REQUIREMENTS — RULEMAKING AUTHORITY. — 1. In addition to and notwithstanding any other provisions or requirements of section 379.011 to the contrary, insurance policy forms and endorsements for property insurance as described in subdivisions (1), (2), (3), and (5) of subsection 1 of section 379.010 issued or renewed in this state, or covering risks in this state, which do not contain personally identifiable information, may be made available electronically on the insurer's website in lieu of mailing or delivering a paper copy of policy forms and endorsements to an insured.

2. If the insurer elects to make such insurance policy forms and endorsements available electronically on the insurer's website in lieu of mailing or delivering a paper copy to the insured, it shall comply with all the following conditions with respect to such policy forms and endorsements:

(1) The policy forms and endorsements issued or sold in this state shall be easily and publicly accessible on the insurer's website and remain that way for as long as the policy form or endorsement is in force or actively sold in this state;

(2) The insurer shall retain and store the policy forms and endorsements after they are withdrawn from use or replaced with other policy forms and endorsements for a period of five years and make them available to insureds and former insureds upon request and at no cost;

(3) The policy forms and endorsements shall be available on the insurer's website in an electronic format that enables the insured to print and save the policy forms and endorsements using programs or applications that are widely available on the internet and free to use;

(4) At policy issuance and renewal, the insurer shall provide clear and conspicuous notice to the insured, in the manner it customarily communicates with an insured, that it does not intend to mail or deliver a paper copy of the policy forms or documents. The notice shall provide instructions on how the insured may access the policy forms and endorsements on the insurer's website. The insurer shall also notify the insured of their right to obtain a paper copy of the policy forms and endorsements at no cost and provide either a toll-free telephone number or the telephone number of the insured's producer by which the insured can make this request;

(5) At policy renewal, the insurer shall provide clear and conspicuous notice to the insured, in the manner it customarily communicates with an insured, of any changes which have been made to the policy forms or endorsements since the prior coverage period. Such notice shall be made in accordance with the requirements of subdivision (4) of this subsection; and

(6) On each declarations page, or similar coverage summary document, issued to an insured, the insurer shall clearly identify the exact policy forms and endorsements

purchased by the insured, so that the insured may easily access those forms on the insurer's website.

3. The director may promulgate any rules necessary to implement and administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

Approved July 9, 2013

HB 331 [SS HB 331]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding utilities

AN ACT to repeal sections 67.1830, 67.1836, 67.1838, 67.1842, 392.415, 392.420, and 392.461, RSMo, and to enact in lieu thereof twenty-two new sections relating to telecommunications.

SECTION

A. Enacting clause.
67.1830. Definitions.
67.1836. Denial of an application for a right-of-way permit, when — revocation of a permit, when — bulk processing of permits allowed, when.
67.1838. Disputes to be reviewed by governing body of the political subdivision, court action authorized.
67.1842. Prohibited acts by political subdivisions — no right-of-way permit required for projects commenced prior to August 28, 2001 — no fee required, when.
67.5090. Citation of law.
67.5092. Definitions.
67.5094. Prohibited acts by authority.
67.5096. Permitted acts of authority — applicants for new structures, requirements — authority's duties — court review, when.
67.5098. Modification of structures, applicant requirements — authority's duties — court review, when.
67.5100. Review for conformity with applicable building permit requirements — authority's duties — court review, when.
67.5102. Prohibited acts.
67.5103. Power of eminent domain prohibited, when.
389.585. Definitions.
389.586. Crossing by utility, notice, approval or rejection of proposal — maintenance of property.
389.587. Standard crossing fee and other costs.
389.588. Negotiation of terms and conditions, dispute resolution authorized — eminent domain, effect on.
389.589. Binding arbitration, when, procedure.
389.591. Applicability to all crossings.
392.415. Call location information to be provided in emergencies — immunity from liability, when.
392.420. Regulations, modification of, company may request by petition, when — waiver, when.
392.461. Exemption from certain rules, telecommunications companies.
392.611. Inapplicability of laws and rules, when — universal service fund surcharge — broadband not subject to regulation, when — no exemption from rules, when — alternative certification.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 67.1830, 67.1836, 67.1838, 67.1842, 392.415, 392.420, and 392.461, RSMo, are repealed and twenty-two new sections enacted in lieu thereof, to be known as sections 67.1830, 67.1836, 67.1838, 67.1842, 67.5090, 67.5092, 67.5094, 67.5096, 67.5098, 67.5100, 67.5102, 67.5103, 389.585, 389.586, 389.587, 389.588, 389.589, 389.591, 392.415, 392.420, 392.461, and 392.611, to read as follows:

67.1830. DEFINITIONS. — As used in sections 67.1830 to 67.1846, the following terms shall mean:

(1) "Abandoned equipment or facilities", any equipment materials, apparatuses, devices or facilities that are:

(a) Declared abandoned by the owner of such equipment or facilities;

(b) No longer in active use, physically disconnected from a portion of the operating facility or any other facility that is in use or in service, and no longer capable of being used for the same or similar purpose for which the equipment, apparatuses or facilities were installed; or

(c) No longer in active use and the owner of such equipment or facilities fails to respond within thirty days to a written notice sent by a political subdivision;

(2) "Degradation", the actual or deemed reduction in the useful life of the public right-of-way resulting from the cutting, excavation or restoration of the public right-of-way;

(3) "Emergency", includes but is not limited to the following:

(a) An unexpected or unplanned outage, cut, rupture, leak or any other failure of a public utility facility that prevents or significantly jeopardizes the ability of a public utility to provide service to customers;

(b) An unexpected or unplanned outage, cut, rupture, leak or any other failure of a public utility facility that results or could result in danger to the public or a material delay or hindrance to the provision of service to the public if the outage, cut, rupture, leak or any other such failure of public utility facilities is not immediately repaired, controlled, stabilized or rectified; or

(c) Any occurrence involving a public utility facility that a reasonable person could conclude under the circumstances that immediate and undelayed action by the public utility is necessary and warranted;

(4) "Excavation", any act by which earth, asphalt, concrete, sand, gravel, rock or any other material in or on the ground is cut into, dug, uncovered, removed, or otherwise displaced, by means of any tools, equipment or explosives, except that the following shall not be deemed excavation:

(a) Any de minimis displacement or movement of ground caused by pedestrian or vehicular traffic;

(b) The replacement of utility poles and related equipment at the existing general location that does not involve either a street or sidewalk cut; or

(c) Any other activity which does not disturb or displace surface conditions of the earth, asphalt, concrete, sand, gravel, rock or any other material in or on the ground;

(5) "Management costs" or "rights-of-way management costs", the actual costs a political subdivision reasonably incurs in managing its public rights-of-way, including such costs, if incurred, as those associated with the following:

(a) Issuing, processing and verifying right-of-way permit applications;

(b) Inspecting job sites and restoration projects;

(c) Protecting or moving public utility right-of-way user construction equipment after reasonable notification to the public utility right-of-way user during public right-of-way work;

(d) Determining the adequacy of public right-of-way restoration;

(e) Restoring work inadequately performed after providing notice and the opportunity to correct the work; and

(f) Revoking right-of-way permits.

Right-of-way management costs shall be the same for all entities doing similar work. Management costs or rights-of-way management costs shall not include payment by a public utility right-of-way user for the use or rent of the public right-of-way, degradation of the public right-of-way or any costs as outlined in paragraphs (a) to (h) of this subdivision which are incurred by the political subdivision as a result of use by users other than public utilities, the **attorneys'** fees and cost of litigation relating to the interpretation of this section or section 67.1832, or litigation, interpretation or development of any ordinance enacted pursuant to this section or section 67.1832, **or attorneys' fees and costs in connection with issuing, processing, or verifying right-of-way permit or other applications or agreements,** or the political subdivision's fees and costs related to appeals taken pursuant to section 67.1838. In granting or renewing a franchise for a cable television system, a political subdivision may impose a franchise fee and other terms and conditions permitted by federal law;

(6) "Managing the public right-of-way", the actions a political subdivision takes, through reasonable exercise of its police powers, to impose rights, duties and obligations on all users of the right-of-way, including the political subdivision, in a reasonable, competitively neutral and nondiscriminatory and uniform manner, reflecting the distinct engineering, construction, operation, maintenance and public work and safety requirements applicable to the various users of the public right-of-way, provided that such rights, duties and obligations shall not conflict with any federal law or regulation. In managing the public right-of-way, a political subdivision may:

(a) Require construction performance bonds or insurance coverage or demonstration of self-insurance at the option of the political subdivision or if the public utility right-of-way user has twenty-five million dollars in net assets and does not have a history of permitting noncompliance within the political subdivision as defined by the political subdivision, then the public utility right-of-way user shall not be required to provide such bonds or insurance;

(b) Establish coordination and timing requirements that do not impose a barrier to entry;

(c) Require public utility right-of-way users to submit, for right-of-way projects commenced after August 28, 2001, requiring excavation within the public right-of-way, whether initiated by a political subdivision or any public utility right-of-way user, project data in the form maintained by the user and in a reasonable time after receipt of the request based on the amount of data requested;

(d) Establish right-of-way permitting requirements for street excavation;

(e) Establish removal requirements for abandoned equipment or facilities, if the existence of such facilities prevents or significantly impairs right-of-way use, repair, excavation or construction;

(f) Establish permitting requirements for towers and other structures or equipment for wireless communications facilities in the public right-of-way, notwithstanding the provisions of section 67.1832;

(g) Establish standards for street restoration in order to lessen the impact of degradation to the public right-of-way; and

(h) Impose permit conditions to protect public safety;

(7) "Political subdivision", a city, town, village, county of the first classification or county of the second classification;

(8) "Public right-of-way", the area on, below or above a public roadway, highway, street or alleyway in which the political subdivision has an ownership interest, but not including:

(a) The airwaves above a public right-of-way with regard to cellular or other nonwire telecommunications or broadcast service;

(b) Easements obtained by utilities or private easements in platted subdivisions or tracts;

(c) Railroad rights-of-way and ground utilized or acquired for railroad facilities; or

(d) **[**Poles,**]** Pipes, cables, conduits, wires, optical cables, or other means of transmission, collection or exchange of communications, information, substances, data, or electronic or electrical current or impulses utilized by a municipally owned or operated utility pursuant to chapter 91 or pursuant to a charter form of government;

(9) "Public utility", every cable television service provider, every pipeline corporation, gas corporation, electrical corporation, rural electric cooperative, telecommunications company, water corporation, heating or refrigerating corporation or sewer corporation under the jurisdiction of the public service commission; every municipally owned or operated utility pursuant to chapter 91 or pursuant to a charter form of government or cooperatively owned or operated utility pursuant to chapter 394; every street light maintenance district; every privately owned utility; and every other entity, regardless of its form of organization or governance, whether for profit or not, which in providing a public utility type of service for members of the general public, utilizes pipes, cables, conduits, wires, optical cables, or other means of transmission, collection or exchange of communications, information, substances, data, or electronic or electrical current or impulses, in the collection, exchange or dissemination of its product or services through the public rights-of-way;

(10) "Public utility right-of-way user", a public utility owning or controlling a facility in the public right-of-way; and

(11) "Right-of-way permit", a permit issued by a political subdivision authorizing the performance of excavation work in a public right-of-way.

67.1836. DENIAL OF AN APPLICATION FOR A RIGHT-OF-WAY PERMIT, WHEN — REVOCATION OF A PERMIT, WHEN — BULK PROCESSING OF PERMITS ALLOWED, WHEN. — 1. A political subdivision may deny an application for a right-of-way permit if:

(1) The public utility right-of-way user fails to provide all the necessary information requested by the political subdivision for managing the public right-of-way;

(2) The public utility right-of-way user has failed to return the public right-of-way to its previous condition under a previous permit;

(3) The political subdivision has provided the public utility right-of-way user with a reasonable, competitively neutral, and nondiscriminatory justification for requiring an alternative method for performing the work identified in the permit application or a reasonable alternative route that will result in neither additional installation expense up to ten percent to the public utility right-of-way user nor a declination of service quality;

(4) The political subdivision determines that the denial is necessary to protect the public health and safety, provided that the authority of the political subdivision does not extend to those items under the jurisdiction of the public service commission, such denial shall not interfere with a public utility's right of eminent domain of private property, and such denials shall only be imposed on a competitively neutral and nondiscriminatory basis; or

(5) The area is environmentally sensitive as defined by state statute or federal law or is a historic district as defined by local ordinance.

2. A political subdivision may, after reasonable notice and an opportunity to cure, revoke a right-of-way permit granted to a public utility right-of-way user, with or without fee refund, and/or impose a penalty as established by the political subdivision until the breach is cured, but only in the event of a substantial breach of the terms and material conditions of the permit. A substantial breach by a permittee includes but is not limited to:

(1) A material violation of a provision of the right-of-way permit;

(2) An evasion or attempt to evade any material provision of the right-of-way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the political subdivision or its citizens;

(3) A material misrepresentation of fact in the right-of-way permit application;

(4) A failure to complete work by the date specified in the right-of-way permit, unless a permit extension is obtained or unless the failure to complete the work is due to reasons beyond the permittee's control; and

(5) A failure to correct, within the time specified by the political subdivision, work that does not conform to applicable national safety codes, industry construction standards, or local

safety codes that are no more stringent than national safety codes, upon inspection and notification by the political subdivision of the faulty condition.

3. Any political subdivision that requires public utility right-of-way users to obtain a right-of-way permit, except in an emergency, prior to performing excavation work within a public right-of-way shall promptly, but not longer than thirty-one days, process all completed permit applications. **If a political subdivision fails to act on an application for a right-of-way permit within thirty-one days, the application shall be deemed approved.** In order to avoid excessive processing and accounting costs to either the political subdivision or the public utility right-of-way user, the political subdivision may establish procedures for bulk processing of permits and periodic payment of permit fees.

67.1838. DISPUTES TO BE REVIEWED BY GOVERNING BODY OF THE POLITICAL SUBDIVISION, COURT ACTION AUTHORIZED. — **[**1.**]** A public utility right-of-way user that has been denied a right-of-way permit, has had its right-of-way permit revoked, believes that the fees imposed on the public right-of-way user by the political subdivision do not conform to the requirements of section 67.1840**, believes the political subdivision has violated any provision of sections 67.1830 to 67.1848,** or asserts any other issues related to the use of the public right-of-way, **[**shall have, upon written request, such denials, revocations, fee impositions, or other disputes reviewed by the governing body of the political subdivision or an entity assigned by the governing body for this purpose. The governing body of the political subdivision or its delegated entity shall specify, in its permit processing schedules, the maximum number of days by which the review request shall be filed in order to be reviewed by the governing body of the political subdivision or its delegated entity. A decision affirming the denial, revocation, fee imposition or dispute resolution shall be in writing and supported by written findings establishing the reasonableness of the decision.

2. Upon affirmation by the governing body of the denial, revocation, fee imposition or dispute resolution, the public utility right-of-way user may, in addition to all other remedies and if both parties agree, have the right to have the matter resolved by mediation or binding arbitration. Binding arbitration shall be before an arbitrator agreed to by both the political subdivision and the public utility right-of-way user. The costs and fees of a single arbitrator shall be borne equally by the political subdivision and the public utility right-of-way user.

3. If the parties cannot agree on an arbitrator, the matter shall be resolved by a three-person arbitration panel consisting of one arbitrator selected by the political subdivision, one arbitrator selected by the public utility right-of-way user, and one person selected by the other two arbitrators. In the event that a three-person arbitrator panel is necessary, each party shall bear the expense of its own arbitrator and shall jointly and equally bear with the other party the expense of the third arbitrator and of the arbitration.

4. Each party to the arbitration shall pay its own costs, disbursements and attorney fees**] may bring an action for review in any court of competent jurisdiction. The court shall rule on any such petition for review in an expedited manner by moving the petition to the head of the docket. Nothing shall deny the authority of its right to a hearing before the court**.

67.1842. PROHIBITED ACTS BY POLITICAL SUBDIVISIONS — NO RIGHT-OF-WAY PERMIT REQUIRED FOR PROJECTS COMMENCED PRIOR TO AUGUST 28, 2001 — NO FEE REQUIRED, WHEN. — 1. In managing the public right-of-way and in imposing fees pursuant to sections 67.1830 to 67.1846, no political subdivision shall:

(1) Unlawfully discriminate among public utility right-of-way users;

(2) Grant a preference to any public utility right-of-way user;

(3) Create or erect any unreasonable requirement for entry to the public right-of-way by public utility right-of-way users;

(4) Require a telecommunications company to obtain a franchise or require a public utility right-of-way user to pay for the use of the public right-of-way, except as provided in sections 67.1830 to 67.1846; **[**or**]**

(5) Enter into a contract or any other agreement for providing for an exclusive use, occupancy or access to any public right-of-way**; or**

(6) Require any public utility that has legally been granted access to the political subdivision's right-of-way prior to August 28, 2001, to enter into an agreement or obtain a permit for general access to or the right to remain in the right-of-way of the political subdivision.

2. A public utility right-of-way user shall not be required to apply for or obtain right-of-way permits for projects commenced prior to August 28, 2001, requiring excavation within the public right-of-way, for which the user has obtained the required consent of the political subdivision, or that are otherwise lawfully occupying or performing work within the public right-of-way. The public utility right-of-way user may be required to obtain right-of-way permits prior to any excavation work performed within the public right-of-way after August 28, 2001.

3. A political subdivision shall not collect a fee imposed pursuant to section 67.1840 through the provision of in-kind services by a public utility right-of-way user, nor require the provision of in-kind services as a condition of consent to use the political subdivision's public right-of-way; however, nothing in this subsection shall preclude requiring services of a cable television operator, open video system provider or other video programming provider as permitted by federal law.

67.5090. CITATION OF LAW. — Sections 67.5090 to 67.5102 shall be known and may be cited as the "Uniform Wireless Communications Infrastructure Deployment Act" and is intended to encourage and streamline the deployment of broadband facilities and to help ensure that robust wireless communication services are available throughout Missouri.

67.5092. DEFINITIONS. — As used in sections 67.5090 to 67.5102, the following terms mean:

(1) "Accessory equipment", any equipment serving or being used in conjunction with a wireless facility or wireless support structure. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, or similar structures;

(2) "Antenna", communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services;

(3) "Applicant", any person engaged in the business of providing wireless communications services or the wireless communications infrastructure required for wireless communications services who submits an application;

(4) "Application", a request submitted by an applicant to an authority to construct a new wireless support structure, for the substantial modification of a wireless support structure, or for collocation of a wireless facility or replacement of a wireless facility on an existing structure;

(5) "Authority", each state, county, and municipal governing body, board, agency, office, or commission authorized by law and acting in its capacity to make legislative, quasi-judicial, or administrative decisions relative to zoning or building permit review of an application. The term shall not include state courts having jurisdiction over land use, planning, or zoning decisions made by an authority;

(6) "Base station", a station at a specific site authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies, and other associated electronics, and includes a structure that currently supports

or houses an antenna, a transceiver, coaxial cables, power supplies, or other associated equipment;

(7) "Building permit", a permit issued by an authority prior to commencement of work on the collocation of wireless facilities on an existing structure, the substantial modification of a wireless support structure, or the commencement of construction of any new wireless support structure, solely to ensure that the work to be performed by the applicant satisfies the applicable building code;

(8) "Collocation", the placement or installation of a new wireless facility on existing structure, including electrical transmission towers, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes;

(9) "Electrical transmission tower", an electrical transmission structure used to support high voltage overhead power lines. The term shall not include any utility pole;

(10) "Equipment compound", an area surrounding or near a wireless support structure within which are located wireless facilities;

(11) "Existing structure", a structure that exists at the time a request to place wireless facilities on a structure is filed with an authority. The term includes any structure that is capable of supporting the attachment of wireless facilities in compliance with applicable building codes, National Electric Safety Codes, and recognized industry standards for structural safety, capacity, reliability, and engineering, including, but not limited to, towers, buildings, and water towers. The term shall not include any utility pole;

(12) "Replacement", includes constructing a new wireless support structure of equal proportions and of equal height or such other height that would not constitute a substantial modification to an existing structure in order to support wireless facilities or to accommodate collocation and includes the associated removal of the pre-existing wireless facilities or wireless support structure;

(13) "Substantial modification", the mounting of a proposed wireless facility on a wireless support structure which, as applied to the structure as it was originally constructed:

(a) Increases the existing vertical height of the structure by:

a. More than ten percent; or

b. The height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; or

(b) Involves adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure more than twenty feet or more than the width of the wireless support structure at the level of the appurtenance, whichever is greater (except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable);

(c) Involves the installation of more than the standard number of new outdoor equipment cabinets for the technology involved, not to exceed four new equipment cabinets; or

(d) Increases the square footage of the existing equipment compound by more than two thousand five hundred square feet;

(14) "Utility", any person, corporation, county, municipality acting in its capacity as a utility, municipal utility board, or other entity, or department thereof or entity related thereto, providing retail or wholesale electric, natural gas, water, waste water, data, cable television, or telecommunications or internet protocol-related services;

(15) "Utility pole", a structure owned or operated by a utility that is designed specifically for and used to carry lines, cables, or wires for telephony, cable television, or electricity, or to provide lighting;

(16) "Water tower", a water storage tank, or a standpipe or an elevated tank situated on a support structure, originally constructed for use as a reservoir or facility to store or deliver water;

(17) "Wireless facility", the set of equipment and network components, exclusive of the underlying wireless support structure, including, but not limited to, antennas, accessory equipment, transmitters, receivers, power supplies, cabling and associated equipment necessary to provide wireless communications services;

(18) "Wireless support structure", a structure, such as a monopole, tower, or building capable of supporting wireless facilities. This definition does not include utility poles.

67.5094. PROHIBITED ACTS BY AUTHORITY. — In order to ensure uniformity across the state of Missouri with respect to the consideration of every application, an authority shall not:

(1) Require an applicant to submit information about, or evaluate an applicant's business decisions with respect to its designed service, customer demand for service, or quality of its service to or from a particular area or site;

(2) Evaluate an application based on the availability of other potential locations for the placement of wireless support structures or wireless facilities, including without limitation the option to collocate instead of construct a new wireless support structure or for substantial modifications of a support structure, or vice versa; provided, however, that solely with respect to an application for a new wireless support structure, an authority may require an applicant to state in its application that it conducted an analysis of available colloction opportunities on existing wireless towers within the same search ring defined by the applicant, solely for the purpose of confirming that an applicant undertook such an analysis;

(3) Dictate the type of wireless facilities, infrastructure or technology to be used by the applicant, including, but not limited to, requiring an applicant to construct a distributed antenna system in lieu of constructing a new wireless support structure;

(4) Require the removal of existing wireless support structures or wireless facilities, wherever located, as a condition for approval of an application;

(5) With respect to radio frequency emissions, impose environmental testing, sampling, or monitoring requirements or other compliance measures on wireless facilities that are categorically excluded under the Federal Communication Commission's rules for radio frequency emissions under 47 CFR 1.1307(b)(1) or other applicable federal law, as the same may be amended or supplemented;

(6) Establish or enforce regulations or procedures for RF signal strength or the adequacy of service quality;

(7) In conformance with 47 U.S.C. Section 332(c)(7)(b)(4), reject an application, in whole or in part, based on perceived or alleged environmental effects of radio frequency emissions;

(8) Impose any restrictions with respect to objects in navigable airspace that are greater than or in conflict with the restrictions imposed by the Federal Aviation Administration;

(9) Prohibit the placement of emergency power systems that comply with federal and state environmental requirements;

(10) Charge an application fee, consulting fee, or other fee associated with the submission, review, processing, and approval of an application that is not required for similar types of commercial development within the authority's jurisdiction. Fees imposed by an authority for or directly by a third-party entity providing review or technical consultation to the authority must be based on actual, direct, and reasonable administrative costs incurred for the review, processing, and approval of an application.

Except when mutually agreeable to the applicant and the authority, total charges and fees shall not exceed five hundred dollars for a collocation application or one thousand five hundred dollars for an application for a new wireless support structure or for a substantial modification of a wireless support structure. Notwithstanding the foregoing, in no event shall an authority or any third party entity include within its charges any travel expenses incurred in a third-party's review of an application and in no event shall an applicant be required to pay or reimburse an authority for consultation or other third-party fees based on a contingency or result-based arrangement;

(11) Impose surety requirements, including bonds, escrow deposits, letters of credit, or any other type of financial surety, to ensure that abandoned or unused facilities can be removed unless the authority imposes similar requirements on other permits for other types of commercial development or land uses;

(12) Condition the approval of an application on the applicant's agreement to provide space on or near the wireless support structure for authority or local governmental services at less than the market rate for space or to provide other services via the structure or facilities at less than the market rate for such services;

(13) Limit the duration of the approval of an application;

(14) Discriminate or create a preference on the basis of the ownership, including ownership by the authority, of any property, structure, or tower when promulgating rules or procedures for siting wireless facilities or for evaluating applications;

(15) Impose any requirements or obligations regarding the presentation or appearance of facilities, including, but not limited to, those relating to the kind or type of materials used and those relating to arranging, screening, or landscaping of facilities if such regulations or obligations are unreasonable;

(16) Impose any requirements that an applicant purchase, subscribe to, use, or employ facilities, networks, or services owned, provided, or operated by an authority, in whole or in part, or by any entity in which an authority has a competitive, economic, financial, governance, or other interest;

(17) Condition the approval of an application on, or otherwise require, the applicant's agreement to indemnify or insure the authority in connection with the authority's exercise of its police power-based regulations; or

(18) Condition or require the approval of an application based on the applicant's agreement to permit any wireless facilities provided or operated, in whole or in part, by an authority or by any entity in which an authority has a competitive, economic, financial, governance, or other interest, to be placed at or collocated with the applicant's wireless support structure.

67.5096. PERMITTED ACTS OF AUTHORITY — APPLICANTS FOR NEW STRUCTURES, REQUIREMENTS — AUTHORITY'S DUTIES — COURT REVIEW, WHEN. — 1. Authorities may continue to exercise zoning, land use, planning, and permitting authority within their territorial boundaries with regard to the siting of new wireless support structures, subject to the provisions of sections 67.5090 to 67.5103, including without limitation section 67.5094, and subject to federal law.

2. Any applicant that proposes to construct a new wireless support structure within the jurisdiction of any authority, planning or otherwise, that has adopted planning and zoning regulations in accordance with sections 67.5090 to 67.5103 shall:

(1) Submit the necessary copies and attachments of the application to the appropriate authority. Each application shall include a copy of a lease, letter of authorization or other agreement from the property owner evidencing applicant's right to pursue the application; and

(2) Comply with applicable local ordinances concerning land use and the appropriate permitting processes.

3. Disclosure of records in the possession or custody of authority personnel, including but not limited to documents and electronic data, shall be subject to chapter 610.

4. The authority, within one hundred twenty calendar days of receiving an application to construct a new wireless support structure or within such additional time as may be mutually agreed to by an applicant and an authority, shall:

(1) Review the application in light of its conformity with applicable local zoning regulations. An application is deemed to be complete unless the authority notifies the applicant in writing, within thirty calendar days of submission of the application, of the specific deficiencies in the application which, if cured, would make the application complete. Upon receipt of a timely written notice that an application is deficient, an applicant may take thirty calendar days from receiving such notice to cure the specific deficiencies. If the applicant cures the deficiencies within thirty calendar days, the application shall be reviewed and processed within one hundred twenty calendar days from the initial date the application was received. If the applicant requires a period of time beyond thirty calendar days to cure the specific deficiencies, the one hundred twenty calendar days deadline for review shall be extended by the same period of time;

(2) Make its final decision to approve or disapprove the application; and

(3) Advise the applicant in writing of its final decision.

5. If the authority fails to act on an application to construct a new wireless support structure within the one hundred twenty calendar days review period specified under subsection 4 of this section or within such additional time as may be mutually agreed to by an applicant and an authority, the application shall be deemed approved.

6. A party aggrieved by the final action of an authority, either by its affirmatively denying an application under the provisions of this section or by its inaction, may bring an action for review in any court of competent jurisdiction.

67.5098. MODIFICATION OF STRUCTURES, APPLICANT REQUIREMENTS — AUTHORITY'S DUTIES — COURT REVIEW, WHEN. — 1. Authorities may continue to exercise zoning, land use, planning, and permitting authority within their territorial boundaries with regard to applications for substantial modifications of wireless support structures, subject to the provisions of sections 67.5090 to 67.5103, including without limitation section 67.5094, and subject to federal law.

2. Any applicant that applies for a substantial modification of a wireless support structure within the jurisdiction of any authority, planning or otherwise, that has adopted planning and zoning regulations in accordance with sections 67.5090 to 67.5103 shall:

(1) Submit the necessary copies and attachments of the application to the appropriate authority. Each application shall include a copy of a lease, letter of authorization or other agreement from the property owner evidencing applicant's right to pursue the application; and

(2) Comply with applicable local ordinances concerning land use and the appropriate permitting processes.

3. Disclosure of records in the possession or custody of authority personnel, including but not limited to documents and electronic data, shall be subject to chapter 610.

4. The authority, within ninety calendar days of receiving an application for a substantial modification of wireless support structures, shall:

(1) Review the application in light of its conformity with applicable local zoning regulations. An application is deemed to be complete unless the authority notifies the applicant in writing, within thirty calendar days of submission of the application, of the specific deficiencies in the application which, if cured, would make the application complete. Upon receipt of a timely written notice that an application is deficient, an applicant may take thirty calendar days from receiving such notice to cure the specific

deficiencies. If the applicant cures the deficiencies within thirty calendar days, the application shall be reviewed and processed within ninety calendar days from the initial date the application was received. If the applicant requires a period of time beyond thirty calendar days to cure the specific deficiencies, the ninety calendar days deadline for review shall be extended by the same period of time;

(2) Make its final decision to approve or disapprove the application; and

(3) Advise the applicant in writing of its final decision.

5. If the authority fails to act on an application for a substantial modification within the ninety calendar days review period specified under subsection 4 of this section, or within such additional time as may be mutually agreed to by an applicant and an authority, the application for a substantial modification shall be deemed approved.

6. A party aggrieved by the final action of an authority, either by its affirmatively denying an application under the provisions of this section or by its inaction, may bring an action for review in any court of competent jurisdiction.

67.5100. REVIEW FOR CONFORMITY WITH APPLICABLE BUILDING PERMIT REQUIREMENTS — AUTHORITY'S DUTIES — COURT REVIEW, WHEN. — 1. Subject to the provisions of sections 67.5090 to 67.5103, including section 67.5094, collocation applications and applications for replacement of wireless facilities shall be reviewed for conformance with applicable building permit requirements, National Electric Safety Codes, and recognized industry standards for structural safety, capacity, reliability, and engineering, but shall not otherwise be subject to zoning or land use requirements, including design or placement requirements, or public hearing review.

2. The authority, within forty-five calendar days of receiving a collocation application or application for replacement of wireless facilities, shall:

(1) Review the collocation application or application to replace wireless facilities in light of its conformity with applicable building permit requirements and consistency with sections 67.5090 to 67.5103. A collocation application or application to replace wireless facilities is deemed to be complete unless the authority notifies the applicant in writing, within fifteen calendar days of submission of the application, of the specific deficiencies in the application which, if cured, would make the application complete. Each collocation application or application to replace wireless facilities shall include a copy of a lease, letter of authorization or other agreement from the property owner evidencing applicant's right to pursue the application. Upon receipt of a timely written notice that a collocation application or application to replace wireless facilities is deficient, an applicant may take fifteen calendar days from receiving such notice to cure the specific deficiencies. If the applicant cures the deficiencies within fifteen calendar days, the application shall be reviewed and processed within forty-five calendar days from the initial date the application was received. If the applicant requires a period of time beyond fifteen calendar days to cure the specific deficiencies, the forty-five calendar days deadline for review shall be extended by the same period of time;

(2) Make its final decision to approve or disapprove the collocation application or application for replacement of wireless facilities; and

(3) Advise the applicant in writing of its final decision.

3. If the authority fails to act on a collocation application or application to replace wireless facilities within the forty-five calendar days review period specified in subsection 2 of this section, the application shall be deemed approved.

4. The provisions of sections 67.5090 to 67.5103 shall not:

(1) Authorize an authority, except when acting solely in its capacity as a utility, to mandate, require, or regulate the placement, modification, or collocation of any new wireless facility on new, existing, or replacement poles owned or operated by a utility;

(2) Expand the power of an authority to regulate any utility; or

(3) Restrict any utility's rights or authority, or negate any utility's agreement, regarding requested access to, or the rates and terms applicable to placement of any wireless facility on new, existing, or replacement poles, structures, or existing structures owned or operated by a utility.

5. A party aggrieved by the final action of an authority, either by its affirmatively denying an application under the provisions of this section or by its inaction, may bring an action for review in any court of competent jurisdiction.

67.5102. PROHIBITED ACTS. — In accordance with the policies of this state to further the deployment of wireless communications infrastructure:

(1) An authority may not institute any moratorium on the permitting, construction, or issuance of approval of new wireless support structures, substantial modifications of wireless support structures, or collocations if such moratorium exceeds six months in length and if the legislative act establishing it fails to state reasonable grounds and good cause for such moratorium. No such moratorium shall affect an already pending application;

(2) To encourage applicants to request construction of new wireless support structures on public lands and to increase local revenues:

(a) An authority may not charge a wireless service provider or wireless infrastructure provider any rental, license, or other fee to locate a wireless support structure on an authority's property in excess of the current market rates for rental or use of similarly situated property. If the applicant and the authority do not agree on the applicable market rate for any such public land and cannot agree on a process by which to derive the applicable market rate for any such public land, then the market rate will be determined by a panel of three certified appraisers licensed under chapter 339, using the following process. Each party will appoint one certified appraiser to the panel, and the two certified appraisers so appointed will appoint a third certified appraiser. Each appraiser will independently appraise the appropriate lease rate, and the market rate shall be set at the mid-point between the highest and lowest market rates among the three independent appraisals, provided the mid-point between the highest and lowest appraisals is greater than or less than ten percent of the appraisal of the third appraiser chosen by the parties' appointed appraisers. In such case, the third appraisal will determine the rate for the lease. The appraisal process shall be concluded within ninety calendar days from the date the applicant first tenders its proposed lease rate to the authority. Each party will bear the cost of its own appointed appraiser, and the parties shall share equally the cost of the third appraiser chosen by the two appointed appraisers. Nothing in this paragraph shall bar an applicant and an authority from agreeing to reasonable, periodic reviews and adjustments of current market rates during the term of a lease or contract to use an authority's property; and

(b) An authority may not offer a lease or contract to use public lands to locate a wireless support structure on an authority's property that is less than fifteen years in duration unless the applicant agrees to accept a lease or contract of less than fifteen years in duration;

(3) Nothing in subsection 2 of this section is intended to limit an authority's lawful exercise of zoning, land use, or planning and permitting authority with respect to applications for new wireless support structures on an authority's property under subsection 1 of section 67.5096.

67.5103. POWER OF EMINENT DOMAIN PROHIBITED, WHEN. — Notwithstanding any provision of sections 67.5090 to 67.5102, nothing herein shall provide any applicant the power of eminent domain or the right to compel any private or public property owner, or the department of conservation or department of natural resources to:

(1) Lease or sell property for the construction of a new wireless support structure; or

(2) Locate or cause the collocation or expansion of a wireless facility on any existing structure or wireless support structure.

389.585. DEFINITIONS. — 1. As used in sections 389.585 to 389.591, the following terms mean:

(1) "Crossing", the construction, operation, repair, or maintenance of a facility over, under, or across a railroad right-of-way by a utility when the right-of-way is owned by a land management company and not a railroad or railroad corporation;

(2) "Direct expenses", includes, but is not limited to, any or all of the following:

(a) The cost of inspecting and monitoring the crossing site;

(b) Administrative and engineering costs for review of specifications and for entering a crossing on the railroad's books, maps, and property records and other reasonable administrative and engineering costs incurred as a result of the crossing;

(c) Document and preparation fees associated with a crossing and any engineering specifications related to the crossing;

(d) Damages assessed in connection with the rights granted to a utility with respect to a crossing;

(3) "Facility", any cable, conduit, wire, pipe, casing pipe, supporting poles and guys, manhole, or other material or equipment that is used by a utility to furnish any of the following:

(a) Communications, communications-related, wireless communications, video, or information services;

(b) Electricity;

(c) Gas by piped system;

(d) Petroleum or petroleum products by piped system;

(e) Sanitary and storm sewer service;

(f) Water by piped system;

(4) "Land management company", an entity that owns, leases, holds by easement, holds by adverse possession or otherwise possesses a corridor which is used for rail transportation purposes and is not a railroad or railroad corporation;

(5) "Land management corridor", includes one or more of the following:

(a) A right-of-way or other interest in real estate that is owned, leased, held by easement, held by adverse possession or otherwise possessed by a land management company and not a railroad or railroad corporation; and which is used for rail transportation purposes. "Land management corridor" does not include yards, terminals or stations. "Land management corridor" also does not include railroad tracks or lines which have been legally abandoned;

(b) Any other interest in a right-of-way formerly owned by a railroad or railroad corporation that has been acquired by a land management company or similar entity and which is used for rail transportation purposes;

(6) "Notice", a written description of the proposed project. Such notice shall include, at a minimum: a description of the proposed crossing including blueprints or plats, print copies of the engineering specifications for the crossing, a proposed time line for the commencement and completion of work at the crossing, a narrative description of the work to be performed at the crossing, proof of insurance for the work to be done and other reasonable requirements necessary for the processing of an application;

(7) "Railroad" or "railroad corporation", a railroad corporation organized and operating under chapter 388, or any other corporation, trustees of a railroad corporation, company, affiliate, association, joint stock association or company, firm, partnership, or

individual, which is an owner, operator, occupant, lessee, manager, or railroad right-of-way agent acting on behalf of a railroad or railroad corporation;

(8) "Railroad right-of-way", includes one or more of the following:

(a) A right-of-way or other interest in real estate that is owned or operated by a land management company and not a railroad or railroad corporation;

(b) Any other interest in a former railroad right-of-way that has been acquired or is operated by a land management company or similar entity;

(9) "Special circumstances", includes either or both of the following:

(a) The characteristics of a segment of a railroad right-of-way not found in a typical segment of a railroad right-of-way that enhance the value or increase the damages or the engineering or construction expenses for the land management company associated with a proposed crossing, or to the current or reasonably anticipated use by a land management company of the railroad right-of-way, necessitating additional terms and conditions or compensation associated with a crossing;

(b) Variances from the standard specifications requested by the land management company;

"Special circumstances" may include, but is not limited to, the railroad right-of-way segment's relationship to other property, location in urban or other developed areas, the existence of unique topography or natural resources, or other characteristics or dangers inherent in the particular crossing or segment of the railroad right-of-way;

(10) "Telecommunications service", the transmission of information by wire, radio, optical cable, electronic impulses, or other similar means. As used in this definition, "information" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols;

(11) "Utility", shall include:

(a) Any public utility subject to the jurisdiction of the public service commission;

(b) Providers of telecommunications service, wireless communications, or other communications-related service;

(c) Any electrical corporation which is required by its bylaws to operate on the not-for-profit cooperative business plan, with its consumers who receive service as the stockholders of such corporation, and which holds a certificate of public convenience and necessity to serve a majority of its customer-owners in counties of the third classification as of August 28, 2003;

(d) Any rural electric cooperative, and

(e) Any municipally owned utility.

389.586. CROSSING BY UTILITY, NOTICE, APPROVAL OR REJECTION OF PROPOSAL — MAINTENANCE OF PROPERTY. — 1. After the land management company receives a copy of the notice from the utility, the land management company shall send a complete copy of that notice, by certified mail or by private delivery service which requires a return receipt, to the railroad or railroad corporation within two business days. No utility may commence a crossing until the railroad or railroad corporation has approved the crossing. The railroad or railroad corporation shall have thirty days from the receipt of the notice, to review and approve or reject the proposed crossing. The railroad or railroad corporation shall reject a proposed crossing only if special circumstances exist. If the railroad or railroad corporation rejects a proposed crossing, the utility may submit an amended proposal for a crossing. The railroad or railroad corporation shall have an additional thirty days from receipt of the amended proposal to review and approve or reject the amended crossing proposal. The railroad or railroad corporation shall not unreasonably withhold approval. Once the railroad or railroad corporation grants such approval, and upon payment of the fee and any other payments authorized pursuant to sections 389.586 or 389.587, the utility shall be deemed to have authorization to commence

the crossing activity. The utility shall provide the railroad or railroad corporation with written notification of the commencement of the crossing activity before beginning such activity.

2. The land management company and the utility shall maintain and repair its own property within the land management corridor and each shall bear responsibility for its own acts and omissions, except that the utility shall be responsible for any bodily injury or property damage arising from the installation, maintenance, repair and its use of the crossing. The railroad or railroad corporation may require the utility and the land management company to obtain reasonable amounts of comprehensive general liability insurance and railroad protective liability insurance coverage for a crossing, and that this insurance coverage name the railroad or railroad corporation as an insured. Further, the land management company and the utility shall provide the railroad or railroad corporation with proof that they have liability insurance coverage which meets such requirements, if any.

3. A utility shall have immediate access to a crossing for repair and maintenance of existing facilities in case of an immediate threat to life and upon notification to the applicable railroad or railroad corporation. Before commencing any such work, the utility must first contact the railroad or railroad corporation's dispatch center, command center or other facility which is designated to receive emergency communications.

4. The utility shall be provided a crossing, absent a claim of special circumstances, after payment by the utility of the standard crossing fee, submission of completed engineering specifications to the land management company, and approval of the crossing by the railroad or railroad corporation. The engineering specifications shall comply with the clearance requirements as established by the National Electrical Safety Code, the American Railway Engineering and Maintenance of Way Association and the standards of the applicable railroad or railroad corporation which are in effect and which apply to conditions at a particular crossing. The land management company and utility shall further be responsible for any modifications, upgrades or other changes which may be needed to comply with changes in said standards.

5. The utility, the railroad or railroad corporation, and the land management company shall agree to such other terms and conditions as may be necessary to provide for reasonable use of a land management corridor by a utility.

389.587. STANDARD CROSSING FEE AND OTHER COSTS. — Unless otherwise agreed by the parties and subject to section 389.588, a utility that locates its facilities within the railroad right-of-way for a crossing, other than a crossing along a state highway or other public road, shall pay the land management company a one-time standard crossing fee of one thousand five hundred dollars for each crossing plus the costs associated with modifications to existing insurance contracts of the land management company. The standard crossing fee shall be in lieu of any license, permit, application, plan review, or any other fees or charges to reimburse the land management company for the direct expenses incurred by the land management company as a result of the crossing. The utility shall also reimburse the land management company for any actual flagging expenses associated with a crossing in addition to the standard crossing fee. The railroad or railroad corporation has the right to halt work at the crossing if the flagging does not meet the standards of the railroad or railroad corporation. Nothing in this section is intended to otherwise restrict or limit any authority or right a utility may have to locate facilities at a crossing along a state highway or any other public road or to otherwise enter upon lands where authorized by law.

389.588. NEGOTIATION OF TERMS AND CONDITIONS, DISPUTE RESOLUTION AUTHORIZED — EMINENT DOMAIN, EFFECT ON. — 1. Notwithstanding the provisions of

section 389.586, nothing shall prevent a land management company and a utility from otherwise negotiating the terms and conditions applicable to a crossing or the resolution of any disputes relating to the crossing so long as they do not interfere with the rights of a railroad or railroad corporation. No agreement between a land management company and a utility shall affect the rights, interests or operations of a railroad or railroad corporation.

2. Notwithstanding subsection 1 of this section, the provisions of this section shall not impair the authority of a utility to secure crossing rights by easement pursuant to the exercise of the power of eminent domain.

389.589. BINDING ARBITRATION, WHEN, PROCEDURE. — 1. If the parties cannot agree that special circumstances exist, the dispute shall be submitted to binding arbitration.

2. Either party may give written notice to the other party of the commencement of a binding arbitration proceeding in accordance with the commercial rules of arbitration in the American Arbitration Association. Any decision by the board of arbitration shall be final, binding and conclusive as to the parties. Nothing provided in this section shall prevent either party from submission of disputes to the courts. Land management companies and utilities may seek enforcement of sections 389.586 through 389.591 in a court of proper jurisdiction and shall be entitled to reasonable attorney fees if they prevail.

3. If the dispute over special circumstances concerns only the compensation associated with a crossing, then the utility may proceed with installation of the crossing during the pendency of the arbitration.

389.591. APPLICABILITY TO ALL CROSSINGS. — 1. Notwithstanding any provision of law to the contrary, sections 389.585 to 389.591 shall apply in all crossings of land management corridors involving a land management company and a utility and shall govern in the event of any conflict with any other provision of law, except that sections 389.585 to 389.591 shall not override or nullify the condemnation laws of this state nor confer the power of eminent domain on any entity not granted such power prior to August 28, 2013.

2. The provisions of sections 389.585 to 389.591 shall apply to a crossing commenced after August 28, 2013. These provisions shall also apply to a crossing commenced before August 28, 2013, but only upon the expiration or termination of the agreement for such crossing.

392.415. CALL LOCATION INFORMATION TO BE PROVIDED IN EMERGENCIES — IMMUNITY FROM LIABILITY, WHEN. — 1. Upon request, a telecommunications carrier or commercial mobile service provider as identified in 47 U.S.C. Section 332(d)(1) and 47 CFR Parts 22 or 24 shall provide call location information concerning the user of a telecommunications service or a wireless communications service, in an emergency situation, to a law enforcement official or agency in order to respond to a call for emergency service by a subscriber, customer, or user of such service, or to provide caller location information (or do a ping locate) in an emergency situation that involves danger of death or serious physical injury to any person where disclosure of communications relating to the emergency is required without delay.

2. No cause of action shall lie in any court of law against any telecommunications carrier or telecommunications service or commercial mobile service provider, or **[**against any telecommunications service or wireless communications**]** **other provider of communications-related** service, or its officers, employees, agents, or other specified persons, for providing any information, facilities, or assistance to a law enforcement official or agency **[**in accordance with the terms of this section**]** **in response to requests made under the circumstances of subsection 1 of this section or for providing such information, facilities, or assistance**

through any plan or system required by sections 190.300 to 190.340. Notwithstanding any other provision of law, nothing in this section prohibits a telecommunications carrier**, [**or**]** commercial mobile service provider**, or other provider of communications-related service** from establishing protocols by which such carrier or provider could voluntarily disclose call location information.

392.420. REGULATIONS, MODIFICATION OF, COMPANY MAY REQUEST BY PETITION, WHEN — WAIVER, WHEN. — The commission is authorized, in connection with the issuance or modification of a certificate of interexchange or local exchange service authority or the modification of a certificate of public convenience and necessity for interexchange or local exchange telecommunications service, to entertain a petition to suspend or modify the application of its rules or the application of any statutory provision contained in sections 392.200 to 392.340 if such waiver or modification is otherwise consistent with the other provisions of sections 392.361 to 392.520 and the purposes of this chapter. In the case of an application for certificate of service authority to provide basic local telecommunications service filed by an alternative local exchange telecommunications company, and for all existing alternative local exchange telecommunications companies, the commission shall waive, at a minimum, the application and enforcement of its quality of service and billing standards rules, as well as the provisions of subsection 2 of section 392.210, subsection 1 of section 392.240, **subsections 1 and 4 of section 392.245,** and sections 392.270, 392.280, 392.290, 392.300, 392.310, 392.320, 392.330, and 392.340. Notwithstanding any other provision of law in this chapter and chapter 386, where an alternative local exchange telecommunications company is authorized to provide local exchange telecommunications services in an incumbent local exchange telecommunications company's authorized service area, the incumbent local exchange telecommunications company may opt into all or some of the above-listed statutory and commission rule waivers by filing a notice of election with the commission that specifies which waivers are elected. In addition, where an interconnected voice over internet protocol service provider is registered to provide service in an incumbent local exchange telecommunications company's authorized service area under section 392.550, the incumbent local exchange telecommunications company may opt into all or some of the above-listed statutory and commission rule waivers by filing a notice of election with the commission that specifies which waivers are elected. The commission may reimpose its quality of service and billing standards rules, as applicable, on an incumbent local exchange telecommunications company but not on a company-granted competitive status under subdivision (7) of subsection 5 of section 392.245 in an exchange where there is no alternative local exchange telecommunications company or interconnected voice over internet protocol service provider that is certificated or registered to provide local voice service only upon a finding, following formal notice and hearing, that the incumbent local exchange telecommunications company has engaged in a pattern or practice of inadequate service. Prior to formal notice and hearing, the commission shall notify the incumbent local exchange telecommunications company of any deficiencies and provide such company an opportunity to remedy such deficiencies in a reasonable amount of time, but not less than sixty days. Should the incumbent local exchange telecommunications company remedy such deficiencies within a reasonable amount of time, the commission shall not reimpose its quality of service or billing standards on such company.

392.461. EXEMPTION FROM CERTAIN RULES, TELECOMMUNICATIONS COMPANIES. — A telecommunications company may, upon written notice to the commission, elect to be exempt from certain retail rules relating to:

(1) The provision of telecommunications service to retail customers and established by the commission which include provisions already mandated by the Federal Communications Commission, including but not limited to federal rules regarding customer proprietary network

information, verification of orders for changing telecommunications service providers (slamming), submission or inclusion of charges on customer bills (cramming); or

(2) The installation, provisioning, or termination of retail service.

Notwithstanding any other provision of this section, a telecommunications company shall not be exempt from any commission rule established under authority delegated to the state commission pursuant to federal statute, rule or order, including but not limited to universal service funds, number pooling and conservation efforts, or any authority delegated to the state commission to facilitate or enforce any interconnection obligation or other intercarrier issue, including but not limited to, intercarrier compensation, network configuration or other such matters. Notwithstanding other provisions of this chapter or chapter 386, a telecommunications company may, upon written notice to the commission, elect to be exempt from any requirement to file or maintain with the commission any tariff or schedule of rates, rentals, charges, privileges, facilities, rules, regulations, or forms of contract**, whether in whole or in part,** for telecommunications services offered or provided to residential or business retail end user customers and instead shall publish generally available retail prices for those services available to the public by posting such prices on a publicly accessible website. **A telecommunications company may include in a tariff filed with the commission any, all, or none of the rates, terms, or conditions for any, all, or none of its retail telecommunications services.** Nothing in this section shall affect the rights and obligations of any entity, including the commission, established pursuant to federal law, including 47 U.S.C. Sections 251 and 252, any state law, rule, regulation, or order related to wholesale rights and obligations, or any tariff or schedule that is filed with and maintained by the commission.

392.611. INAPPLICABILITY OF LAWS AND RULES, WHEN — UNIVERSAL SERVICE FUND SURCHARGE — BROADBAND NOT SUBJECT TO REGULATION, WHEN — NO EXEMPTION FROM RULES, WHEN — ALTERNATIVE CERTIFICATION. — 1. A telecommunications company certified under this chapter or holding a state charter authorizing it to engage in the telephone business shall not be subject to any statute in chapter 386 or this chapter (nor any rule promulgated or order issued under such chapters) that imposes duties, obligations, conditions, or regulations on retail telecommunications services provided to end user customers, except to the extent it elects to remain subject to certain statutes, rules, or orders by notification to the commission. Telecommunications companies shall remain subject to general, nontelecommunications-specific statutory provisions other than those in chapters 386 and this chapter to the extent applicable. Telecommunications companies shall:

(1) Collect from their end users the universal service fund surcharge in the same competitively neutral manner as other telecommunications companies and interconnected voice over internet protocol service providers, remit such collected surcharge to the universal service fund administrator, and receive, as appropriate, funds disbursed from the universal service fund, which may be used to support the provision of local voice service;

(2) Report to the commission such intrastate telecommunications service revenues as are necessary to calculate the commission assessment, universal service fund surcharge, and telecommunications programs under section 209.255; and

(3) Continue to comply with the provisions of section 392.415 pertaining to the provision of location information in emergency situations.

2. Broadband and other Internet protocol-enabled services shall not be subject to regulation under chapter 386 or this chapter, except that interconnected voice over Internet protocol service shall continue to be subject to section 392.550. Nothing in this subsection extends, modifies, or restricts the provisions of subsection 3 of section 392.611. As used in this subsection, "other internet protocol-enabled services" means any services,

capabilities, functionalities, or applications using existing internet protocol, or any successor internet protocol, that enable an end user to send or receive a communication in existing internet protocol format, or any successor internet protocol format, regardless of whether the communication is voice, data, or video.

3. Notwithstanding any other provision of this section, a telecommunications company shall not be exempt from any commission rule established under authority delegated to the state commission under federal statute, rule, or order, including but not limited to universal service funds, number pooling, and conservation efforts. Notwithstanding any other provision of this section, nothing in this section extends, modifies, or restricts any authority delegated to the state commission under federal statute, rule, or order to require, facilitate, or enforce any interconnection obligation or other intercarrier issue including, but not limited to, intercarrier compensation, network configuration or other such matters. Notwithstanding any other provision of this section, nothing in this section extends, modifies, or restricts any authority the commission may have arising under state law relating to interconnection obligations or other intercarrier issue including, but not limited to, intercarrier compensation, network configuration, or other such matters.

4. After August 28, 2013, telecommunications companies seeking to provide telecommunications service may, in lieu of the process and requirements for certification set out in other sections, elect to obtain certification by following the same registration process set out in subsection 3 of section 392.550, substituting telecommunications service for interconnected voice over internet protocol service in the requirements specified in subdivisions (1) to (8) of subsection 3 of section 392.550.

Approved July 5, 2013

HB 336 [CCS SS HB 336]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding emergency services

AN ACT to repeal sections 84.480, 84.510, 84.830, 86.200, 86.257, 86.263, 99.845, 190.100, 321.015, 321.210, and 321.322, RSMo, and to enact in lieu thereof thirteen new sections relating to emergency services.

SECTION

A. Enacting clause.
67.145. First responders, political activity while off duty and not in uniform, political subdivisions not to prohibit.
84.480. Chief of police — appointment — qualifications — compensation (Kansas City).
84.510. Police officers and officials — appointment — compensation (Kansas City).
84.830. Police department — prohibited activities — penalties (Kansas City).
86.200. Definitions.
86.257. Disability retirement allowance granted, when — periodic medical examinations required, when — cessation of disability benefit, when.
86.263. Service-connected accidental disability retirement for active service members, requirements — periodic examinations required, when — cessation of benefits, when.
99.845. Tax increment financing adoption — division of ad valorem taxes — payments in lieu of tax, deposit, inclusion and exclusion of current equalized assessed valuation for certain purposes, when — other taxes included, amount — supplemental tax increment financing fund established, disbursement.
190.098. Community paramedic, certification requirements — scope of practice — written agreement — rulemaking authority.
190.100. Definitions.

321.015. District director not to hold other lucrative employment — exemptions certain counties and employment — lucrative office or employment, defined.
321.210. Election and terms of directors — filing fee.
321.322. Cities with population of 2,500 to 65,000 with fire department, annexing property in a fire protection district — rights and duties, procedure — exception.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 84.480, 84.510, 84.830, 86.200, 86.257, 86.263, 99.845, 190.100, 321.015, 321.210, and 321.322, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 67.145, 84.480, 84.510, 84.830, 86.200, 86.257, 86.263, 99.845, 190.098, 190.100, 321.015, 321.210, and 321.322, to read as follows:

67.145. FIRST RESPONDERS, POLITICAL ACTIVITY WHILE OFF DUTY AND NOT IN UNIFORM, POLITICAL SUBDIVISIONS NOT TO PROHIBIT. — No political subdivision of this state shall prohibit any first responder, as the term "first responder" is defined in section 192.800, from engaging in any political activity while off duty and not in uniform, being a candidate for elected or appointed public office, or holding such office unless such political activity or candidacy is otherwise prohibited by state or federal law.

84.480. CHIEF OF POLICE — APPOINTMENT — QUALIFICATIONS — COMPENSATION (KANSAS CITY). — The board of police commissioners shall appoint a chief of police who shall be the chief police administrative and law enforcement officer of such cities. The chief of police shall be chosen by the board solely on the basis of his or her executive and administrative qualifications and his or her demonstrated knowledge of police science and administration with special reference to his or her actual experience in law enforcement leadership and the provisions of section 84.420. At the time of the appointment, the chief shall not be more than sixty years of age, shall have had at least five years' executive experience in a governmental police agency and shall be certified by a surgeon or physician to be in a good physical condition, and shall be a citizen of the United States and shall either be or become a citizen of the state of Missouri and resident of the city in which he or she is appointed as chief of police. In order to secure and retain the highest type of police leadership within the departments of such cities, the chief shall receive a salary of not less than eighty thousand two hundred eleven dollars, nor more than one hundred **[**seventy-two**]** **eighty-nine** thousand **[**four**]** **seven** hundred **[**seventy-eight**]** **twenty-six** dollars per annum.

84.510. POLICE OFFICERS AND OFFICIALS — APPOINTMENT — COMPENSATION (KANSAS CITY). — 1. For the purpose of operation of the police department herein created, the chief of police, with the approval of the board, shall appoint such number of police department employees, including police officers and civilian employees as the chief of police from time to time deems necessary.

2. The base annual compensation of police officers shall be as follows for the several ranks:

(1) Lieutenant colonels, not to exceed five in number, at not less than seventy-one thousand nine hundred sixty-nine dollars, nor more than one hundred **[**twenty-one**]** **thirty-three** thousand **[**seven**]** **eight** hundred **[**sixteen**]** **eighty-eight** dollars per annum each;

(2) Majors at not less than sixty-four thousand six hundred seventy-one dollars, nor more than one hundred **[**eleven**]** **twenty-two** thousand **[**forty-eight**]** **one hundred fifty-three** dollars per annum each;

(3) Captains at not less than fifty-nine thousand five hundred thirty-nine dollars, nor more than one hundred **[**one**]** **eleven** thousand **[**three**]** **four** hundred **[**four**]** **thirty-four** dollars per annum each;

(4) Sergeants at not less than forty-eight thousand six hundred fifty-nine dollars, nor more than **[**eighty-eight**]** **ninety-seven** thousand **[**two hundred sixty**]** **eighty-six** dollars per annum each;

(5) Master patrol officers at not less than fifty-six thousand three hundred four dollars, nor more than **[**seventy-nine**]** **eighty-seven** thousand seven hundred **[**twenty-eight**]** **one** dollars per annum each;

(6) Master detectives at not less than fifty-six thousand three hundred four dollars, nor more than **[**seventy-nine**]** **eighty-seven** thousand seven hundred **[**twenty-eight**]** **one** dollars per annum each;

(7) Detectives, investigators, and police officers at not less than twenty-six thousand six hundred forty-three dollars, nor more than **[**seventy-five**]** **eighty-two** thousand **[**one**]** **six** hundred **[**eight**]** **nineteen** dollars per annum each.

3. The board of police commissioners has the authority by resolution to effect a comprehensive pay schedule program to provide for step increases with separate pay rates within each rank, in the above-specified salary ranges from police officers through chief of police.

4. Officers assigned to wear civilian clothes in the performance of their regular duties may receive an additional one hundred fifty dollars per month clothing allowance. Uniformed officers may receive seventy-five dollars per month uniform maintenance allowance.

5. The chief of police, subject to the approval of the board, shall establish the total regular working hours for all police department employees, and the board has the power, upon recommendation of the chief, to pay additional compensation for all hours of service rendered in excess of the established regular working period, but the rate of overtime compensation shall not exceed one and one-half times the regular hourly rate of pay to which each member shall normally be entitled. No credit shall be given nor deductions made from payments for overtime for the purpose of retirement benefits.

6. The board of police commissioners, by majority affirmative vote, including the mayor, has the authority by resolution to authorize incentive pay in addition to the base compensation as provided for in subsection 2 of this section, to be paid police officers of any rank who they determine are assigned duties which require an extraordinary degree of skill, technical knowledge and ability, or which are highly demanding or unusual. No credit shall be given nor deductions made from these payments for the purpose of retirement benefits.

7. The board of police commissioners may effect programs to provide additional compensation for successful completion of academic work at an accredited college or university. No credit shall be given nor deductions made from these payments for the purpose of retirement benefits.

8. The additional pay increments provided in subsections 6 and 7 of this section shall not be considered a part of the base compensation of police officers of any rank and shall not exceed ten percent of what the officer would otherwise be entitled to pursuant to subsections 2 and 3 of this section.

9. Not more than twenty-five percent of the officers in any rank who are receiving the maximum rate of pay authorized by subsections 2 and 3 of this section may receive the additional pay increments authorized by subsections 6 and 7 of this section at any given time. However, any officer receiving a pay increment provided pursuant to the provisions of subsections 6 and 7 of this section shall not be deprived of such pay increment as a result of the limitations of this subsection.

84.830. POLICE DEPARTMENT — PROHIBITED ACTIVITIES — PENALTIES (KANSAS CITY). — 1. **[**No person shall solicit orally, or by letter or otherwise, or shall be in any manner concerned in soliciting, any assessment, contribution, or payment for any political purpose whatsoever from any officer or employee in the service of the police department for such cities or from members of the said police board.**]** No officer, agent, or employee of the police

department of such cities shall permit any **[**such**]** solicitation **for political purpose** in any building or room occupied for the discharge of the official duties of the said department. **[**No officer or employee in the service of said police department shall directly or indirectly give, pay, lend, or contribute any part of his salary or compensation or any money or other valuable thing to any person on account of, or to be applied to, the promotion of any political party, political club, or any political purpose whatever.**]**

2. No officer or employee of said department shall promote, remove, or reduce any other official or employee, or promise or threaten to do so, for withholding or refusing to make any contribution for any political party or purpose or club, or for refusal to render any political service, and shall not directly or indirectly attempt to coerce, command, or advise any other officer or employee to make any such contribution or render any such service. No officer or employee in the service of said department or member of the police board shall use his official authority or influence for the purpose of interfering with any election or any nomination for office, or affecting the result thereof. No officer or employee of such department shall **[**be a member or official of any committee of any political party, or be a ward committeeman or committeewoman, nor shall any such officer or employee**]** solicit any person to vote for or against any candidate for public office, or "poll precincts" or be connected with other political work of similar character on behalf of any political organization, party, or candidate **while on duty or while wearing the official uniform of the department**. All such persons shall, however, retain the right to vote as they may choose and to express their opinions on all political subjects and candidates.

3. No person or officer or employee of said department shall affix any sign, bumper sticker or other device to any property or vehicle under the control of said department which either supports or opposes any ballot measure or political candidate.

4. No question in any examination shall relate to political or religious opinions or affiliations, and no appointment, transfer, layoff, promotion, reduction, suspension, or removal shall be affected by such opinions or affiliations.

5. No person shall make false statement, certification, mark, rating, or report with regard to any tests, certificate, or appointment made under any provision of sections 84.350 to 84.860 or in any manner commit or attempt to commit any fraud preventing the impartial execution of this section or any provision thereof.

6. No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for or on account of any appointment, proposed appointment, promotion to, or any advancement in, a position in the service of the police departments of such cities.

7. No person shall defeat, deceive, or obstruct any person in his right to examination, eligibility, certification, appointment or promotion under sections 84.350 to 84.860, or furnish to any person any such secret information for the purpose of affecting the right or prospects of any person with respect to employment in the police departments of such cities.

8. Any officer or any employee of the police department of such cities who shall be found by the board to have violated any of the provisions of this section shall be discharged forthwith from said service. It shall be the duty of the chief of police to prefer charges against any such offending person at once. Any member of the board or of the common council of such cities may bring suit to restrain payment of compensation to any such offending officer or employee and, as an additional remedy, any such member of the board or of the common council of such cities may also apply to the circuit court for a writ of mandamus to compel the dismissal of such offending officer or employee. Officers or employees discharged by such mandamus shall have no right of review before the police board. Any person dismissed or convicted under this section shall, for a period of five years, be ineligible for appointment to any position in the service of the police department of such cities or the municipal government of such cities. Any persons who shall willfully or through culpable negligence violate any of the provisions of this section may, upon conviction thereof, be punished by a fine of not less than fifty dollars and not exceeding

five hundred dollars, or by imprisonment for a time not exceeding six months, or by both such fine and imprisonment.

86.200. DEFINITIONS. — The following words and phrases as used in sections 86.200 to 86.366, unless a different meaning is plainly required by the context, shall have the following meanings:

(1) "Accumulated contributions", the sum of all mandatory contributions deducted from the compensation of a member and credited to the member's individual account, together with members' interest thereon;

(2) "Actuarial equivalent", a benefit of equal value when computed upon the basis of mortality tables and interest assumptions adopted by the board of trustees;

(3) "Average final compensation":

(a) With respect to a member who earns no creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last three years of creditable service as a police officer, or if the member has had less than three years of creditable service, the average earnable compensation of the member's entire period of creditable service;

(b) With respect to a member who is not participating in the DROP pursuant to section 86.251 on October 1, 2001, who did not participate in the DROP at any time before such date, and who earns any creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last two years of creditable service as a policeman, or if the member has had less than two years of creditable service, then the average earnable compensation of the member's entire period of creditable service;

(c) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and who terminates employment as a police officer for reasons other than death or disability before earning at least two years of creditable service after such return, the portion of the member's benefit attributable to creditable service earned before DROP entry shall be determined using average final compensation as defined in paragraph (a) of this subdivision; and the portion of the member's benefit attributable to creditable service earned after return to active participation in the system shall be determined using average final compensation as defined in paragraph (b) of this subdivision;

(d) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in the DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and who terminates employment as a police officer after earning at least two years of creditable service after such return, the member's benefit attributable to all of such member's creditable service shall be determined using the member's average final compensation as defined in paragraph (b) of this subdivision;

(e) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and whose employment as a police officer terminates due to death or disability after such return, the member's benefit attributable to all of such member's creditable service shall be determined using the member's average final compensation as defined in paragraph (b) of this subdivision; and

(f) With respect to the surviving spouse or surviving dependent child of a member who earns any creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last two years of creditable service as a police officer or, if the member has had less than two years of creditable service, the average earnable compensation of the member's entire period of creditable service;

(4) "Beneficiary", any person in receipt of a retirement allowance or other benefit;

(5) "Board of police commissioners", any board of police commissioners, police commissioners and any other officials or boards now or hereafter authorized by law to employ and manage a permanent police force in such cities;

(6) "Board of trustees", the board provided in sections 86.200 to 86.366 to administer the retirement system;

(7) "Creditable service", prior service plus membership service as provided in sections 86.200 to 86.366;

(8) "DROP", the deferred retirement option plan provided for in section 86.251;

(9) "Earnable compensation", the annual salary **established under section 84.160** which a member would earn during one year on the basis of the member's rank or position **[**as specified in the applicable salary matrix**]** plus any additional compensation for academic work and shift differential that may be provided by any official or board now or hereafter authorized by law to employ and manage a permanent police force in such cities. Such amount shall include the member's deferrals to a deferred compensation plan pursuant to Section 457 of the Internal Revenue Code or to a cafeteria plan pursuant to Section 125 of the Internal Revenue Code or, effective October 1, 2001, to a transportation fringe benefit program pursuant to Section 132(f)(4) of the Internal Revenue Code. Earnable compensation shall not include a member's additional compensation for overtime, standby time, court time, nonuniform time or unused vacation time. Notwithstanding the foregoing, the earnable compensation taken into account under the plan established pursuant to sections 86.200 to 86.366 with respect to a member who is a noneligible participant, as defined in this subdivision, for any plan year beginning on or after October 1, 1996, shall not exceed the amount of compensation that may be taken into account under Section 401(a)(17) of the Internal Revenue Code, as adjusted for increases in the cost of living, for such plan year. For purposes of this subdivision, a "noneligible participant" is an individual who first becomes a member on or after the first day of the first plan year beginning after the earlier of:

(a) The last day of the plan year that includes August 28, 1995; or

(b) December 31, 1995;

(10) "Internal Revenue Code", the federal Internal Revenue Code of 1986, as amended;

(11) "Mandatory contributions", the contributions required to be deducted from the salary of each member who is not participating in DROP in accordance with section 86.320;

(12) **"Medical board", the board of three physicians of different disciplines appointed by the trustees of the police retirement board and responsible for arranging and passing upon all medical examinations required under the provisions of sections 86.200 to 86.366, which board shall investigate all essential statements and certificates made by or on behalf of a member in connection with an application for disability retirement and shall report in writing to the board of trustees its conclusions and recommendations, which can be based upon the opinion of a single member or that of an outside specialist if one is appointed, upon all the matters referred to such medical board;**

(13) "Member", a member of the retirement system as defined by sections 86.200 to 86.366;

[(13)**] (14)** "Members' interest", interest on accumulated contributions at such rate as may be set from time to time by the board of trustees;

[(14)**] (15)** "Membership service", service as a policeman rendered since last becoming a member, except in the case of a member who has served in the armed forces of the United States and has subsequently been reinstated as a policeman, in which case "membership service" means service as a policeman rendered since last becoming a member prior to entering such armed service;

[(15)**] (16)** "Plan year" or "limitation year", the twelve consecutive-month period beginning each October first and ending each September thirtieth;

[(16)**] (17)** "Policeman" or "police officer", any member of the police force of such cities who holds a rank in such police force;

[(17)**] (18)** "Prior service", all service as a policeman rendered prior to the date the system becomes operative or prior to membership service which is creditable in accordance with the provisions of sections 86.200 to 86.366;

[(18)**] (19)** "Reserve officer", any member of the police reserve force of such cities, armed or unarmed, who works less than full time, without compensation, and who, by his or her assigned function or as implied by his or her uniform, performs duties associated with those of a police officer and who currently receives a service retirement as provided by sections 86.200 to 86.366;

[(19)**] (20)** "Retirement allowance", annual payments for life as provided by sections 86.200 to 86.366 which shall be payable in equal monthly installments or any benefits in lieu thereof granted to a member upon termination of employment as a police officer and actual retirement;

[(20)**] (21)** "Retirement system", the police retirement system of the cities as defined in sections 86.200 to 86.366;

[(21)**] (22)** "Surviving spouse", the surviving spouse of a member who was the member's spouse at the time of the member's death.

86.257. DISABILITY RETIREMENT ALLOWANCE GRANTED, WHEN — PERIODIC MEDICAL EXAMINATIONS REQUIRED, WHEN — CESSATION OF DISABILITY BENEFIT, WHEN. — 1. Upon the application of **[**a member in service or of**]** the board of police commissioners **or any successor body**, any member who has completed ten or more years of creditable service **or upon the police retirement system created by sections 86.200 to 86.366 first attaining, after the effective date of this act, a funded ratio, as defined in section 105.660 and as determined by the system's annual actuarial valuation, of at least eighty percent, a member who has completed five or more years of creditable service** and who has become permanently unable to perform the duties of a police officer as the result of an injury or illness not exclusively caused or induced by the actual performance of his or her official duties or by his or her own negligence shall be retired by the board of **[**trustees of the police retirement system**] police commissioners or any successor body** upon certification by the medical **[**director**] board** of the police retirement system and approval by the board of trustees of the police retirement system that the member is mentally or physically unable to perform the duties of a police officer, that the inability is permanent or likely to become permanent, and that the member should be retired.

2. Once each year during the first five years following such member's retirement, and at least once in every three-year period thereafter, the board of trustees may, and upon the member's application shall, require any nonduty disability beneficiary who has not yet attained sixty years of age to undergo a medical examination at a place designated by the medical **[**director**] board** or such physicians as the medical **[**director**] board** appoints. If any nonduty disability beneficiary who has not attained sixty years of age refuses to submit to a medical examination, his or her nonduty disability pension may be discontinued until his or her withdrawal of such refusal, and if his or her refusal continues for one year, all rights in and to such pension may be revoked by the board of trustees.

3. If the medical **[**director**] board** certifies to the board of trustees that a nonduty disability beneficiary is able to perform the duties of a police officer, and if the board of trustees concurs on the report, then such beneficiary's nonduty disability pension shall cease.

4. If upon cessation of a disability pension under subsection 3 of this section, the former disability beneficiary is restored to active service, he or she shall again become a member, and he or she shall contribute thereafter at the same rate as other members. Upon his or her subsequent retirement, he or she shall be credited with all of his or her active retirement, but not including any time during which the former disability beneficiary received a disability pension under this section.

86.263. SERVICE-CONNECTED ACCIDENTAL DISABILITY RETIREMENT FOR ACTIVE SERVICE MEMBERS, REQUIREMENTS — PERIODIC EXAMINATIONS REQUIRED, WHEN — CESSATION OF BENEFITS, WHEN. — 1. Any member **in active service** who is permanently

unable to perform the **full and unrestricted** duties of a police officer as the natural, proximate, and exclusive result of an accident occurring within the actual performance of duty at some definite time and place, through no negligence on the member's part, shall**[**, upon application,**]** be retired **by the board of police commissioners or any successor body** upon certification by **[**the medical director of the police retirement system and approval by the board of trustees of the police retirement system**]** **one or more physicians of the medical board** that the member is mentally or physically unable to perform the **full and unrestricted** duties of a police officer **[**and**] ,** that the inability is permanent or **[**reasonably**]** likely to become permanent**, and that the member should be retired. The inability to perform the "full and unrestricted duties of a police officer" means the member is unable to perform all the essential job functions for the position of police officer as established by the board of police commissioners or any successor body**.

2. No member shall be approved for retirement under the provisions of subsection 1 of this section unless the application was made and submitted to the board of **[**trustees of the police retirement system**]** **police commissioners or any successor body** no later than five years following the date of accident, provided, that if the accident was reported within five years of the date of the accident and an examination made of the member within thirty days of the date of accident by a health care provider whose services were provided through the board of police commissioners with subsequent examinations made as requested, then an application made more than five years following the date of the accident shall be considered timely.

3. Once each year during the first five years following a member's retirement, and at least once in every three-year period thereafter, the board of trustees may require any disability beneficiary who has not yet attained sixty years of age to undergo a medical examination or medical examinations at a place designated by the medical **[**director**]** **board** or such physicians as the medical **[**director**]** **board** appoints. If any disability beneficiary who has not attained sixty years of age refuses to submit to a medical examination, his or her disability pension may be discontinued **by the board of trustees of the police retirement system** until his or her withdrawal of such refusal, and if his or her refusal continues for one year, all rights in and to such pension may be revoked by the board of trustees.

4. If the medical **[**director**]** **board** certifies to the board of trustees that a disability beneficiary is able to perform the duties of a police officer, **[**and if the board of trustees concurs with the medical director's determination,**]** then such beneficiary's disability pension shall cease.

5. If upon cessation of a disability pension under subsection 4 of this section, the former disability beneficiary is restored to active service, he or she shall again become a member, and he or she shall contribute thereafter at the same rate as other members. Upon his or her subsequent retirement, he or she shall be credited with all of his or her active service time as a member including the service time prior to receiving disability retirement, but not including any time during which the former disability beneficiary received a disability pension under this section.

6. If upon cessation of a disability pension under subsection 4 of this section, the former disability beneficiary is not restored to active service, such former disability beneficiary shall be entitled to the retirement benefit to which such former disability beneficiary would have been entitled if such former disability beneficiary had terminated service for any reason other than dishonesty or being convicted of a felony at the time of such cessation of such former disability beneficiary's disability pension. For purposes of such retirement benefits, such former disability beneficiary shall be credited with all of the former disability beneficiary's active service time as a member, but not including any time during which the former disability beneficiary received a disability beneficiary pension under this section.

99.845. TAX INCREMENT FINANCING ADOPTION — DIVISION OF AD VALOREM TAXES — PAYMENTS IN LIEU OF TAX, DEPOSIT, INCLUSION AND EXCLUSION OF CURRENT EQUALIZED ASSESSED VALUATION FOR CERTAIN PURPOSES, WHEN — OTHER TAXES

INCLUDED, AMOUNT — SUPPLEMENTAL TAX INCREMENT FINANCING FUND ESTABLISHED, DISBURSEMENT. — 1. A municipality, either at the time a redevelopment project is approved or, in the event a municipality has undertaken acts establishing a redevelopment plan and redevelopment project and has designated a redevelopment area after the passage and approval of sections 99.800 to 99.865 but prior to August 13, 1982, which acts are in conformance with the procedures of sections 99.800 to 99.865, may adopt tax increment allocation financing by passing an ordinance providing that after the total equalized assessed valuation of the taxable real property in a redevelopment project exceeds the certified total initial equalized assessed valuation of the taxable real property in the redevelopment project, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in such redevelopment project by taxing districts and tax rates determined in the manner provided in subsection 2 of section 99.855 each year after the effective date of the ordinance until redevelopment costs have been paid shall be divided as follows:

(1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;

(2) (a) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the municipal treasurer who shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation Fund" of the municipality for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable. The municipality may, in the ordinance, pledge the funds in the special allocation fund for the payment of such costs and obligations and provide for the collection of payments in lieu of taxes, the lien of which may be foreclosed in the same manner as a special assessment lien as provided in section 88.861. No part of the current equalized assessed valuation of each lot, block, tract, or parcel of property in the area selected for the redevelopment project attributable to any increase above the total initial equalized assessed value of such properties shall be used in calculating the general state school aid formula provided for in section 163.031 until such time as all redevelopment costs have been paid as provided for in this section and section 99.850;

(b) Notwithstanding any provisions of this section to the contrary, for purposes of determining the limitation on indebtedness of local government pursuant to article VI, section 26(b) of the Missouri Constitution, the current equalized assessed value of the property in an area selected for redevelopment attributable to the increase above the total initial equalized assessed valuation shall be included in the value of taxable tangible property as shown on the last completed assessment for state or county purposes;

(c) The county assessor shall include the current assessed value of all property within the taxing district in the aggregate valuation of assessed property entered upon the assessor's book and verified pursuant to section 137.245, and such value shall be utilized for the purpose of the debt limitation on local government pursuant to article VI, section 26(b) of the Missouri Constitution;

(3) For purposes of this section, "levies upon taxable real property in such redevelopment project by taxing districts" shall not include the blind pension fund tax levied under the authority of article III, section 38(b) of the Missouri Constitution, or the merchants' and manufacturers'

inventory replacement tax levied under the authority of subsection 2 of section 6 of article X of the Missouri Constitution, except in redevelopment project areas in which tax increment financing has been adopted by ordinance pursuant to a plan approved by vote of the governing body of the municipality taken after August 13, 1982, and before January 1, 1998.

2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after July 12, 1990, and prior to August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest imposed by the municipality, or other taxing districts, which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, licenses, fees or special assessments other than payments in lieu of taxes and any penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant to section 94.660, for the purpose of public transportation, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Any provision of an agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of other municipal revenues to the special allocation fund shall be and remain enforceable.

3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest which are imposed by the municipality or other taxing districts, and which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, taxes levied for the purpose of public transportation pursuant to section 94.660, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, [or] any sales tax imposed by a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, for the purpose of sports stadium improvement or levied by such county under section 238.410 for the purpose of the county transit authority operating transportation facilities, **or for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 28, 2013, taxes imposed on sales under section 650.399 for the purpose of emergency communication systems,** shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund.

4. Beginning January 1, 1998, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance and which have complied with subsections 4 to 12 of this section, in addition to the payments in lieu of taxes and economic activity taxes described in subsections 1, 2 and 3 of this section, up to fifty percent of the new state revenues, as defined in subsection 8 of this section, estimated for the businesses within the project area and identified by the municipality in the application required by subsection 10 of this section, over and above the amount of such taxes reported by businesses within the project area as identified by the municipality in their application prior to the approval of the redevelopment project by ordinance, while tax increment financing remains in effect, may be available for appropriation

by the general assembly as provided in subsection 10 of this section to the department of economic development supplemental tax increment financing fund, from the general revenue fund, for distribution to the treasurer or other designated financial officer of the municipality with approved plans or projects.

5. The treasurer or other designated financial officer of the municipality with approved plans or projects shall deposit such funds in a separate segregated account within the special allocation fund established pursuant to section 99.805.

6. No transfer from the general revenue fund to the Missouri supplemental tax increment financing fund shall be made unless an appropriation is made from the general revenue fund for that purpose. No municipality shall commit any state revenues prior to an appropriation being made for that project. For all redevelopment plans or projects adopted or approved after December 23, 1997, appropriations from the new state revenues shall not be distributed from the Missouri supplemental tax increment financing fund into the special allocation fund unless the municipality's redevelopment plan ensures that one hundred percent of payments in lieu of taxes and fifty percent of economic activity taxes generated by the project shall be used for eligible redevelopment project costs while tax increment financing remains in effect. This account shall be separate from the account into which payments in lieu of taxes are deposited, and separate from the account into which economic activity taxes are deposited.

7. In order for the redevelopment plan or project to be eligible to receive the revenue described in subsection 4 of this section, the municipality shall comply with the requirements of subsection 10 of this section prior to the time the project or plan is adopted or approved by ordinance. The director of the department of economic development and the commissioner of the office of administration may waive the requirement that the municipality's application be submitted prior to the redevelopment plan's or project's adoption or the redevelopment plan's or project's approval by ordinance.

8. For purposes of this section, "new state revenues" means:

(1) The incremental increase in the general revenue portion of state sales tax revenues received pursuant to section 144.020, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law. In no event shall the incremental increase include any amounts attributable to retail sales unless the municipality or authority has proven to the Missouri development finance board and the department of economic development and such entities have made a finding that the sales tax increment attributable to retail sales is from new sources which did not exist in the state during the baseline year. The incremental increase in the general revenue portion of state sales tax revenues for an existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan as provided in subsection 10 of this section; or

(2) The state income tax withheld on behalf of new employees by the employer pursuant to section 143.221 at the business located within the project as identified by the municipality. The state income tax withholding allowed by this section shall be the municipality's estimate of the amount of state income tax withheld by the employer within the redevelopment area for new employees who fill new jobs directly created by the tax increment financing project.

9. Subsection 4 of this section shall apply only to blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256, blighted areas located in federal empowerment zones, or to blighted areas located in central business districts or urban core areas of cities which districts or urban core areas at the time of approval of the project by ordinance, provided that the enterprise zones, federal empowerment zones or blighted areas contained one or more buildings at least fifty years old; and

(1) Suffered from generally declining population or property taxes over the twenty-year period immediately preceding the area's designation as a project area by ordinance; or

(2) Was a historic hotel located in a county of the first classification without a charter form of government with a population according to the most recent federal decennial census in excess of one hundred fifty thousand and containing a portion of a city with a population according to the most recent federal decennial census in excess of three hundred fifty thousand.

10. The initial appropriation of up to fifty percent of the new state revenues authorized pursuant to subsections 4 and 5 of this section shall not be made to or distributed by the department of economic development to a municipality until all of the following conditions have been satisfied:

(1) The director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee have approved a tax increment financing application made by the municipality for the appropriation of the new state revenues. The municipality shall include in the application the following items in addition to the items in section 99.810:

(a) The tax increment financing district or redevelopment area, including the businesses identified within the redevelopment area;

(b) The base year of state sales tax revenues or the base year of state income tax withheld on behalf of existing employees, reported by existing businesses within the project area prior to approval of the redevelopment project;

(c) The estimate of the incremental increase in the general revenue portion of state sales tax revenue or the estimate for the state income tax withheld by the employer on behalf of new employees expected to fill new jobs created within the redevelopment area after redevelopment;

(d) The official statement of any bond issue pursuant to this subsection after December 23, 1997;

(e) An affidavit that is signed by the developer or developers attesting that the provisions of subdivision (1) of subsection 1 of section 99.810 have been met and specifying that the redevelopment area would not be reasonably anticipated to be developed without the appropriation of the new state revenues;

(f) The cost-benefit analysis required by section 99.810 includes a study of the fiscal impact on the state of Missouri; and

(g) The statement of election between the use of the incremental increase of the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area;

(h) The name, street and mailing address, and phone number of the mayor or chief executive officer of the municipality;

(i) The street address of the development site;

(j) The three-digit North American Industry Classification System number or numbers characterizing the development project;

(k) The estimated development project costs;

(l) The anticipated sources of funds to pay such development project costs;

(m) Evidence of the commitments to finance such development project costs;

(n) The anticipated type and term of the sources of funds to pay such development project costs;

(o) The anticipated type and terms of the obligations to be issued;

(p) The most recent equalized assessed valuation of the property within the development project area;

(q) An estimate as to the equalized assessed valuation after the development project area is developed in accordance with a development plan;

(r) The general land uses to apply in the development area;

(s) The total number of individuals employed in the development area, broken down by full-time, part-time, and temporary positions;

(t) The total number of full-time equivalent positions in the development area;

(u) The current gross wages, state income tax withholdings, and federal income tax withholdings for individuals employed in the development area;

(v) The total number of individuals employed in this state by the corporate parent of any business benefitting from public expenditures in the development area, and all subsidiaries thereof, as of December thirty-first of the prior fiscal year, broken down by full-time, part-time, and temporary positions;

(w) The number of new jobs to be created by any business benefitting from public expenditures in the development area, broken down by full-time, part-time, and temporary positions;

(x) The average hourly wage to be paid to all current and new employees at the project site, broken down by full-time, part-time, and temporary positions;

(y) For project sites located in a metropolitan statistical area, as defined by the federal Office of Management and Budget, the average hourly wage paid to nonmanagerial employees in this state for the industries involved at the project, as established by the United States Bureau of Labor Statistics;

(z) For project sites located outside of metropolitan statistical areas, the average weekly wage paid to nonmanagerial employees in the county for industries involved at the project, as established by the United States Department of Commerce;

(aa) A list of other community and economic benefits to result from the project;

(bb) A list of all development subsidies that any business benefitting from public expenditures in the development area has previously received for the project, and the name of any other granting body from which such subsidies are sought;

(cc) A list of all other public investments made or to be made by this state or units of local government to support infrastructure or other needs generated by the project for which the funding pursuant to this section is being sought;

(dd) A statement as to whether the development project may reduce employment at any other site, within or without the state, resulting from automation, merger, acquisition, corporate restructuring, relocation, or other business activity;

(ee) A statement as to whether or not the project involves the relocation of work from another address and if so, the number of jobs to be relocated and the address from which they are to be relocated;

(ff) A list of competing businesses in the county containing the development area and in each contiguous county;

(gg) A market study for the development area;

(hh) A certification by the chief officer of the applicant as to the accuracy of the development plan;

(2) The methodologies used in the application for determining the base year and determining the estimate of the incremental increase in the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area shall be approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. Upon approval of the application, the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee shall issue a certificate of approval. The department of economic development may request the appropriation following application approval;

(3) The appropriation shall be either a portion of the estimate of the incremental increase in the general revenue portion of state sales tax revenues in the redevelopment area or a portion of the estimate of the state income tax withheld by the employer on behalf of new employees who fill new jobs created in the redevelopment area as indicated in the municipality's application, approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. At no time shall the

annual amount of the new state revenues approved for disbursements from the Missouri supplemental tax increment financing fund exceed thirty-two million dollars;

(4) Redevelopment plans and projects receiving new state revenues shall have a duration of up to fifteen years, unless prior approval for a longer term is given by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee; except that, in no case shall the duration exceed twenty-three years.

11. In addition to the areas authorized in subsection 9 of this section, the funding authorized pursuant to subsection 4 of this section shall also be available in a federally approved levee district, where construction of a levee begins after December 23, 1997, and which is contained within a county of the first classification without a charter form of government with a population between fifty thousand and one hundred thousand inhabitants which contains all or part of a city with a population in excess of four hundred thousand or more inhabitants.

12. There is hereby established within the state treasury a special fund to be known as the "Missouri Supplemental Tax Increment Financing Fund", to be administered by the department of economic development. The department shall annually distribute from the Missouri supplemental tax increment financing fund the amount of the new state revenues as appropriated as provided in the provisions of subsections 4 and 5 of this section if and only if the conditions of subsection 10 of this section are met. The fund shall also consist of any gifts, contributions, grants or bequests received from federal, private or other sources. Moneys in the Missouri supplemental tax increment financing fund shall be disbursed per project pursuant to state appropriations.

13. Redevelopment project costs may include, at the prerogative of the state, the portion of salaries and expenses of the department of economic development and the department of revenue reasonably allocable to each redevelopment project approved for disbursements from the Missouri supplemental tax increment financing fund for the ongoing administrative functions associated with such redevelopment project. Such amounts shall be recovered from new state revenues deposited into the Missouri supplemental tax increment financing fund created under this section.

14. For redevelopment plans or projects approved by ordinance that result in net new jobs from the relocation of a national headquarters from another state to the area of the redevelopment project, the economic activity taxes and new state tax revenues shall not be based on a calculation of the incremental increase in taxes as compared to the base year or prior calendar year for such redevelopment project, rather the incremental increase shall be the amount of total taxes generated from the net new jobs brought in by the national headquarters from another state. In no event shall this subsection be construed to allow a redevelopment project to receive an appropriation in excess of up to fifty percent of the new state revenues.

190.098. COMMUNITY PARAMEDIC, CERTIFICATION REQUIREMENTS — SCOPE OF PRACTICE — WRITTEN AGREEMENT — RULEMAKING AUTHORITY. — 1. In order for a person to be eligible for certification by the department as a community paramedic, an individual shall:

(1) Be currently certified as a paramedic;

(2) Successfully complete or have successfully completed a community paramedic certification program from a college, university, or educational institution that has been approved by the department or accredited by a national accreditation organization approved by the department; and

(3) Complete an application form approved by the department.

2. A community paramedic shall practice in accordance with protocols and supervisory standards established by the medical director. A community paramedic shall provide services of a health care plan if the plan has been developed by the patient's physician or by an advanced practice registered nurse through a collaborative practice

arrangement with a physician or a physician assistant through a collaborative practice arrangement with a physician and there is no duplication of services to the patient from another provider.

3. Any ambulance service shall enter into a written contract to provide community paramedic services in another ambulance service area, as that term is defined in section 190.100. The contract that is agreed upon may be for an indefinite period of time, as long as it includes at least a sixty-day cancellation notice by either ambulance service.

4. A community paramedic is subject to the provisions of sections 190.001 to 190.245 and rules promulgated under sections 190.001 to 190.245.

5. No person shall hold himself or herself out as a community paramedic or provide the services of a community paramedic unless such person is certified by the department.

6. The medical director shall approve the implementation of the community paramedic program.

7. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

190.100. DEFINITIONS. — As used in sections 190.001 to 190.245, the following words and terms mean:

(1) "Advanced life support (ALS)", an advanced level of care as provided to the adult and pediatric patient such as defined by national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections 190.001 to 190.245;

(2) "Ambulance", any privately or publicly owned vehicle or craft that is specially designed, constructed or modified, staffed or equipped for, and is intended or used, maintained or operated for the transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless, or who require the presence of medical equipment being used on such individuals, but the term does not include any motor vehicle specially designed, constructed or converted for the regular transportation of persons who are disabled, handicapped, normally using a wheelchair, or otherwise not acutely ill, or emergency vehicles used within airports;

(3) "Ambulance service", a person or entity that provides emergency or nonemergency ambulance transportation and services, or both, in compliance with sections 190.001 to 190.245, and the rules promulgated by the department pursuant to sections 190.001 to 190.245;

(4) "Ambulance service area", a specific geographic area in which an ambulance service has been authorized to operate;

(5) "Basic life support (BLS)", a basic level of care, as provided to the adult and pediatric patient as defined by national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections 190.001 to 190.245;

(6) "Council", the state advisory council on emergency medical services;

(7) "Department", the department of health and senior services, state of Missouri;

(8) "Director", the director of the department of health and senior services or the director's duly authorized representative;

(9) "Dispatch agency", any person or organization that receives requests for emergency medical services from the public, by telephone or other means, and is responsible for dispatching emergency medical services;

(10) "Emergency", the sudden and, at the time, unexpected onset of a health condition that manifests itself by symptoms of sufficient severity that would lead a prudent layperson,

possessing an average knowledge of health and medicine, to believe that the absence of immediate medical care could result in:

(a) Placing the person's health, or with respect to a pregnant woman, the health of the woman or her unborn child, in significant jeopardy;

(b) Serious impairment to a bodily function;

(c) Serious dysfunction of any bodily organ or part;

(d) Inadequately controlled pain;

(11) "Emergency medical dispatcher", a person who receives emergency calls from the public and has successfully completed an emergency medical dispatcher course, meeting or exceeding the national curriculum of the United States Department of Transportation and any modifications to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245;

(12) "Emergency medical response agency", any person that regularly provides a level of care that includes first response, basic life support or advanced life support, exclusive of patient transportation;

(13) "Emergency medical services for children (EMS-C) system", the arrangement of personnel, facilities and equipment for effective and coordinated delivery of pediatric emergency medical services required in prevention and management of incidents which occur as a result of a medical emergency or of an injury event, natural disaster or similar situation;

(14) "Emergency medical services (EMS) system", the arrangement of personnel, facilities and equipment for the effective and coordinated delivery of emergency medical services required in prevention and management of incidents occurring as a result of an illness, injury, natural disaster or similar situation;

(15) "Emergency medical technician", a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to 190.245, and by rules adopted by the department pursuant to sections 190.001 to 190.245;

(16) "Emergency medical technician-basic" or "EMT-B", a person who has successfully completed a course of instruction in basic life support as prescribed by the department and is licensed by the department in accordance with standards prescribed by sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;

(17) **"Emergency medical technician-community paramedic", "community paramedic", or "EMT-CP", a person who is certified as an emergency medical technician-paramedic and is certified by the department in accordance with standards prescribed in section 190.098;**

(18) "Emergency medical technician-intermediate" or "EMT-I", a person who has successfully completed a course of instruction in certain aspects of advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to 190.245 and rules and regulations adopted by the department pursuant to sections 190.001 to 190.245;

[(18)**] (19)** "Emergency medical technician-paramedic" or "EMT-P", a person who has successfully completed a course of instruction in advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;

[(19)**] (20)** "Emergency services", health care items and services furnished or required to screen and stabilize an emergency which may include, but shall not be limited to, health care services that are provided in a licensed hospital's emergency facility by an appropriate provider or by an ambulance service or emergency medical response agency;

[(20)**] (21)** "First responder", a person who has successfully completed an emergency first response course meeting or exceeding the national curriculum of the United States Department of Transportation and any modifications to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245 and who provides emergency medical care through employment by or in association with an emergency medical response agency;

[(21)**] (22)** "Health care facility", a hospital, nursing home, physician's office or other fixed location at which medical and health care services are performed;

[(22)**] (23)** "Hospital", an establishment as defined in the hospital licensing law, subsection 2 of section 197.020, or a hospital operated by the state;

[(23)**] (24)** "Medical control", supervision provided by or under the direction of physicians to providers by written or verbal communications;

[(24)**] (25)** "Medical direction", medical guidance and supervision provided by a physician to an emergency services provider or emergency medical services system;

[(25)**] (26)** "Medical director", a physician licensed pursuant to chapter 334 designated by the ambulance service or emergency medical response agency and who meets criteria specified by the department by rules pursuant to sections 190.001 to 190.245;

[(26)**] (27)** "Memorandum of understanding", an agreement between an emergency medical response agency or dispatch agency and an ambulance service or services within whose territory the agency operates, in order to coordinate emergency medical services;

[(27)**] (28)** "Patient", an individual who is sick, injured, wounded, diseased, or otherwise incapacitated or helpless, or dead, excluding deceased individuals being transported from or between private or public institutions, homes or cemeteries, and individuals declared dead prior to the time an ambulance is called for assistance;

[(28)**] (29)** "Person", as used in these definitions and elsewhere in sections 190.001 to 190.245, any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or fraternal organization, estate, public trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, or any other service user or provider;

[(29)**] (30)** "Physician", a person licensed as a physician pursuant to chapter 334;

[(30)**] (31)** "Political subdivision", any municipality, city, county, city not within a county, ambulance district or fire protection district located in this state which provides or has authority to provide ambulance service;

[(31)**] (32)** "Professional organization", any organized group or association with an ongoing interest regarding emergency medical services. Such groups and associations could include those representing volunteers, labor, management, firefighters, EMT-B's, nurses, EMT-P's, physicians, communications specialists and instructors. Organizations could also represent the interests of ground ambulance services, air ambulance services, fire service organizations, law enforcement, hospitals, trauma centers, communication centers, pediatric services, labor unions and poison control services;

[(32)**] (33)** "Proof of financial responsibility", proof of ability to respond to damages for liability, on account of accidents occurring subsequent to the effective date of such proof, arising out of the ownership, maintenance or use of a motor vehicle in the financial amount set in rules promulgated by the department, but in no event less than the statutory minimum required for motor vehicles. Proof of financial responsibility shall be used as proof of self-insurance;

[(33)**] (34)** "Protocol", a predetermined, written medical care guideline, which may include standing orders;

[(34)**] (35)** "Regional EMS advisory committee", a committee formed within an emergency medical services (EMS) region to advise ambulance services, the state advisory council on EMS and the department;

[(35)**] (36)** "Specialty care transportation", the transportation of a patient requiring the services of an emergency medical technician-paramedic who has received additional training beyond the training prescribed by the department. Specialty care transportation services shall be defined in writing in the appropriate local protocols for ground and air ambulance services and approved by the local physician medical director. The protocols shall be maintained by the local ambulance service and shall define the additional training required of the emergency medical technician-paramedic;

[(36)**] (37)** "Stabilize", with respect to an emergency, the provision of such medical treatment as may be necessary to attempt to assure within reasonable medical probability that no material deterioration of an individual's medical condition is likely to result from or occur during ambulance transportation unless the likely benefits of such transportation outweigh the risks;

[(37)**] (38)** "State advisory council on emergency medical services", a committee formed to advise the department on policy affecting emergency medical service throughout the state;

[(38)**] (39)** "State EMS medical directors advisory committee", a subcommittee of the state advisory council on emergency medical services formed to advise the state advisory council on emergency medical services and the department on medical issues;

[(39)**] (40)** "STEMI" or "ST-elevation myocardial infarction", a type of heart attack in which impaired blood flow to the patient's heart muscle is evidenced by ST-segment elevation in electrocardiogram analysis, and as further defined in rules promulgated by the department under sections 190.001 to 190.250;

[(40)**] (41)** "STEMI care", includes education and prevention, emergency transport, triage, and acute care and rehabilitative services for STEMI that requires immediate medical or surgical intervention or treatment;

[(41)**] (42)** "STEMI center", a hospital that is currently designated as such by the department to care for patients with ST-segment elevation myocardial infarctions;

[(42)**] (43)** "Stroke", a condition of impaired blood flow to a patient's brain as defined by the department;

[(43)**] (44)** "Stroke care", includes emergency transport, triage, and acute intervention and other acute care services for stroke that potentially require immediate medical or surgical intervention or treatment, and may include education, primary prevention, acute intervention, acute and subacute management, prevention of complications, secondary stroke prevention, and rehabilitative services;

[(44)**] (45)** "Stroke center", a hospital that is currently designated as such by the department;

[(45)**] (46)** "Trauma", an injury to human tissues and organs resulting from the transfer of energy from the environment;

[(46)**] (47)** "Trauma care" includes injury prevention, triage, acute care and rehabilitative services for major single system or multisystem injuries that potentially require immediate medical or surgical intervention or treatment;

[(47)**] (48)** "Trauma center", a hospital that is currently designated as such by the department.

321.015. DISTRICT DIRECTOR NOT TO HOLD OTHER LUCRATIVE EMPLOYMENT — EXEMPTIONS CERTAIN COUNTIES AND EMPLOYMENT — LUCRATIVE OFFICE OR EMPLOYMENT, DEFINED. — 1. No person holding any lucrative office or employment under this state, or any political subdivision thereof as defined in section 70.120, shall hold the office of fire protection district director under this chapter. When any fire protection district director accepts any office or employment under this state or any political subdivision thereof, his office shall thereby be vacated and he shall thereafter perform no duty and receive no salary or expenses as fire protection district director.

2. This section shall not apply to**:**

(1) Members of the organized militia, of the reserve corps, public school employees and notaries public**[**, or to**] ;**

(2) Fire protection districts located wholly within counties of the second, third or fourth **[**class or**] classification;**

(3) Fire protection districts in counties of the first classification with less than eighty-five thousand inhabitants;

(4) Fire protection districts located within **[**first class**]** counties **of the first classification** not adjoining any other **[**first class**]** county**[**, nor shall this section apply to**]** **of the first classification;**

(5) Fire protection districts located within any county of the first or second **[**class**]** **classification** not having more than nine hundred thousand inhabitants which borders any three **[**first class**]** counties **of the first classification**; **[**nor shall this section apply to**]**

(6) Fire protection districts located within any **[**first class**]** county **[**without a charter form of government**]** **of the first classification** which adjoins both a **[**first class**]** county with a charter form of government with **[**at least**]** **more than** nine hundred **fifty** thousand inhabitants, and adjoins at least four other counties**;**

(7) Fire protection districts located within any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants.

3. For the purposes of this section, the term "lucrative office or employment" does not include receiving retirement benefits, compensation for expenses, or a stipend or per diem, in an amount not to exceed seventy-five dollars for each day of service, for service rendered to a fire protection district, the state or any political subdivision thereof.

321.210. ELECTION AND TERMS OF DIRECTORS — FILING FEE. — On the first Tuesday in April after the expiration of at least two full calendar years from the date of the election of the first board of directors, and on the first Tuesday in April every two years thereafter, an election for members of the board of directors shall be held in the district. Nominations shall be filed at the headquarters of the fire protection district in which a majority of the district is located by paying a **[**ten-dollar**]** filing fee **up to the amount of a candidate for state representative as set forth under section 115.357** and filing a statement under oath that he possesses the required qualifications. The candidate receiving the most votes shall be elected. Any new member of the board shall qualify in the same manner as the members of the first board qualify.

321.322. CITIES WITH POPULATION OF 2,500 TO 65,000 WITH FIRE DEPARTMENT, ANNEXING PROPERTY IN A FIRE PROTECTION DISTRICT — RIGHTS AND DUTIES, PROCEDURE — EXCEPTION. — 1. If any property located within the boundaries of a fire protection district shall be included within a city having a population of at least two thousand five hundred but not more than sixty-five thousand which is not wholly within the fire protection district and which maintains a city fire department, then upon the date of actual inclusion of the property within the city, as determined by the annexation process, the city shall within sixty days assume by contract with the fire protection district all responsibility for payment in a lump sum or in installments an amount mutually agreed upon by the fire protection district and the city for the city to cover all obligations of the fire protection district to the area included within the city, and thereupon the fire protection district shall convey to the city the title, free and clear of all liens or encumbrances of any kind or nature, any such tangible real and personal property of the fire protection district as may be agreed upon, which is located within the part of the fire protection district located within the corporate limits of the city with full power in the city to use and dispose of such tangible real and personal property as the city deems best in the public interest, and the fire protection district shall no longer levy and collect any tax upon the property included within the corporate limits of the city; except that, if the city and the fire protection district cannot mutually agree to such an arrangement, then the city shall assume responsibility for fire protection in the annexed area on or before January first of the third calendar year following the actual inclusion of the property within the city, as determined by the annexation process, and furthermore the fire protection district shall not levy and collect any tax upon that property included within the corporate limits of the city after the date of inclusion of that property:

(1) On or before January first of the second calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee

equal to the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district;

(2) On or before January first of the third calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to four-fifths of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district;

(3) On or before January first of the fourth calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to three-fifths of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district;

(4) On or before January first of the fifth calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to two-fifths of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district; and

(5) On or before January first of the sixth calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to one-fifth of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district.

Nothing contained in this section shall prohibit the ability of a city to negotiate contracts with a fire protection district for mutually agreeable services. This section shall also apply to those fire protection districts and cities which have not reached agreement on overlapping boundaries previous to August 28, 1990. Such fire protection districts and cities shall be treated as though inclusion of the annexed area took place on December thirty-first immediately following August 28, 1990.

2. Any property excluded from a fire protection district by reason of subsection 1 of this section shall be subject to the provisions of section 321.330.

3. The provisions of this section shall not apply in any county of the first class having a charter form of government and having a population of over nine hundred thousand inhabitants.

4. The provisions of this section shall not apply where the annexing city or town operates a city fire department and was on January 1, 2005, a city of the fourth classification with more than eight thousand nine hundred but fewer than nine thousand inhabitants and entirely surrounded by a single fire district. In such cases, the provision of fire and emergency medical services following annexation shall be governed by subsections 2 and 3 of section 72.418.

5. The provisions of this section shall not apply where the annexing city or town operates a city fire department, is any city of the third classification with more than six thousand but fewer than seven thousand inhabitants and located in any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants, and is entirely surrounded by a single fire protection district. In such cases, the provision of fire and emergency medical services following annexation shall be governed by subsections 2 and 3 of section 72.418.

Approved June 27, 2013

HB 345 [SS SCS HCS HB 345]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding telecommunications practices and municipal pole attachments

AN ACT to repeal section 67.5103 as truly agreed to and finally passed by senate substitute for house bill no. 331, ninety-seventh general assembly, first regular session, and to enact in lieu thereof three new sections relating to telecommunications.

SECTION
A. Enacting clause.
67.5102. Prohibited acts.
67.5103. Power of eminent domain prohibited, when.
67.5104. Pole attachment defined — pole attachment fees, terms, and conditions to be nondiscriminatory — review.
67.5103. Power of eminent domain prohibited, when.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Section 67.5103 as truly agreed to and finally passed by senate substitute for house bill no. 331, ninety-seventh general assembly, first regular session, is repealed and three new section enacted in lieu thereof, to be known as sections 67.5102, 67.5103, and 67.5104, to read as follows:

67.5102. PROHIBITED ACTS. — In accordance with the policies of this state to further the deployment of wireless communications infrastructure:

(1) An authority may not institute any moratorium on the permitting, construction, or issuance of approval of new wireless support structures, substantial modifications of wireless support structures, or collocations if such moratorium exceeds six months in length and if the legislative act establishing it fails to state reasonable grounds and good cause for such moratorium. No such moratorium shall affect an already pending application;

(2) To encourage applicants to request construction of new wireless support structures on public lands and to increase local revenues:

(a) An authority may not charge a wireless service provider or wireless infrastructure provider any rental, license, or other fee to locate a wireless support structure on an authority's property in excess of the current market rates for rental or use of similarly situated property. If the applicant and the authority do not agree on the applicable market rate for any such public land and cannot agree on a process by which to derive the applicable market rate for any such public land, then the market rate will be determined by a panel of three certified appraisers licensed under chapter 339, using the following process. Each party will appoint one certified appraiser to the panel, and the two certified appraisers so appointed will appoint a third certified appraiser. Each appraiser will independently appraise the appropriate lease rate, and the market rate shall be set at the mid-point between the highest and lowest market rates among the three independent appraisals, provided the mid-point between the highest and lowest appraisals is greater than or less than ten percent of the appraisal of the third appraiser chosen by the parties' appointed appraisers. In such case, the third appraisal will determine the rate for the lease. The appraisal process shall be concluded within ninety calendar days from the date the applicant first tenders its proposed lease rate to the authority. Each party will bear the cost of its own appointed appraiser, and the parties shall share equally the cost

of the third appraiser chosen by the two appointed appraisers. Nothing in this paragraph shall bar an applicant and an authority from agreeing to reasonable, periodic reviews and adjustments of current market rates during the term of a lease or contract to use an authority's property; and

(b) An authority may not offer a lease or contract to use public lands to locate a wireless support structure on an authority's property that is less than fifteen years in duration unless the applicant agrees to accept a lease or contract of less than fifteen years in duration;

(3) Nothing in subsection 2 of this section is intended to limit an authority's lawful exercise of zoning, land use, or planning and permitting authority with respect to applications for new wireless support structures on an authority's property under subsection 1 of section 67.5096.

67.5103. POWER OF EMINENT DOMAIN PROHIBITED, WHEN. — Notwithstanding any provision of sections 67.5090 to 67.5102, nothing herein shall provide any applicant the power of eminent domain or the right to compel any private or public property owner, the department of conservation, the department of natural resources, or the state highways and transportation commission to:

(1) Lease or sell property for the construction of a new wireless support structure; or

(2) Locate or cause the collocation or expansion of a wireless facility on any existing structure or wireless support structure.

67.5104. POLE ATTACHMENT DEFINED — POLE ATTACHMENT FEES, TERMS, AND CONDITIONS TO BE NONDISCRIMINATORY — REVIEW. — 1. As used in this section, "pole attachment" means an attachment by a video service provider, a telecommunications or other communications-related service provider to a pole owned by a municipal utility, but not a wireless antenna attachment or an attachment by a wireless communications provider to a pole.

2. Notwithstanding sections 67.1830 to 67.1846, any pole attachment fees, terms, and conditions, including those related to the granting or denial of access, demanded by a municipal utility pole owner or controlling authority of a municipality shall be nondiscriminatory, just, and reasonable and shall not be subject to any required franchise authority or government entity permitting, except as provided in this section. A pole attachment rental fee shall be calculated on an annual, per pole basis. Such rental fee shall be considered nondiscriminatory, just, and reasonable if it is agreed upon by the parties or, in the absence of such an agreement, based on cost but in no such case shall such fee so calculated be greater than the fee which would apply if it were calculated in accordance with the cable service rate formula referenced in 47 U.S.C. Sec. 224(d) as applied by the Federal Communications Commission, except as permitted by subsection 3 of this section.

3. Either party may seek review of any fee, term, or condition by means of binding arbitration conducted by a single arbitrator mutually agreeable to the parties or, in the absence of such an agreement, by means of binding arbitration conducted by the American Arbitration Association. An arbitrator's award regarding fees shall be confined to ensuring that the municipal utility pole owner recovers its direct costs and a reasonable share of the fully allocated costs attributable to the pole attachment, and that the fee may exceed the fee resulting from the application of the cable service rate formula referenced in this section only if based on an express written finding stated in the award that such award is based on competent and substantial evidence that the revenues produced under the cable service rate formula and other payments made by the service provider do not sufficiently recover the direct costs and a reasonable share of the fully

allocated costs attributable to the pole attachment. In addition, a municipal pole owner may be authorized to exceed the rate of return cost components of the Federal Communications Commission formula referenced in this section if necessary to comply with article X of the Missouri Constitution. Pending the arbitrator's rendering of such an award, the last existent rental fee applicable to the pole attachment shall remain in place and binding upon both parties.

4. Where no prior contract exists between an attaching entity and the municipal utility pole owner, and a dispute between a municipal utility pole owner and an attaching entity exclusively concerns the per pole fee, then the attaching entity may proceed with its attachments during the pendency of the arbitration under the agreed upon terms and conditions.

5. The provisions of this section shall not supersede existing pole attachment agreements established prior to August 28, 2013.

6. Nothing in this section shall be construed as conferring any jurisdiction or authority to the public service commission to regulate either the fees, terms, or conditions for pole attachments, or for any state agency to assert any jurisdiction over pole attachments regulated by 47 U.S.C. Sec. 224.

[67.5103. POWER OF EMINENT DOMAIN PROHIBITED, WHEN. — Notwithstanding any provision of sections 67.5090 to 67.5102, nothing herein shall provide any applicant the power of eminent domain or the right to compel any private or public property owner, or the department of conservation or department of natural resources to:

(1) Lease or sell property for the construction of a new wireless support structure; or

(2) Locate or cause the collocation or expansion of a wireless facility on any existing structure or wireless support structure.**]**

Approved July 5, 2013

HB 349 [HCS HB 349]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Allows the owner of a property-carrying commercial motor vehicle registered at a gross weight in excess of 12,000 pounds to request and be issued two license plates

AN ACT to repeal section 301.130, RSMo, and to enact in lieu thereof one new section relating to license plates for property-carrying commercial motor vehicles.

SECTION

A. Enacting clause.

301.130. License plates, required slogan and information — special plates — plates, how displayed — tabs to be used — rulemaking authority, procedure.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Section 301.130, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.130, to read as follows:

301.130. LICENSE PLATES, REQUIRED SLOGAN AND INFORMATION — SPECIAL PLATES — PLATES, HOW DISPLAYED — TABS TO BE USED — RULEMAKING AUTHORITY, PROCEDURE. — 1. The director of revenue, upon receipt of a proper application for registration, required fees and any other information which may be required by law, shall issue to the applicant a certificate of registration in such manner and form as the director of revenue may prescribe and a set of license plates, or other evidence of registration, as provided by this section. Each set of license plates shall bear the name or abbreviated name of this state, the words "SHOW-ME STATE", the month and year in which the registration shall expire, and an arrangement of numbers or letters, or both, as shall be assigned from year to year by the director of revenue. The plates shall also contain fully reflective material with a common color scheme and design for each type of license plate issued pursuant to this chapter. The plates shall be clearly visible at night, and shall be aesthetically attractive. Special plates for qualified disabled veterans will have the "DISABLED VETERAN" wording on the license plates in preference to the words "SHOW-ME STATE" and special plates for members of the National Guard will have the "NATIONAL GUARD" wording in preference to the words "SHOW-ME STATE".

2. The arrangement of letters and numbers of license plates shall be uniform throughout each classification of registration. The director may provide for the arrangement of the numbers in groups or otherwise, and for other distinguishing marks on the plates.

3. All property-carrying commercial motor vehicles to be registered at a gross weight in excess of twelve thousand pounds, all passenger-carrying commercial motor vehicles, local transit buses, school buses, trailers, semitrailers, motorcycles, motortricycles, motorscooters and driveaway vehicles shall be registered with the director of revenue as provided for in subsection 3 of section 301.030, or with the state highways and transportation commission as otherwise provided in this chapter, but only one license plate shall be issued for each such vehicle**, except as provided in this subsection. The applicant for registration of any property-carrying commercial vehicle registered at a gross weight in excess of twelve thousand pounds may request and be issued two license plates for such vehicle, and if such plates are issued, the director of revenue shall provide for distinguishing marks on the plates indicating one plate is for the front and the other is for the rear of such vehicle. The director may assess and collect an additional charge from the applicant in an amount not to exceed the fee prescribed for personalized license plates in subsection 1 of section 301.144**.

4. The plates issued to manufacturers and dealers shall bear the letters and numbers as prescribed by section 301.560, and the director may place upon the plates other letters or marks to distinguish commercial motor vehicles and trailers and other types of motor vehicles.

5. No motor vehicle or trailer shall be operated on any highway of this state unless it shall have displayed thereon the license plate or set of license plates issued by the director of revenue or the state highways and transportation commission and authorized by section 301.140. Each such plate shall be securely fastened to the motor vehicle or trailer in a manner so that all parts thereof shall be plainly visible and reasonably clean so that the reflective qualities thereof are not impaired. Each such plate may be encased in a transparent cover so long as the plate is plainly visible and its reflective qualities are not impaired. License plates shall be fastened to all motor vehicles except trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand pounds on the front and rear of such vehicles not less than eight nor more than forty-eight inches above the ground, with the letters and numbers thereon right side up. The license plates on trailers, motorcycles, motortricycles and motorscooters shall be displayed on the rear of such vehicles, with the letters and numbers thereon right side up. The license plate on buses, other than school buses, and on trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand pounds shall be displayed on the front of such vehicles not less than eight nor more than forty-eight inches above the ground, with the letters and numbers thereon right side up or if two plates are issued for the vehicle pursuant to subsection 3 of this section, displayed in the same manner on the front and rear of such vehicles. The license plate or plates authorized

by section 301.140, when properly attached, shall be prima facie evidence that the required fees have been paid.

6. (1) The director of revenue shall issue annually or biennially a tab or set of tabs as provided by law as evidence of the annual payment of registration fees and the current registration of a vehicle in lieu of the set of plates. Beginning January 1, 2010, the director may prescribe any additional information recorded on the tab or tabs to ensure that the tab or tabs positively correlate with the license plate or plates issued by the department of revenue for such vehicle. Such tabs shall be produced in each license bureau office.

(2) The vehicle owner to whom a tab or set of tabs is issued shall affix and display such tab or tabs in the designated area of the license plate, no more than one per plate.

(3) A tab or set of tabs issued by the director of revenue when attached to a vehicle in the prescribed manner shall be prima facie evidence that the registration fee for such vehicle has been paid.

(4) Except as otherwise provided in this section, the director of revenue shall issue plates for a period of at least six years.

(5) For those commercial motor vehicles and trailers registered pursuant to section 301.041, the plate issued by the highways and transportation commission shall be a permanent nonexpiring license plate for which no tabs shall be issued. Nothing in this section shall relieve the owner of any vehicle permanently registered pursuant to this section from the obligation to pay the annual registration fee due for the vehicle. The permanent nonexpiring license plate shall be returned to the highways and transportation commission upon the sale or disposal of the vehicle by the owner to whom the permanent nonexpiring license plate is issued, or the plate may be transferred to a replacement commercial motor vehicle when the owner files a supplemental application with the Missouri highways and transportation commission for the registration of such replacement commercial motor vehicle. Upon payment of the annual registration fee, the highways and transportation commission shall issue a certificate of registration or other suitable evidence of payment of the annual fee, and such evidence of payment shall be carried at all times in the vehicle for which it is issued.

(6) Upon the sale or disposal of any vehicle permanently registered under this section, or upon the termination of a lease of any such vehicle, the permanent nonexpiring plate issued for such vehicle shall be returned to the highways and transportation commission and shall not be valid for operation of such vehicle, or the plate may be transferred to a replacement vehicle when the owner files a supplemental application with the Missouri highways and transportation commission for the registration of such replacement vehicle. If a vehicle which is permanently registered under this section is sold, wrecked or otherwise disposed of, or the lease terminated, the registrant shall be given credit for any unused portion of the annual registration fee when the vehicle is replaced by the purchase or lease of another vehicle during the registration year.

7. The director of revenue and the highways and transportation commission may prescribe rules and regulations for the effective administration of this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

8. Notwithstanding the provisions of any other law to the contrary, owners of motor vehicles other than apportioned motor vehicles or commercial motor vehicles licensed in excess of eighteen thousand pounds gross weight may apply for special personalized license plates. Vehicles licensed for eighteen thousand pounds that display special personalized license plates shall be subject to the provisions of subsections 1 and 2 of section 301.030.

9. No later than January 1, 2009, the director of revenue shall commence the reissuance of new license plates of such design as directed by the director consistent with the terms, conditions, and provisions of this section and this chapter. Except as otherwise provided in this section, in addition to all other fees required by law, applicants for registration of vehicles with license plates that expire during the period of reissuance, applicants for registration of trailers or semitrailers with license plates that expire during the period of reissuance and applicants for

registration of vehicles that are to be issued new license plates during the period of reissuance shall pay the cost of the plates required by this subsection. The additional cost prescribed in this subsection shall not be charged to persons receiving special license plates issued under section 301.073 or 301.443. Historic motor vehicle license plates registered pursuant to section 301.131 and specialized license plates are exempt from the provisions of this subsection. Except for new, replacement, and transfer applications, permanent nonexpiring license plates issued to commercial motor vehicles and trailers registered under section 301.041 are exempt from the provisions of this subsection.

Approved June 27, 2013

HB 351 [SCS HCS HB 351]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding the licensure and inspection of hospitals

AN ACT to repeal sections 191.227, 197.080, and 197.100, RSMo, and to enact in lieu thereof five new sections relating to health care providers, with an emergency clause for a certain section.

SECTION

A. Enacting clause.
96.229. Charter hospitals, election to be governed by nonprofit corporation law, procedure.
191.227. Medical records to be released to patient, when, exception — fee permitted, amount — liability of provider limited — annual handling fee adjustment.
197.080. Rules, procedure — regulations and standards — review and revision of regulations — rulemaking authority.
197.100. Inspections by department of health and senior services required, reports from certain other agencies accepted, when — department to determine life, safety, and building codes.
1. Investigation of complaints, department to post on website, content.
B. Emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 191.227, 197.080, and 197.100, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 96.229, 191.227, 197.080, 197.100, and 1, to read as follows:

96.229. CHARTER HOSPITALS, ELECTION TO BE GOVERNED BY NONPROFIT CORPORATION LAW, PROCEDURE. — 1. Notwithstanding subsection 5 of section 96.150 regarding the lease of substantially all of a hospital where the board of trustees is lessor, a city in which a hospital is located that:

(1) Is organized and operated under this chapter;

(2) Has not accepted appropriated funds from the city during the prior twenty years; and

(3) Is licensed by the department of health and senior services for two hundred beds or more pursuant to sections 197.010 to 197.120,

shall not have authority to sell, lease, or otherwise transfer all or substantially all of the property from a hospital organized under this chapter, both real and personal, except in accordance with this section.

2. Upon filing with the city clerk of a resolution adopted by no less than two-thirds of the incumbent members of the board of trustees to sell, lease, or otherwise transfer all or substantially all of the hospital property, both real and personal, for reasons specified in the resolution, the clerk shall present the resolution to the city council. If a majority of the incumbent members of the city council determine that sale, lease, or other transfer of the hospital property is desirable, the city council shall submit to the voters of the city the question in substantially the following form:

"Shall the city council of . . . . . , Missouri and the board of trustees of . . . . . hospital be authorized to sell (or lease or otherwise transfer) the property, real and personal, of . . . . . hospital as approved by, and in accordance with, the resolution of the board of trustees authorizing such sale (or lease or transfer)?"

A majority of the votes cast on such question shall be required in order to approve and authorize such sale, lease or other transfer. If the question receives less than the required majority, then the city council and the board of trustees shall have no power to sell, lease or otherwise transfer the property, real and personal, of the hospital unless and until the city council has submitted another question to authorize such sale, lease or transfer authorized under this section and such question is approved by the required majority of the qualified voters voting thereon. However, in no event shall a question under this section be submitted to the voters sooner than twelve months from the date of the last question under this section and after the adoption of another resolution by no less than two-thirds of the board of trustees and a subsequent vote by a majority of the city council to again submit the question to the voters.

3. Upon passage of such question by the voters, the board of trustees shall sell and dispose of such property, or lease or transfer such property, in the manner proposed by the board of trustees. The deed of the board of trustees, duly authorized by the board of trustees and duly acknowledged and recorded, shall be sufficient to convey to the purchaser all the rights, title, interest, and estate in the hospital property.

4. No sale, lease, or other transfer of such hospital property shall be authorized or effective unless such transaction provides sufficient proceeds to be available to be applied to the payment of all interest and principal of any outstanding valid indebtedness incurred for purchase of the site or construction of the hospital, or for any repairs, alterations, improvements, or additions thereto, or for operation of the hospital.

5. Assets donated to the hospital pursuant to section 96.210 shall be used to provide health care services in the city and in the geographic region previously served by the hospital, except as otherwise prescribed by the terms of the deed, gift, devise, or bequest.

191.227. MEDICAL RECORDS TO BE RELEASED TO PATIENT, WHEN, EXCEPTION — FEE PERMITTED, AMOUNT — LIABILITY OF PROVIDER LIMITED — ANNUAL HANDLING FEE ADJUSTMENT. — 1. All physicians, chiropractors, hospitals, dentists, and other duly licensed practitioners in this state, herein called "providers", shall, upon written request of a patient, or guardian or legally authorized representative of a patient, furnish a copy of his or her record of that patient's health history and treatment rendered to the person submitting a written request, except that such right shall be limited to access consistent with the patient's condition and sound therapeutic treatment as determined by the provider. Beginning August 28, 1994, such record shall be furnished within a reasonable time of the receipt of the request therefor and upon payment of a fee as provided in this section.

2. Health care providers may condition the furnishing of the patient's health care records to the patient, the patient's authorized representative or any other person or entity authorized by law to obtain or reproduce such records upon payment of a fee for:

(1) (a) **[**Copying**]** **Search and retrieval**, in an amount not more than **[**twenty-one**]** **twenty-two** dollars and **[**thirty-six cents**]** **eighty-two cents** plus **copying in the amount of [**fifty**]**

fifty-three cents per page for the cost of supplies and labor plus, if the health care provider has contracted for off-site records storage and management, any additional labor costs of outside storage retrieval, not to exceed **[**twenty**]** **twenty-one** dollars **and thirty-six cents**, as adjusted annually pursuant to subsection 5 of this section; or

(b) **[**If the health care provider stores records in an electronic or digital format, and provides the requested records and affidavit, if requested, in an electronic or digital format, not more than five dollars plus fifty cents per page or twenty-five dollars total, whichever is less**]** **The records shall be furnished electronically upon payment of the search, retrieval, and copying fees set under this section at the time of the request or one hundred dollars total, whichever is less, if such person:**

a. Requests health records to be delivered electronically in a format of the health care provider's choice;

b. The health care provider stores such records completely in an electronic health record; and

c. The health care provider is capable of providing the requested records and affidavit, if requested, in an electronic format;

(2) Postage, to include packaging and delivery cost; and

(3) Notary fee, not to exceed two dollars, if requested.

3. Notwithstanding provisions of this section to the contrary, providers may charge for the reasonable cost of all duplications of health care record material or information which cannot routinely be copied or duplicated on a standard commercial photocopy machine.

4. The transfer of the patient's record done in good faith shall not render the provider liable to the patient or any other person for any consequences which resulted or may result from disclosure of the patient's record as required by this section.

5. Effective February first of each year, the fees listed in subsection 2 of this section shall be increased or decreased annually based on the annual percentage change in the unadjusted, U.S. city average, annual average inflation rate of the medical care component of the Consumer Price Index for All Urban Consumers (CPI-U). The current reference base of the index, as published by the Bureau of Labor Statistics of the United States Department of Labor, shall be used as the reference base. For purposes of this subsection, the annual average inflation rate shall be based on a twelve-month calendar year beginning in January and ending in December of each preceding calendar year. The department of health and senior services shall report the annual adjustment and the adjusted fees authorized in this section on the department's internet website by February first of each year.

197.080. RULES, PROCEDURE — REGULATIONS AND STANDARDS — REVIEW AND REVISION OF REGULATIONS — RULEMAKING AUTHORITY. — 1. The department of health and senior services, with the advice of the state advisory council and pursuant to the provisions of this section and chapter 536, shall adopt, amend, promulgate and enforce such rules, regulations and standards with respect to all hospitals or different types of hospitals to be licensed hereunder as may be designed to further the accomplishment of the purposes of this law in promoting safe and adequate treatment of individuals in hospitals in the interest of public health, safety and welfare. No rule or portion of a rule promulgated under the authority of sections 197.010 to 197.280 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

2. The department shall review and revise regulations governing hospital licensure and enforcement to promote hospital and regulatory efficiencies and eliminate duplicative regulations and inspections by or on behalf of state agencies and the Centers for Medicare and Medicaid Services (CMS). The hospital licensure regulations adopted under this section shall incorporate standards which shall include, but not be limited to, the following:

(1) Each citation or finding of a regulatory deficiency shall refer to the specific written regulation, any state associated written interpretive guidance developed by the department and any publicly available, professionally recognized standards of care that are the basis of the citation or finding;

(2) Subject to appropriations, the department shall ensure that its hospital licensure regulatory standards are consistent with and do not contradict the CMS Conditions of Participation (COP) and associated interpretive guidance. However, this shall not preclude the department from enforcing standards produced by the department which exceed the federal CMS' COP and associated interpretive guidance, so long as such standards produced by the department promote a higher degree of patient safety and do not contradict the federal CMS' COP and associated interpretive guidance;

(3) The department shall establish and publish guidelines for complaint investigation, including but not limited to:

(a) The department's process for reviewing and determining which complaints warrant an onsite investigation based on a preliminary review of available information from the complainant, other appropriate sources, and when not prohibited by CMS, the hospital. For purposes of providing hospitals with information necessary to improve processes and patient care, the number and nature of complaints filed and the recommended actions by the department and, as appropriate CMS, shall be disclosed upon request to hospitals so long as the otherwise confidential identity of the complainant or the patient for whom the complaint was filed is not disclosed;

(b) A departmental investigation of a complaint shall be focused on the specific regulatory standard and departmental written interpretive guidance and publicly available professionally recognized standard of care related to the complaint. During the course of any complaint investigation, the department shall cite any serious and immediate threat discovered that may potentially jeopardize the health and safety of patients;

(c) A hospital shall be provided with a report of all complaints made against the hospital. Such report shall include the nature of the complaint, the date of the complaint, the department conclusions regarding the complaint, the number of investigators and days of investigation resulting from each complaint;

(4) Hospitals and hospital personnel shall have the opportunity to participate in annual continuing training sessions when such training is provided to state licensure surveyors with prior approval from the department director and CMS when appropriate. Hospitals and hospital personnel shall assume all costs associated with facilitating the training sessions and use of curriculum materials, including but not limited to the location for training, food, and printing costs;

(5) Time lines for the department to provide responses to hospitals regarding the status and outcome of pending investigations and regulatory actions and questions about interpretations of regulations shall be identical to, to the extent practicable, the time lines established for the federal hospital certification and enforcement system in the CMS State Operations Manual, as amended. These time lines shall be the guide for the department to follow. Every reasonable attempt shall be made to meet the time lines. However, failure to meet the established time lines shall in no way prevent the department from performing any necessary inspections to ensure the health and safety of patients.

3. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the

grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

197.100. INSPECTIONS BY DEPARTMENT OF HEALTH AND SENIOR SERVICES REQUIRED, REPORTS FROM CERTAIN OTHER AGENCIES ACCEPTED, WHEN — DEPARTMENT TO DETERMINE LIFE, SAFETY, AND BUILDING CODES. — 1. Any provision of chapter 198 and chapter 338 to the contrary notwithstanding, the department of health and senior services shall have sole authority, and responsibility for inspection and licensure of hospitals in this state including, but not limited to all parts, services, functions, support functions and activities which contribute directly or indirectly to patient care of any kind whatsoever. The department of health and senior services shall annually inspect each licensed hospital and shall make any other inspections and investigations as it deems necessary for good cause shown. The department of health and senior services shall accept reports of hospital inspections from governmental agencies **[**and recognized accrediting organizations in whole or in part for licensure purposes if:

(1) The inspection is comparable to an inspection performed by the department of health and senior services;

(2) The hospital meets minimum licensure standards; and

(3) the inspection was conducted within one year of the date of license renewal**], the joint commission, and the American Osteopathic Association Healthcare Facilities Accreditation Program, provided the accreditation inspection was conducted within one year of the date of license renewal. Prior to granting acceptance of any other accrediting organization reports in lieu of the required licensure survey, the accrediting organization's survey process must be deemed appropriate and found to be comparable to the department's licensure survey. It shall be the accrediting organization's responsibility to provide the department any and all information necessary to determine if the accrediting organization's survey process is comparable and fully meets the intent of the licensure regulations**. The department of health and senior services shall attempt to schedule inspections and evaluations required by this section so as not to cause a hospital to be subject to more than one inspection in any twelve-month period from the department of health and senior services or any agency or accreditation organization the reports of which are accepted for licensure purposes pursuant to this section, except for good cause shown.

2. Other provisions of law to the contrary notwithstanding, the department of health and senior services shall be the only state agency to determine life safety and building codes for hospitals defined or licensed pursuant to the provisions of this chapter, including but not limited to sprinkler systems, smoke detection devices and other fire safety related matters so long as any new standards shall apply only to new construction.

SECTION 1. INVESTIGATION OF COMPLAINTS, DEPARTMENT TO POST ON WEBSITE, CONTENT. — 1. The department of health and senior services shall post on its website information regarding investigations of complaints against hospitals. The posting of such information shall comply with all of the following requirements:

(1) Complaint data shall not be posted unless the complaint has been substantiated by investigation by departmental employees to require a statement of deficiency;

(2) The posting shall include the hospital's plan of correction accepted by departmental officials;

(3) The posting shall include the dates and specific findings of the departmental investigation;

(4) The posting shall list or include a link to each facility's annualized rate of substantiated complaints per patient day;

(5) The posting shall display the complaint investigation data so as to provide for peer group comparisons of:

(a) Psychiatric hospitals or psychiatric units within hospitals;

(b) Long-term acute care hospitals as defined by 42 CFR 412.23(e);

(c) Inpatient rehabilitation facilities or units meeting the requirements of 42 CFR 412.29; and

(6) Time lines for posting such information shall be consistent with the CMS State Operations Manual, as amended.

2. This section shall not be construed to require or permit the posting of information that would violate state or federal laws or regulations governing the confidentiality of patient data or medical records or information protected under subsection 4 of section 537.035.

SECTION B. EMERGENCY CLAUSE. — Because of the need to ensure local hospitals can continue the purpose of providing the best care and treatment of the sick, disabled, and infirm persons as decided on by the people in the affected community, the enactment of section 96.229 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 96.229 of this act shall be in full force and effect upon its passage and approval.

Approved July 2, 2013

HB 374 [CCS SS SCS HCS HBs 374 & 434]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding judicial procedures

AN ACT to repeal sections 32.056, 43.518, 454.475, 476.057, 477.405, 478.073, 478.075, 478.077, 478.080, 478.085, 478.087, 478.090, 478.093, 478.095, 478.097, 478.100, 478.103, 478.105, 478.107, 478.110, 478.113, 478.115, 478.117, 478.120, 478.123, 478.125, 478.127, 478.130, 478.133, 478.135, 478.137, 478.140, 478.143, 478.145, 478.147, 478.150, 478.153, 478.155, 478.157, 478.160, 478.163, 478.165, 478.167, 478.170, 478.173, 478.175, 478.177, 478.180, 478.183, 478.185, 478.186, 478.320, 487.010, 487.020, 488.426, 488.2250, 488.5320, 513.430, 514.040, 544.455, 557.011, 559.036, 559.115, 632.498, and 632.505, RSMo, and to enact in lieu thereof twenty-two new sections relating to judicial procedures, with an effective date for certain sections.

SECTION

A. Enacting clause.

32.056. Confidentiality of motor vehicle or driver registration records of county, state or federal parole officers, federal pretrial officers, or members of the state or federal judiciary.

43.518. Criminal records and justice information advisory committee, established — purpose — members — meetings, quorum — minutes, distribution, filing of.

454.475. Administrative hearing, procedure, effect on orders of social services — support, how determined — failure of parent to appear, result — judicial review — errors and vacation of orders.

476.057. Judicial personnel training fund, judicial personnel defined.

477.405. Judicial personnel, court to furnish guidelines for general assembly.

478.008. Veterans treatment courts authorized, requirements.

478.073. Circuit realignment plan authorized — judicial conference duties — effective date — minimum number of circuits — publication by the revisor.

478.320. Associate circuit judges, authorized number — additional judge, when — population determination — election — restrictions on practice of law or paid public appointment — residency requirement.

487.010. Designation of family courts — designation of division — administrative judge — split venue, assignments — removal of judge.

487.020. Appointment of commissioners, juvenile commissioners, automatic appointment, terms — family court commissioner, compensation, certain circuits — qualifications, compensation, retirement.
488.426. Deposit required in civil actions — exemptions — surcharge to remain in effect — additional fee for adoption and small claims court (Franklin County) — expiration date.
488.2250. Fees for appeal transcript of testimony — judge may order transcript, when.
488.5320. Charges in criminal cases, sheriffs and other officers — MODEX fund created.
513.430. Property exempt from attachment — benefits from certain employee plans, exception — bankruptcy proceeding, fraudulent transfers, exception — construction of section.
514.040. Plaintiff may sue as pauper, when — counsel assigned him by court — correctional center offenders, costs — waiver of costs and expenses, when.
544.455. Release of person charged, when — conditions which may be imposed.
557.011. Authorized dispositions.
559.036. Duration of probation — revocation.
559.115. Appeals, probation not to be granted, when — probation granted after delivery to department of corrections, time limitation, assessment — one hundred twenty day program — notification to state, when, hearing — no probation in certain cases.
632.498. Annual examination of mental condition, not required, when — annual review by the court — petition for release, hearing, procedures (when director disapproves).
632.505. Conditional release — interagency agreements for supervision, plan — court review of plan, order, conditions — copy of order — continuing control and care — modifications — violations — agreements with private entities — fee, rulemaking authority — escape — notification to local law enforcement, when.
1. Abrogation of case law, sexually violent offense definition.
478.075. Circuit No. 1.
478.077. Circuit No. 2.
478.080. Circuit No. 3.
478.085. Circuit No. 4.
478.087. Circuit No. 5.
478.090. Circuit No. 6.
478.093. Circuit No. 7.
478.095. Circuit No. 8.
478.097. Circuit No. 9.
478.100. Circuit No. 10.
478.103. Circuit No. 11.
478.105. Circuit No. 12.
478.107. Circuit No. 13.
478.110. Circuit No. 14.
478.113. Circuit No. 15.
478.115. Circuit No. 16.
478.117. Circuit No. 17.
478.120. Circuit No. 18.
478.123. Circuit No. 19.
478.125. Circuit No. 20.
478.127. Circuit No. 21.
478.130. Circuit No. 22.
478.133. Circuit No. 23.
478.135. Circuit No. 24.
478.137. Circuit No. 25.
478.140. Circuit No. 26.
478.143. Circuit No. 27.
478.145. Circuit No. 28.
478.147. Circuit No. 29.
478.150. Circuit No. 30.
478.153. Circuit No. 31.
478.155. Circuit No. 32.
478.157. Circuit No. 33.
478.160. Circuit No. 34.
478.163. Circuit No. 35.
478.165. Circuit No. 36.
478.167. Circuit No. 37.
478.170. Circuit No. 38.
478.173. Circuit No. 39.
478.175. Circuit No. 40.
478.177. Circuit No. 41.
478.180. Circuit No. 42.
478.183. Circuit No. 43.

478.185. Circuit No. 44.
478.186. Circuit No. 45.
B. Authority for establishment of circuits, repealed, effective when.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 32.056, 43.518, 454.475, 476.057, 477.405, 478.073, 478.075, 478.077, 478.080, 478.085, 478.087, 478.090, 478.093, 478.095, 478.097, 478.100, 478.103, 478.105, 478.107, 478.110, 478.113, 478.115, 478.117, 478.120, 478.123, 478.125, 478.127, 478.130, 478.133, 478.135, 478.137, 478.140, 478.143, 478.145, 478.147, 478.150, 478.153, 478.155, 478.157, 478.160, 478.163, 478.165, 478.167, 478.170, 478.173, 478.175, 478.177, 478.180, 478.183, 478.185, 478.186, 478.320, 487.010, 487.020, 488.426, 488.2250, 488.5320, 513.430, 514.040, 544.455, 557.011, 559.036, 559.115, 632.498, and 632.505, RSMo, are repealed and twenty-two new sections enacted in lieu thereof, to be known as sections 32.056, 43.518, 454.475, 476.057, 477.405, 478.008, 478.073, 478.320, 487.010, 487.020, 488.426, 488.2250, 488.5320, 513.430, 514.040, 544.455, 557.011, 559.036, 559.115, 632.498, 632.505, and 1, to read as follows:

32.056. CONFIDENTIALITY OF MOTOR VEHICLE OR DRIVER REGISTRATION RECORDS OF COUNTY, STATE OR FEDERAL PAROLE OFFICERS, FEDERAL PRETRIAL OFFICERS, OR MEMBERS OF THE STATE OR FEDERAL JUDICIARY. — Except for uses permitted under 18 U.S.C. Section 2721(b)(1), the department of revenue shall not release the home address of or any information that identifies any vehicle owned or leased by any person who is a county, state or federal parole officer, a federal pretrial officer, a peace officer pursuant to section 590.010, a person vested by article V, section 1 of the Missouri Constitution with the judicial power of the state, a member of the federal judiciary, or a member of such person's immediate family contained in the department's motor vehicle or driver registration records, based on a specific request for such information from any person. Any such person may notify the department of his or her status and the department shall protect the confidentiality of the home address and vehicle records on such a person and his or her immediate family as required by this section. **[**If such member of the judiciary's status changes and he or she and his or her immediate family do not qualify for the exemption contained in this subsection, such person shall notify the department and the department's records shall be revised.**]** This section shall not prohibit the department from releasing information on a motor registration list pursuant to section 32.055 or from releasing information on any officer who holds a class A, B or C commercial driver's license pursuant to the Motor Carrier Safety Improvement Act of 1999, as amended, 49 U.S.C. 31309.

43.518. CRIMINAL RECORDS AND JUSTICE INFORMATION ADVISORY COMMITTEE, ESTABLISHED — PURPOSE — MEMBERS — MEETINGS, QUORUM — MINUTES, DISTRIBUTION, FILING OF. — 1. There is hereby established within the department of public safety a "Criminal Records and Justice Information Advisory Committee" whose purpose is to:

(1) Recommend general policies with respect to the philosophy, concept and operational principles of the Missouri criminal history record information system established by sections 43.500 to 43.530, in regard to the collection, processing, storage, dissemination and use of criminal history record information maintained by the central repository;

(2) Assess the current state of electronic justice information sharing; and

(3) Recommend policies and strategies, including standards and technology, for promoting electronic justice information sharing, and coordinating among the necessary agencies and institutions; and

(4) Provide guidance regarding the use of any state or federal funds appropriated for promoting electronic justice information sharing.

2. The committee shall be composed of the following officials or their designees: the director of the department of public safety; the director of the department of corrections and human resources; the attorney general; the director of the Missouri office of prosecution services; the president of the Missouri prosecutors association; the president of the Missouri court clerks association; the chief clerk of the Missouri state supreme court; the director of the state courts administrator; the chairman of the state judicial record committee; the chairman of the **[**circuit court budget**]** **court automation** committee; the presidents of the Missouri peace officers association; the Missouri sheriffs association; the Missouri police chiefs association or their successor agency; the superintendent of the Missouri highway patrol; the chiefs of police of agencies in jurisdictions with over two hundred thousand population; except that, in any county of the first class having a charter form of government, the chief executive of the county may designate another person in place of the police chief of any countywide police force, to serve on the committee; and, at the discretion of the director of public safety, as many as three other representatives of other criminal justice records systems or law enforcement agencies may be appointed by the director of public safety. The director of the department of public safety will serve as the permanent chairman of this committee.

3. The committee shall meet as determined by the director but not less than semiannually to perform its duties. A majority of the appointed members of the committee shall constitute a quorum.

4. No member of the committee shall receive any state compensation for the performance of duties associated with membership on this committee.

5. Official minutes of all committee meetings will be prepared by the director, promptly distributed to all committee members, and filed by the director for a period of at least five years.

454.475. ADMINISTRATIVE HEARING, PROCEDURE, EFFECT ON ORDERS OF SOCIAL SERVICES — SUPPORT, HOW DETERMINED — FAILURE OF PARENT TO APPEAR, RESULT — JUDICIAL REVIEW — ERRORS AND VACATION OF ORDERS. — 1. Hearings provided for in this section shall be conducted pursuant to chapter 536 by administrative hearing officers designated by the Missouri department of social services. The hearing officer shall provide the parents, the person having custody of the child, or other appropriate agencies or their attorneys with notice of any proceeding in which support obligations may be established or modified. The department shall not be stayed from enforcing and collecting upon the administrative order during the hearing process and during any appeal to the courts of this state, unless specifically enjoined by court order.

2. If no factual issue has been raised by the application for hearing, or the issues raised have been previously litigated or do not constitute a defense to the action, the director may enter an order without an evidentiary hearing, which order shall be a final decision entitled to judicial review as provided in sections 536.100 to 536.140.

3. After full and fair hearing, the hearing officer shall make specific findings regarding the liability and responsibility, if any, of the alleged responsible parent for the support of the dependent child, and for repayment of accrued state debt or arrearages, and the costs of collection, and shall enter an order consistent therewith. In making the determination of the amount the parent shall contribute toward the future support of a dependent child, the hearing officer shall consider the factors set forth in section 452.340.

4. If the person who requests the hearing fails to appear at the time and place set for the hearing, upon a showing of proper notice to that **[**parent**]** **person**, the hearing officer shall enter findings and order in accordance with the provisions of the notice **[**and finding of support responsibility**]** **or motion** unless the hearing officer determines that no good cause therefor exists.

5. In contested cases, the findings and order of the hearing officer shall be the decision of the director. Any parent or person having custody of the child adversely affected by such decision may obtain judicial review pursuant to sections 536.100 to 536.140 by filing a petition for review in the circuit court of proper venue within thirty days of mailing of the decision.

Copies of the decision or order of the hearing officer shall be mailed to any parent, person having custody of the child and the division within fourteen days of issuance.

6. If a hearing has been requested, and upon request of a parent, a person having custody of the child, the division or a IV-D agency, the director shall enter a temporary order requiring the provision of child support pending the final decision or order pursuant to this section if there is clear and convincing evidence establishing a presumption of paternity pursuant to section 210.822. In determining the amount of child support, the director shall consider the factors set forth in section 452.340. The temporary order, effective upon filing pursuant to section 454.490, is not subject to a hearing pursuant to this section. The temporary order may be stayed by a court of competent jurisdiction only after a hearing and a finding by the court that the order fails to comply with rule 88.01.

7. (1) Any administrative decision or order issued under this section containing clerical mistakes arising from oversight or omission, except proposed administrative modifications of judicial orders, may be corrected by an agency administrative hearing officer at any time upon their own initiative or written motion filed by the division or any party to the action provided the written motion is mailed to all parties. Any objection or response to the written motion shall be made in writing and filed with the hearing officer within fifteen days from the mailing date of the motion. Proposed administrative modifications of judicial orders may be corrected by an agency administrative hearing officer prior to the filing of the proposed administrative modification of a judicial order with the court that entered the underlying judicial order as required in section 454.496, or upon express order of the court that entered the underlying judicial order. No correction shall be made during the court's review of the administrative decision, order, or proposed order as authorized under sections 536.100 to 536.140, except in response to an express order from the reviewing court.

(2) Any administrative decision or order or proposed administrative modification of judicial order issued under this section containing errors arising from mistake, surprise, fraud, misrepresentation, excusable neglect or inadvertence, may be corrected prior to being filed with the court by an agency administrative hearing officer upon their own initiative or by written motion filed by the division or any party to the action provided the written motion is mailed to all parties and filed within sixty days of the administrative decision, order, or proposed decision and order. Any objection or response to the written motion shall be made in writing and filed with the hearing officer within fifteen days from the mailing date of the motion. No decision, order, or proposed administrative modification of judicial order may be corrected after ninety days from the mailing of the administrative decision, order, or proposed order or during the court's review of the administrative decision, order, or proposed order as authorized under sections 536.100 to 536.140, except in response to an express order from the reviewing court.

(3) Any administrative decision or order or proposed administrative modification of judicial order, issued under this section may be vacated by an agency administrative hearing officer upon their own initiative or by written motion filed by the division or any party to the action provided the written motion is mailed to all parties, if the administrative hearing officer determines that the decision or order was issued without subject matter jurisdiction, without personal jurisdiction, or without affording the parties due process. Any objection or response to the written motion shall be made in writing and filed with the hearing officer within fifteen days from the mailing date of the motion. A proposed administrative modification of a judicial order may only be vacated prior to being filed with the court. No decision, order, or proposed administrative modification of a judicial order may be vacated during the court's review of the administrative decision, order, or proposed order as authorized under sections 536.100 to 536.140, except in response to an express order from the reviewing court.

476.057. JUDICIAL PERSONNEL TRAINING FUND, JUDICIAL PERSONNEL DEFINED. — 1. The state courts administrator shall determine the amount of the projected total collections of fees pursuant to section 488.015, payable to the state pursuant to section 488.023, or subdivision (4) of subsection 2 of section 488.018; and the amount of such projected total collections of fees required to be deposited into the fund in order to maintain the fund required pursuant to subsection 2 of this section. The amount of fees payable for court cases may thereafter be adjusted pursuant to section 488.015, as provided by said section. All proceeds of the adjusted fees shall thereupon be collected and deposited to the state general revenue fund as otherwise provided by law, subject to the transfer of a portion of such proceeds to the fund established pursuant to subsection 2 of this section.

2. There is hereby established in the state treasury a special fund for purposes of providing training and education for judicial personnel, including any clerical employees of each circuit court clerk. Moneys from collected fees shall be annually transferred by the state treasurer into the fund from the state general revenue fund in the amount of no more than two percent of the amount expended for personal service by state and local government entities for judicial personnel as determined by the state courts administrator pursuant to subsection 1 of this section. Any unexpended balance remaining in the fund at the end of each biennium shall be exempt from the provisions of section 33.080 relating to the transfer of unexpended balances to the state general revenue fund, until the amount in the fund exceeds two percent of the amounts expended for personal service by state and local government for judicial personnel.

3. **In addition, any moneys received by or on behalf of the state courts administrator from fees, grants, or any other sources in connection with providing training to judicial personnel shall be deposited in the fund provided, however, that moneys collected in the fund in connection with a particular purpose shall be segregated and shall not be disbursed for any other purpose.**

4. The state treasurer shall administer the fund and, pursuant to appropriations, shall disburse moneys from the fund to the state courts administrator in order to provide training and to purchase goods and services determined appropriate by the state courts administrator related to the training and education of judicial personnel. As used in this section, the term "judicial personnel" shall include court personnel as defined in section 476.058, and judges.

477.405. JUDICIAL PERSONNEL, COURT TO FURNISH GUIDELINES FOR GENERAL ASSEMBLY. — On or before **[**March 1, 1989**]** **January 1, 2015**, the supreme court of the state of Missouri shall recommend guidelines appropriate for use by the general assembly in determining the need for additional judicial personnel or reallocation of existing personnel in this state, and shall recommend guidelines appropriate for the evaluation of judicial performance. The guidelines shall be filed with the **[**chairmen**]** **chairs** of the house and senate judiciary committees, **for distribution to the members of the general assembly,** and the court shall file therewith **annually** a report measuring and assessing judicial performance in the appellate and circuit courts of this state**, including a judicial weighted workload model and a clerical weighted workload model**.

478.008. VETERANS TREATMENT COURTS AUTHORIZED, REQUIREMENTS. — 1. Veterans treatment courts may be established by any circuit court, or combination of circuit courts, upon agreement of the presiding judges of such circuit courts to provide an alternative for the judicial system to dispose of cases which stem from substance abuse or mental illness of military veterans or current military personnel.

2. A veterans treatment court shall combine judicial supervision, drug testing, and substance abuse and mental health treatment to participants who have served or are currently serving the United States armed forces, including members of the reserves, national guard, or state guard.

3. (1) Each circuit court, which establishes such courts as provided in subsection 1 of this section, shall establish conditions for referral of proceedings to the veterans treatment court; and

(2) Each circuit court shall enter into a memorandum of understanding with each participating prosecuting attorney in the circuit court. The memorandum of understanding shall specify a list of felony offenses ineligible for referral to the veterans treatment court. The memorandum of understanding may include other parties considered necessary including, but not limited to, defense attorneys, treatment providers, and probation officers.

4. (1) A circuit that has adopted a veterans treatment court under this section may accept participants from any other jurisdiction in this state based upon either the residence of the participant in the receiving jurisdiction or the unavailability of a veterans treatment court in the jurisdiction where the participant is charged.

(2) The transfer can occur at any time during the proceedings, including, but not limited to, prior to adjudication. The receiving court shall have jurisdiction to impose sentence, including, but not limited to, sanctions, incentives, incarceration, and phase changes.

(3) A transfer under this subsection is not valid unless it is agreed to by all of the following:

(a) The defendant or respondent;

(b) The attorney representing the defendant or respondent;

(c) The judge of the transferring court and the prosecutor of the case; and

(d) The judge of the receiving veterans treatment court and the prosecutor of the veterans treatment court.

(4) If the defendant is terminated from the veteran's treatment court program the defendant's case shall be returned to the transferring court for disposition.

5. Any proceeding accepted by the veterans treatment court program for disposition shall be upon agreement of the parties.

6. Except for good cause found by the court, a veterans treatment court shall make a referral for substance abuse or mental health treatment, or a combination of substance abuse and mental health treatment, through the Department of Defense health care, the Veterans Administration, or a community-based treatment program. Community-based programs utilized shall receive state or federal funds in connection with such referral and shall only refer the individual to a program which is certified by the Missouri department of mental health, unless no appropriate certified treatment program is located within the same county as the veterans treatment court.

7. Any statement made by a participant as part of participation in the veterans treatment court program, or any report made by the staff of the program, shall not be admissible as evidence against the participant in any criminal, juvenile, or civil proceeding. Notwithstanding the foregoing, termination from the veterans treatment court program and the reasons for termination may be considered in sentencing or disposition.

8. Notwithstanding any other provision of law to the contrary, veterans treatment court staff shall be provided with access to all records of any state or local government agency relevant to the treatment of any program participant.

9. Upon general request, employees of all such agencies shall fully inform a veterans treatment court staff of all matters relevant to the treatment of the participant. All such records and reports and the contents thereof shall:

(1) Be treated as closed records;

(2) Not be disclosed to any person outside of the veterans treatment court;

(3) Be maintained by the court in a confidential file not available to the public.

10. Upon successful completion of the treatment program, the charges, petition, or penalty against a veterans treatment court participant may be dismissed, reduced, or modified. Any fees received by a court from a defendant as payment for substance abuse or mental health treatment programs shall not be considered court costs, charges, or fines.

478.073. CIRCUIT REALIGNMENT PLAN AUTHORIZED — JUDICIAL CONFERENCE DUTIES — EFFECTIVE DATE — MINIMUM NUMBER OF CIRCUITS — PUBLICATION BY THE REVISOR. — [The state is divided into the judicial circuits numbered and described in the following sections.] **1. As set forth in this section, the general assembly authorizes the judicial conference of the state of Missouri, as established pursuant to section 476.320, to alter the geographical boundaries and territorial jurisdiction of the judicial circuits by means of a circuit realignment plan as the administration of justice may require, subject to the requirements set forth in article V of the constitution of Missouri.**

(1) Beginning in 2020, and every twenty years thereafter, within the first ten calendar days of the regular legislative session, the judicial conference shall submit to the secretary of the senate, the chief clerk of the house of representatives and the chairs of the house and senate judiciary committees a circuit realignment plan for the alteration of the geographical boundaries and territorial jurisdiction of the judicial circuits. Along with a statement of the numbers and boundaries of the proposed judicial circuits together with a map of the proposed judicial circuits, the circuit realignment plan shall include an analysis of the following supporting information:

(a) A current judicial weighted workload model;

(b) A current clerical weighted workload model;

(c) Whether litigants in the current circuits have adequate access to the courts;

(d) The populations of the current and proposed judicial circuits determined on the basis of the most recent decennial census of the United States or annual population estimates prepared by the United States Bureau of the Census;

(e) Judicial duties and travel time;

(f) Historical connections between counties in the judicial circuits; and

(g) Other information deemed relevant by the judicial conference.

(2) Once submitted to both chambers, a circuit realignment plan shall become effective January first of the year following the session of the general assembly to which it is submitted, unless a bill realigning the judicial circuits is presented to the governor and is duly enacted.

2. A circuit realignment plan shall not alter the total number of judicial circuits in existence on December 31, 2019, and any circuit realignment plan creating or reducing the number of judicial circuits shall be null and void.

3. A circuit realignment plan not superceded in the manner set forth in this section shall be considered for all purposes as the equivalent in force, effect, and intent of a public act of the state upon its taking effect, and it shall be published by the revisor of statutes together with the laws adopted by the general assembly during the session in which the plan is submitted.

478.320. ASSOCIATE CIRCUIT JUDGES, AUTHORIZED NUMBER — ADDITIONAL JUDGE, WHEN — POPULATION DETERMINATION — ELECTION — RESTRICTIONS ON PRACTICE OF LAW OR PAID PUBLIC APPOINTMENT — RESIDENCY REQUIREMENT. — 1. In counties having a population of thirty thousand or less, there shall be one associate circuit judge. In counties having a population of more than thirty thousand and less than one hundred thousand, there shall be two associate circuit judges. In counties having a population of one hundred thousand or more, there shall be three associate circuit judges and one additional associate circuit judge for each additional one hundred thousand inhabitants.

2. **When the office of state courts administrator indicates in an annual judicial weighted workload model for three consecutive years or more the need for four or more full-time judicial positions in any judicial circuit having a population of one hundred thousand or more, there shall be one additional associate circuit judge position in such circuit for every four full-time judicial positions needed as indicated in the weighted workload model. In a multicounty circuit, the additional associate circuit judge positions shall be apportioned among the counties in the circuit on the basis of population, starting with the most populous county, then the next most populous county, and so forth.**

3. For purposes of this section, notwithstanding the provisions of section 1.100, population of a county shall be determined on the basis of the last previous decennial census of the United States; and, beginning after certification of the year 2000 decennial census, on the basis of annual population estimates prepared by the United States Bureau of the Census, provided that the number of associate circuit judge positions in a county shall be adjusted only after population estimates for three consecutive years indicate population change in the county to a level provided by subsection 1 of this section.

[3.**]** **4.** Except in circuits where associate circuit judges are selected under the provisions of sections 25(a) to (g) of article V of the constitution, the election of associate circuit judges shall in all respects be conducted as other elections and the returns made as for other officers.

[4.**]** **5.** In counties not subject to sections 25(a) to (g) of article V of the constitution, associate circuit judges shall be elected by the county at large.

[5.**]** **6.** No associate circuit judge shall practice law, or do a law business, nor shall he **or she** accept, during his **or her** term of office, any public appointment for which he **or she** receives compensation for his **or her** services.

[6.**]** **7.** No person shall be elected as an associate circuit judge unless he **or she** has resided in the county for which he **or she** is to be elected at least one year prior to the date of his **or her** election; provided that, a person who is appointed by the governor to fill a vacancy may file for election and be elected notwithstanding the provisions of this subsection.

487.010. DESIGNATION OF FAMILY COURTS — DESIGNATION OF DIVISION — ADMINISTRATIVE JUDGE — SPLIT VENUE, ASSIGNMENTS — REMOVAL OF JUDGE. — 1. **[**There is hereby created in the circuit court of the following judicial circuits of the state, a division or divisions to be designated as provided in sections 487.010 to 487.190, which shall be the family court:

(1) Circuit number seven, consisting of the county of Clay;

(2) Circuit number thirteen, consisting of Callaway and Boone;

(3) Circuit number sixteen, consisting of the county of Jackson;

(4) Circuit number twenty-one, consisting of the county of St. Louis;

(5) Circuit number twenty-two, consisting of the city of St. Louis;

(6) Circuit number thirty-one, consisting of the county of Greene; and

(7) Any other circuit which chooses, by local court rule, to have a family court as provided in sections 487.010 to 487.190.

2.**]** The majority of the circuit judges and associate circuit judges en banc, in the circuit, may designate, by local court rule, a family court in a county in the circuit as provided in sections 487.010 to 487.190.

[3.**]** **2.** The presiding judge of each circuit where the circuit or a county in the circuit has a family court shall designate the division or divisions of the circuit court that shall be the family court. In those circuits with split venue, a division shall be designated in each venue.

[4.**]** **3.** In each circuit having more than one division designated as the family court, the presiding judge shall designate from the divisions so designated an administrative judge of the family court.

[5.**]** **4.** In any circuit with a county with split venue, there shall be at least one circuit judge assigned to the family court for each block of one hundred sixty thousand persons, or portion of such block, based upon the latest decennial national census.

[6.**]** **5.** Notwithstanding any other provision of this chapter to the contrary, the judges of the court en banc may remove a judge from his duties as a family court judge and may assign a new judge to sit as the family court judge.

6. This section shall not be construed as eliminating any family courts in existence as of December 31, 2019.

487.020. APPOINTMENT OF COMMISSIONERS, JUVENILE COMMISSIONERS, AUTOMATIC APPOINTMENT, TERMS — FAMILY COURT COMMISSIONER, COMPENSATION, CERTAIN CIRCUITS — QUALIFICATIONS, COMPENSATION, RETIREMENT. — 1. In each circuit or a county having a family court, a majority of the circuit and associate circuit judges en banc, in the circuit, may appoint commissioners, subject to appropriations, to hear family court cases and make findings as provided for in sections 487.010 to 487.190. Any person serving as a commissioner of the juvenile division of the circuit court on August 28, 1993, shall become a commissioner of the family court. In each circuit or a county therein having a family court, a majority of the circuit and associate circuit judges en banc may appoint, in addition to those commissioners serving as commissioners of the juvenile division and becoming commissioners of the family court pursuant to the provisions of sections 487.020 to 487.040, no more than three additional commissioners to hear family court cases and make findings and recommendations as provided in sections 487.010 to 487.190. The number of additional commissioners added as a result of the provisions of sections 487.010 to 487.190 may be appointed only to the extent that the state is reimbursed for the salaries of the commissioners as provided in sections 487.010 to 487.190 or by federal or county funds or by gifts or grants made for such purposes. A commissioner shall be appointed for a term of four years. Commissioners appointed pursuant to sections 487.020 to 487.040 shall serve in addition to circuit judges, associate circuit court judges and commissioners authorized to hear actions classified under section 487.080.

2. The circuit **[**court**]** **courts** in the eleventh judicial circuit**, the thirteenth judicial circuit, and the thirty-first judicial circuit** may, in substitution of **[**a**]** **each** family court commissioner currently appointed pursuant to this section whose salary is reimbursable, appoint **[**one**]** **a** family court commissioner whose compensation shall be payable by the state without necessity of reimbursement. The provisions of this subsection shall not be construed to allow appointment of a family court commissioner in **the eleventh judicial circuit in** addition to the number of such family court commissioners holding office in the eleventh judicial circuit as of January 1, 1999**[**, and**]** **. The provisions of this subsection shall not be construed to allow appointment of a family court commissioner in the thirteenth judicial circuit or the thirty-first judicial circuit in addition to the number of such family court commissioners holding office in such circuits as of January 1, 2013.** The appointment of the state-paid commissioner shall be subject to appropriations for such purpose.

3. Each commissioner of the family court shall possess the same qualifications as a circuit judge. The compensation and retirement benefits of each commissioner shall be the same as that of an associate circuit judge, payable in the same manner and from the same source as that of an associate circuit judge.

488.426. DEPOSIT REQUIRED IN CIVIL ACTIONS — EXEMPTIONS — SURCHARGE TO REMAIN IN EFFECT — ADDITIONAL FEE FOR ADOPTION AND SMALL CLAIMS COURT (FRANKLIN COUNTY) — EXPIRATION DATE. — 1. The judges of the circuit court, en banc, in any circuit in this state may require any party filing a civil case in the circuit court, at the time of filing the suit, to deposit with the clerk of the court a surcharge in addition to all other deposits required by law or court rule. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or are to be paid by the county or state or any city.

2. The surcharge in effect on August 28, 2001, shall remain in effect until changed by the circuit court. The circuit court in any circuit, except the circuit court in Jackson County **or the circuit court in any circuit that reimburses the state for the salaries of family court commissioners pursuant to section 487.020**, may change the fee to any amount not to exceed fifteen dollars. The circuit court in Jackson County **or the circuit court in any circuit that reimburses the state for the salaries of family court commissioners pursuant to section 487.020** may change the fee to any amount not to exceed twenty dollars. A change in the fee shall become effective and remain in effect until further changed.

3. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or are paid by the county or state or any city.

4. In addition to any fee authorized by subsection 1 of this section, any county of the first classification with more than ninety-three thousand eight hundred but less than ninety-three thousand nine hundred inhabitants may impose an additional fee of ten dollars excluding cases concerning adoption and those in small claims court. The provisions of this subsection shall expire on December 31, 2014.

488.2250. FEES FOR APPEAL TRANSCRIPT OF TESTIMONY — JUDGE MAY ORDER TRANSCRIPT, WHEN. — **[**For all transcripts of testimony given or proceedings had in any circuit court, the court reporter shall receive the sum of two dollars per twenty-five-line page for the original of the transcript, and the sum of thirty-five cents per twenty-five-line page for each carbon copy thereof; the page to be approximately eight and one-half inches by eleven inches in size, with left-hand margin of approximately one and one-half inches and the right-hand margin of approximately one-half inch; answer to follow question on same line when feasible; such page to be designated as a legal page. Any judge, in his or her discretion, may order a transcript of all or any part of the evidence or oral proceedings, and the court reporter's fees for making the same shall be paid by the state upon a voucher approved by the court, and taxed against the state. In criminal cases where an appeal is taken by the defendant, and it appears to the satisfaction of the court that the defendant is unable to pay the costs of the transcript for the purpose of perfecting the appeal, the court shall order the court reporter to furnish three transcripts in duplication of the notes of the evidence, for the original of which the court reporter shall receive two dollars per legal page and for the copies twenty cents per page. The payment of court reporter's fees provided in this section shall be made by the state upon a voucher approved by the court**] 1. For all appeal transcripts of testimony given or proceedings in any circuit court, the court reporter shall receive the sum of three dollars and fifty cents per legal page for the preparation of a paper and an electronic version of the transcript.**

2. In criminal cases where an appeal is taken by the defendant and it appears to the satisfaction of the court that the defendant is unable to pay the costs of the transcript for the purpose of perfecting the appeal, the court reporter shall receive a fee of two dollars and sixty cents per legal page for the preparation of a paper and an electronic version of the transcript.

3. Any judge, in his or her discretion, may order a transcript of all or any part of the evidence or oral proceedings and the court reporter shall receive the sum of two dollars and sixty cents per legal page for the preparation of a paper and an electronic version of the transcript.

4. For purposes of this section, a legal page, other than the first page and the final page of the transcript, shall be twenty-five lines, approximately eight and one-half inches by eleven inches in size, with the left-hand margin of approximately one and one-half inches, and with the right-hand margin of approximately one-half inch.

5. Notwithstanding any law to the contrary, the payment of court reporter's fees provided in subsections 2 and 3 of this section shall be made by the state upon a voucher approved by the court. The cost to prepare all other transcripts of testimony or

proceedings shall be borne by the party requesting their preparation and production, who shall reimburse the court reporter the sum provided in subsection 1 of this section.

488.5320. CHARGES IN CRIMINAL CASES, SHERIFFS AND OTHER OFFICERS — MODEX FUND CREATED. — 1. Sheriffs, county marshals or other officers shall be allowed a charge for their services rendered in criminal cases and in all proceedings for contempt or attachment, as required by law, the sum of seventy-five dollars for each felony case or contempt or attachment proceeding, ten dollars for each misdemeanor case, and six dollars for each infraction, **[**excluding**]** **including** cases disposed of by a **[**traffic**]** violations bureau established pursuant to law or supreme court rule. Such charges shall be charged and collected in the manner provided by sections 488.010 to 488.020 and shall be payable to the county treasury**; except that, those charges from cases disposed of by a violations bureau shall be distributed as follows: one-half of the charges collected shall be forwarded and deposited to the credit of the MODEX fund established in subsection 6 of this section for the operational cost of the Missouri data exchange (MODEX) system, and one-half of the charges collected shall be deposited to the credit of the inmate security fund, established in section 488.5026, of the county or municipal political subdivision from which the citation originated. If the county or municipal political subdivision has not established an inmate security fund, all of the funds shall be deposited in the MODEX fund**.

2. **Notwithstanding subsection 1 of this section to the contrary, sheriffs, county marshals, or other officers in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants or in any city not within a county shall not be allowed a charge for their services rendered in cases disposed of by a violations bureau established pursuant to law or supreme court rule.**

3. The sheriff receiving any charge pursuant to subsection 1 of this section shall reimburse the sheriff of any other county or the city of St. Louis the sum of three dollars for each pleading, writ, summons, order of court or other document served in connection with the case or proceeding by the sheriff of the other county or city, and return made thereof, to the maximum amount of the total charge received pursuant to subsection 1 of this section.

[3.**]** **4.** The charges provided in subsection 1 of this section shall be taxed as other costs in criminal proceedings immediately upon a plea of guilty or a finding of guilt of any defendant in any criminal procedure. The clerk shall tax all the costs in the case against such defendant, which shall be collected and disbursed as provided by sections 488.010 to 488.020; provided, that no such charge shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court; provided further, that all costs, incident to the issuing and serving of writs of scire facias and of writs of fieri facias, and of attachments for witnesses of defendant, shall in no case be paid by the state, but such costs incurred under writs of fieri facias and scire facias shall be paid by the defendant and such defendant's sureties, and costs for attachments for witnesses shall be paid by such witnesses.

[4.**]** **5.** Mileage shall be reimbursed to sheriffs, county marshals and guards for all services rendered pursuant to this section at the rate prescribed by the Internal Revenue Service for allowable expenses for motor vehicle use expressed as an amount per mile.

6. (1) There is hereby created in the state treasury the "MODEX Fund", which shall consist of money collected under subsection 1 of this section. The fund shall be administered by the Peace Officers Standards and Training Commission established in section 590.120. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the fund shall be used solely for the operational support and expansion of the MODEX system.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

513.430. PROPERTY EXEMPT FROM ATTACHMENT — BENEFITS FROM CERTAIN EMPLOYEE PLANS, EXCEPTION — BANKRUPTCY PROCEEDING, FRAUDULENT TRANSFERS, EXCEPTION — CONSTRUCTION OF SECTION. — 1. The following property shall be exempt from attachment and execution to the extent of any person's interest therein:

(1) Household furnishings, household goods, wearing apparel, appliances, books, animals, crops or musical instruments that are held primarily for personal, family or household use of such person or a dependent of such person, not to exceed three thousand dollars in value in the aggregate;

(2) A wedding ring not to exceed one thousand five hundred dollars in value and other jewelry held primarily for the personal, family or household use of such person or a dependent of such person, not to exceed five hundred dollars in value in the aggregate;

(3) Any other property of any kind, not to exceed in value six hundred dollars in the aggregate;

(4) Any implements or professional books or tools of the trade of such person or the trade of a dependent of such person not to exceed three thousand dollars in value in the aggregate;

(5) Any motor vehicles, not to exceed three thousand dollars in value in the aggregate;

(6) Any mobile home used as the principal residence but not attached to real property in which the debtor has a fee interest, not to exceed five thousand dollars in value;

(7) Any one or more unmatured life insurance contracts owned by such person, other than a credit life insurance contract;

(8) The amount of any accrued dividend or interest under, or loan value of, any one or more unmatured life insurance contracts owned by such person under which the insured is such person or an individual of whom such person is a dependent; provided, however, that if proceedings under Title 11 of the United States Code are commenced by or against such person, the amount exempt in such proceedings shall not exceed in value one hundred fifty thousand dollars in the aggregate less any amount of property of such person transferred by the life insurance company or fraternal benefit society to itself in good faith if such transfer is to pay a premium or to carry out a nonforfeiture insurance option and is required to be so transferred automatically under a life insurance contract with such company or society that was entered into before commencement of such proceedings. No amount of any accrued dividend or interest under, or loan value of, any such life insurance contracts shall be exempt from any claim for child support. Notwithstanding anything to the contrary, no such amount shall be exempt in such proceedings under any such insurance contract which was purchased by such person within one year prior to the commencement of such proceedings;

(9) Professionally prescribed health aids for such person or a dependent of such person;

(10) Such person's right to receive:

(a) A Social Security benefit, unemployment compensation or a public assistance benefit;

(b) A veteran's benefit;

(c) A disability, illness or unemployment benefit;

(d) Alimony, support or separate maintenance, not to exceed seven hundred fifty dollars a month;

(e) Any payment under a stock bonus plan, pension plan, disability or death benefit plan, profit-sharing plan, nonpublic retirement plan or any plan described, defined, or established pursuant to section 456.072, the person's right to a participant account in any deferred compensation program offered by the state of Missouri or any of its political subdivisions, or annuity or similar plan or contract on account of illness, disability, death, age or length of service, to the extent reasonably necessary for the support of such person and any dependent of such person unless:

a. Such plan or contract was established by or under the auspices of an insider that employed such person at the time such person's rights under such plan or contract arose;

b. Such payment is on account of age or length of service; and

c. Such plan or contract does not qualify under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, (26 U.S.C. 401(a), 403(a), 403(b), 408, 408A or 409); except that any such payment to any person shall be subject to attachment or execution pursuant to a qualified domestic relations order, as defined by Section 414(p) of the Internal Revenue Code of 1986, as amended, issued by a court in any proceeding for dissolution of marriage or legal separation or a proceeding for disposition of property following dissolution of marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of marital property at the time of the original judgment of dissolution;

(f) Any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan **[**or**] ,** profit-sharing plan**, health savings plan, or similar plan, including an inherited account or plan,** that is qualified under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, **whether such participant's or beneficiary's interest arises by inheritance, designation, appointment, or otherwise,** except as provided in this paragraph. Any plan or arrangement described in this paragraph shall not be exempt from the claim of an alternate payee under a qualified domestic relations order; however, the interest of any and all alternate payees under a qualified domestic relations order shall be exempt from any and all claims of any creditor, other than the state of Missouri through its division of family services. As used in this paragraph, the terms "alternate payee" and "qualified domestic relations order" have the meaning given to them in Section 414(p) of the Internal Revenue Code of 1986, as amended.

If proceedings under Title 11 of the United States Code are commenced by or against such person, no amount of funds shall be exempt in such proceedings under any such plan, contract, or trust which is fraudulent as defined in subsection 2 of section 428.024 and for the period such person participated within three years prior to the commencement of such proceedings. For the purposes of this section, when the fraudulently conveyed funds are recovered and after, such funds shall be deducted and then treated as though the funds had never been contributed to the plan, contract, or trust;

(11) The debtor's right to receive, or property that is traceable to, a payment on account of the wrongful death of an individual of whom the debtor was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor.

2. Nothing in this section shall be interpreted to exempt from attachment or execution for a valid judicial or administrative order for the payment of child support or maintenance any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan which is qualified pursuant to Section 408A of the Internal Revenue Code of 1986, as amended.

514.040. PLAINTIFF MAY SUE AS PAUPER, WHEN — COUNSEL ASSIGNED HIM BY COURT — CORRECTIONAL CENTER OFFENDERS, COSTS — WAIVER OF COSTS AND EXPENSES, WHEN. — 1. Except as provided in subsection 3 of this section, if any court shall, before or after the commencement of any suit pending before it, be satisfied that the plaintiff is a poor person, and unable to prosecute his or her suit, and pay all or any portion of the costs and expenses thereof, such court may, in its discretion, permit him or her to commence and prosecute his or her action as a poor person, and thereupon such poor person shall have all necessary process and proceedings as in other cases, without fees, tax or charge as the court determines the person cannot pay; and the court may assign to such person counsel, who, as well as all other officers of the court, shall perform their duties in such suit without fee or reward as the court may excuse; but if judgment is entered for the plaintiff, costs shall be recovered, which shall be collected for the use of the officers of the court.

2. In any civil action brought in a court of this state by any offender convicted of a crime who is confined in any state prison or correctional center, the court shall not reduce the amount required as security for costs upon filing such suit to an amount of less than ten dollars pursuant to this section. This subsection shall not apply to any action for which no sum as security for costs is required to be paid upon filing such suit.

3. Where a party is represented in a civil action by a legal aid society or a legal services or other nonprofit organization funded in whole or substantial part by moneys appropriated by the general assembly of the state of Missouri, which has as its primary purpose the furnishing of legal services to indigent persons**, by a law school clinic which has as its primary purpose educating law students through furnishing legal services to indigent persons**, or by private counsel working on behalf of or under the auspices of such society, all costs and expenses related to the prosecution of the suit may be waived without the necessity of a motion and court approval, provided that a determination has been made by such society or organization that such party is unable to pay the costs, fees and expenses necessary to prosecute or defend the action, and that a certification that such determination has been made is filed with the clerk of the court.

544.455. RELEASE OF PERSON CHARGED, WHEN — CONDITIONS WHICH MAY BE IMPOSED. — 1. Any person charged with a bailable offense, at his or her appearance before an associate circuit judge or judge may be ordered released pending trial, appeal, or other stage of the proceedings against him on his personal recognizance, unless the associate circuit judge or judge determines, in the exercise of his discretion, that such a release will not reasonably assure the appearance of the person as required. When such a determination is made, the associate circuit judge or judge may either in lieu of or in addition to the above methods of release, impose any or any combination of the following conditions of release which will reasonably assure the appearance of the person for trial:

(1) Place the person in the custody of a designated person or organization agreeing to supervise him;

(2) Place restriction on the travel, association, or place of abode of the person during the period of release;

(3) Require the execution of a bail bond with sufficient solvent sureties, or the deposit of cash in lieu thereof;

(4) Require the person to report regularly to some officer of the court, or peace officer, in such manner as the associate circuit judge or judge directs;

(5) Require the execution of a bond in a given sum and the deposit in the registry of the court of ten percent, or such lesser percent as the judge directs, of the sum in cash or negotiable bonds of the United States or of the state of Missouri or any political subdivision thereof;

(6) Place the person on house arrest with electronic monitoring**[**,**]** **;** except that all costs associated with the electronic monitoring shall be charged to the person on house arrest. If the judge finds the person unable to afford the costs associated with electronic monitoring, **[**then**]** the judge **[**shall not**]** **may** order that the person be placed on house arrest with electronic monitoring **if the county commission agrees to pay from the general revenue of the county the costs of such monitoring. If the person on house arrest is unable to afford the costs associated with electronic monitoring and the county commission does not agree to pay the costs of such electronic monitoring, the judge shall not order that the person be placed on house arrest with electronic monitoring**;

(7) Impose any other condition deemed reasonably necessary to assure appearance as required, including a condition requiring that the person return to custody after specified hours.

2. In determining which conditions of release will reasonably assure appearance, the associate circuit judge or judge shall, on the basis of available information, take into account the nature and circumstances of the offense charged, the weight of the evidence against the accused, the accused's family ties, employment, financial resources, character and mental condition, the

length of his residence in the community, his record of convictions, and his record of appearance at court proceedings or flight to avoid prosecution or failure to appear at court proceedings.

3. An associate circuit judge or judge authorizing the release of a person under this section shall issue an appropriate order containing a statement of the conditions imposed, if any, shall inform such person of the penalties applicable to violations of the conditions of his release and shall advise him that a warrant for his arrest will be issued immediately upon any such violation.

4. A person for whom conditions of release are imposed and who after twenty-four hours from the time of the release hearing continues to be detained as a result of his inability to meet the conditions of release, shall, upon application, be entitled to have the condition reviewed by the associate circuit judge or judge who imposed them. The motion shall be determined promptly.

5. An associate circuit judge or judge ordering the release of a person on any condition specified in this section may at any time amend his order to impose additional or different conditions of release; except that, if the imposition of such additional or different conditions results in the detention of the person as a result of his inability to meet such conditions or in the release of the person on a condition requiring him to return to custody after specified hours, the provisions of subsection 4 **of this section** shall apply.

6. Information stated in, or offered in connection with, any order entered pursuant to this section need not conform to the rules pertaining to the admissibility of evidence in a court of law.

7. Nothing contained in this section shall be construed to prevent the disposition of any case or class of cases by forfeiture of collateral security where such disposition is authorized by the court.

8. Persons charged with violations of municipal ordinances may be released by a municipal judge or other judge who hears and determines municipal ordinance violation cases of the municipality involved under the same conditions and in the same manner as provided in this section for release by an associate circuit judge.

9. A circuit court may adopt a local rule authorizing the pretrial release on electronic monitoring pursuant to subdivision (6) of subsection 1 of this section in lieu of incarceration of individuals charged with offenses specifically identified therein.

557.011. AUTHORIZED DISPOSITIONS. — 1. Every person found guilty of an offense shall be dealt with by the court in accordance with the provisions of this chapter, except that for offenses defined outside this code and not repealed, the term of imprisonment or the fine that may be imposed is that provided in the statute defining the offense; however, the conditional release term of any sentence of a term of years shall be determined as provided in subsection 4 of section 558.011.

2. Whenever any person has been found guilty of a felony or a misdemeanor the court shall make one or more of the following dispositions of the offender in any appropriate combination. The court may:

(1) Sentence the person to a term of imprisonment as authorized by chapter 558;

(2) Sentence the person to pay a fine as authorized by chapter 560;

(3) Suspend the imposition of sentence, with or without placing the person on probation;

(4) Pronounce sentence and suspend its execution, placing the person on probation;

(5) Impose a period of detention as a condition of probation, as authorized by section 559.026.

3. Whenever any person has been found guilty of an infraction, the court shall make one or more of the following dispositions of the offender in any appropriate combination. The court may:

(1) Sentence the person to pay a fine as authorized by chapter 560;

(2) Suspend the imposition of sentence, with or without placing the person on probation;

(3) Pronounce sentence and suspend its execution, placing the person on probation.

4. Whenever any organization has been found guilty of an offense, the court shall make one or more of the following dispositions of the organization in any appropriate combination. The court may:

(1) Sentence the organization to pay a fine as authorized by chapter 560;

(2) Suspend the imposition of sentence, with or without placing the organization on probation;

(3) Pronounce sentence and suspend its execution, placing the organization on probation;

(4) Impose any special sentence or sanction authorized by law.

5. This chapter shall not be construed to deprive the court of any authority conferred by law to decree a forfeiture of property, suspend or cancel a license, remove a person from office, or impose any other civil penalty. An appropriate order exercising such authority may be included as part of any sentence.

6. In the event a sentence of confinement is ordered executed, a court may order that an individual serve all or any portion of such sentence on electronic monitoring**[**,**]** **;** except that all costs associated with the electronic monitoring shall be charged to the person on house arrest. If the judge finds the person unable to afford the costs associated with electronic monitoring, **[**then**]** the judge **[**shall not**]** **may** order that the person be placed on house arrest with electronic monitoring **if the county commission agrees to pay the costs of such monitoring. If the person on house arrest is unable to afford the costs associated with electronic monitoring and the county commission does not agree to pay from the general revenue of the county the costs of such electronic monitoring, the judge shall not order that the person be placed on house arrest with electronic monitoring**.

559.036. DURATION OF PROBATION — REVOCATION. — 1. A term of probation commences on the day it is imposed. Multiple terms of Missouri probation, whether imposed at the same time or at different times, shall run concurrently. Terms of probation shall also run concurrently with any federal or other state jail, prison, probation or parole term for another offense to which the defendant is or becomes subject during the period, unless otherwise specified by the Missouri court.

2. The court may terminate a period of probation and discharge the defendant at any time before completion of the specific term fixed under section 559.016 if warranted by the conduct of the defendant and the ends of justice. The court may extend the term of the probation, but no more than one extension of any probation may be ordered except that the court may extend the term of probation by one additional year by order of the court if the defendant admits he or she has violated the conditions of probation or is found by the court to have violated the conditions of his or her probation. Total time on any probation term, including any extension shall not exceed the maximum term established in section 559.016. Procedures for termination, discharge and extension may be established by rule of court.

3. If the defendant violates a condition of probation at any time prior to the expiration or termination of the probation term, the court may continue him on the existing conditions, with or without modifying or enlarging the conditions or extending the term.

4. (1) **Unless the defendant consents to the revocation of probation,** if a continuation, modification, enlargement or extension is not appropriate under this section, the court shall order placement of the offender in one of the department of corrections' one hundred twenty-day programs so long as:

(a) The underlying offense for the probation is a class C or D felony or an offense listed in chapter 195; except that, the court may, upon its own motion or a motion of the prosecuting or circuit attorney, make a finding that an offender is not eligible if the underlying offense is involuntary manslaughter in the first degree, involuntary manslaughter in the second degree, aggravated stalking, assault in the second degree, sexual assault, domestic assault in the second degree, assault of a law enforcement officer in the second degree, statutory rape in the second degree, statutory sodomy in the second degree, deviate sexual assault, sexual misconduct

involving a child, incest, endangering the welfare of a child in the first degree under subdivision (1) or (2) of subsection 1 of section 568.045, abuse of a child, invasion of privacy or any case in which the defendant is found guilty of a felony offense under chapter 571;

(b) The probation violation is not the result of the defendant being an absconder or being found guilty of, pleading guilty to, or being arrested on suspicion of any felony, misdemeanor, or infraction. For purposes of this subsection, "absconder" shall mean an offender under supervision who has left such offender's place of residency without the permission of the offender's supervising officer for the purpose of avoiding supervision;

(c) The defendant has not violated any conditions of probation involving the possession or use of weapons, or a stay-away condition prohibiting the defendant from contacting a certain individual; and

(d) The defendant has not already been placed in one of the programs by the court for the same underlying offense or during the same probation term.

(2) Upon receiving the order, the department of corrections shall conduct an assessment of the offender and place such offender in the appropriate one hundred twenty-day program under subsection 3 of section 559.115.

(3) Notwithstanding any of the provisions of subsection 3 of section 559.115 to the contrary, once the defendant has successfully completed the program under this subsection, the court shall release the defendant to continue to serve the term of probation, which shall not be modified, enlarged, or extended based on the same incident of violation. Time served in the program shall be credited as time served on any sentence imposed for the underlying offense.

5. If **the defendant consents to the revocation of probation or if** the defendant is not eligible under subsection 4 of this section for placement in a program and a continuation, modification, enlargement, or extension of the term under this section is not appropriate, the court may revoke probation and order that any sentence previously imposed be executed. If imposition of sentence was suspended, the court may revoke probation and impose any sentence available under section 557.011. The court may mitigate any sentence of imprisonment by reducing the prison or jail term by all or part of the time the defendant was on probation. The court may, upon revocation of probation, place an offender on a second term of probation. Such probation shall be for a term of probation as provided by section 559.016, notwithstanding any amount of time served by the offender on the first term of probation.

6. Probation shall not be revoked without giving the probationer notice and an opportunity to be heard on the issues of whether he violated a condition of probation and, if he did, whether revocation is warranted under all the circumstances.

7. The prosecuting or circuit attorney may file a motion to revoke probation or at any time during the term of probation, the court may issue a notice to the probationer to appear to answer a charge of a violation, and the court may issue a warrant of arrest for the violation. Such notice shall be personally served upon the probationer. The warrant shall authorize the return of the probationer to the custody of the court or to any suitable detention facility designated by the court. Upon the filing of the prosecutor's or circuit attorney's motion or on the court's own motion, the court may immediately enter an order suspending the period of probation and may order a warrant for the defendant's arrest. The probation shall remain suspended until the court rules on the prosecutor's or circuit attorney's motion, or until the court otherwise orders the probation reinstated.

8. The power of the court to revoke probation shall extend for the duration of the term of probation designated by the court and for any further period which is reasonably necessary for the adjudication of matters arising before its expiration, provided that some affirmative manifestation of an intent to conduct a revocation hearing occurs prior to the expiration of the period and that every reasonable effort is made to notify the probationer and to conduct the hearing prior to the expiration of the period.

559.115. APPEALS, PROBATION NOT TO BE GRANTED, WHEN — PROBATION GRANTED AFTER DELIVERY TO DEPARTMENT OF CORRECTIONS, TIME LIMITATION, ASSESSMENT — ONE HUNDRED TWENTY DAY PROGRAM — NOTIFICATION TO STATE, WHEN, HEARING — NO PROBATION IN CERTAIN CASES. — 1. Neither probation nor parole shall be granted by the circuit court between the time the transcript on appeal from the offender's conviction has been filed in appellate court and the disposition of the appeal by such court.

2. Unless otherwise prohibited by subsection **[**5**]** **8** of this section, a circuit court only upon its own motion and not that of the state or the offender shall have the power to grant probation to an offender anytime up to one hundred twenty days after such offender has been delivered to the department of corrections but not thereafter. The court may request information and a recommendation from the department concerning the offender and such offender's behavior during the period of incarceration. Except as provided in this section, the court may place the offender on probation in a program created pursuant to section 217.777, or may place the offender on probation with any other conditions authorized by law.

3. The court may recommend placement of an offender in a department of corrections one hundred twenty-day program under this **[**section**]** **subsection** or order such placement under subsection 4 of section 559.036. Upon the recommendation or order of the court, the department of corrections shall assess each offender to determine the appropriate **one hundred twenty-day** program in which to place the offender, **[**including**]** **which may include placement in the** shock incarceration **program** or institutional treatment **program**. When the court recommends and receives placement of an offender in a department of corrections one hundred twenty-day program, the offender shall be released on probation if the department of corrections determines that the offender has successfully completed the program except as follows. Upon successful completion of a **[**treatment**]** program **under this subsection**, the board of probation and parole shall advise the sentencing court of an offender's probationary release date thirty days prior to release. **[**The court shall release the offender unless such release constitutes an abuse of discretion. If the court determined that there is an abuse of discretion, the court may order the execution of the offender's sentence only after conducting a hearing on the matter within ninety to one hundred twenty days of the offender's sentence. If the court does not respond when an offender successfully completes the program, the offender shall be released on probation. Upon successful completion of a shock incarceration program, the board of probation and parole shall advise the sentencing court of an offender's probationary release date thirty days prior to release.**]** The court shall follow the recommendation of the department unless the court determines that probation is not appropriate. If the court determines that probation is not appropriate, the court may order the execution of the offender's sentence only after conducting a hearing on the matter within ninety to one hundred twenty days **[**of the offender's sentence. If the department determines that an offender is not successful in a program, then after one hundred days of incarceration the circuit court shall receive from**]** **from the date the offender was delivered to the department of corrections. If the department determines the offender has not successfully completed a one hundred twenty-day program under this subsection, the offender shall be removed from the program and the court shall be advised of the removal.** The department **[**of corrections a**]** **shall** report on the offender's participation in the program and **[**department**]** **may provide** recommendations for terms and conditions of an offender's probation. The court shall then **[**release the offender on probation or order the offender to remain in the department to serve the sentence imposed**]** **have the power to grant probation or order the execution of the offender's sentence**.

4. **If the court is advised that an offender is not eligible for placement in a one hundred twenty-day program under subsection 3 of this section, the court shall consider other authorized dispositions.** If the department of corrections one hundred twenty-day program **under subsection 3 of this section** is full, the court may place the offender in a private program approved by the department of corrections or the court, the expenses of such program to be paid by the offender, or in an available program offered by another organization. If the

offender is convicted of a class C or class D nonviolent felony, the court may order probation while awaiting appointment to treatment.

5. Except when the offender has been found to be a predatory sexual offender pursuant to section 558.018, the court shall request **[**that the offender be placed in the sexual offender assessment unit of the department of corrections**]** **the department of corrections to conduct a sexual offender assessment** if the defendant has pleaded guilty to or has been found guilty of sexual abuse when classified as a class B felony. **Upon completion of the assessment, the department shall provide to the court a report on the offender and may provide recommendations for terms and conditions of an offender's probation. The assessment shall not be considered a one hundred twenty-day program as provided under subsection 3 of this section. The process for granting probation to an offender who has completed the assessment shall be as provided under subsections 2 and 6 of this section.**

6. Unless the offender is being granted probation pursuant to successful completion of a one hundred twenty-day program the circuit court shall notify the state in writing when the court intends to grant probation to the offender pursuant to the provisions of this section. The state may, in writing, request a hearing within ten days of receipt of the court's notification that the court intends to grant probation. Upon the state's request for a hearing, the court shall grant a hearing as soon as reasonably possible. If the state does not respond to the court's notice in writing within ten days, the court may proceed upon its own motion to grant probation.

7. An offender's first incarceration **[**for one hundred twenty days for participation in a department of corrections program**]** **under this section** prior to release on probation shall not be considered a previous prison commitment for the purpose of determining a minimum prison term under the provisions of section 558.019.

8. Notwithstanding any other provision of law, probation may not be granted pursuant to this section to offenders who have been convicted of murder in the second degree pursuant to section 565.021; forcible rape pursuant to section 566.030; forcible sodomy pursuant to section 566.060; statutory rape in the first degree pursuant to section 566.032; statutory sodomy in the first degree pursuant to section 566.062; child molestation in the first degree pursuant to section 566.067 when classified as a class A felony; abuse of a child pursuant to section 568.060 when classified as a class A felony; an offender who has been found to be a predatory sexual offender pursuant to section 558.018; or any offense in which there exists a statutory prohibition against either probation or parole.

632.498. ANNUAL EXAMINATION OF MENTAL CONDITION, NOT REQUIRED, WHEN — ANNUAL REVIEW BY THE COURT — PETITION FOR RELEASE, HEARING, PROCEDURES (WHEN DIRECTOR DISAPPROVES). — 1. Each person committed pursuant to sections 632.480 to 632.513 shall have a current examination of the person's mental condition made once every year by the director of the department of mental health or designee. The yearly report shall be provided to the court that committed the person pursuant to sections 632.480 to 632.513. The court shall conduct an annual review of the status of the committed person. The court shall not conduct an annual review of a person's status if he or she has been conditionally released pursuant to section 632.505.

2. Nothing contained in sections 632.480 to 632.513 shall prohibit the person from otherwise petitioning the court for release. The director of the department of mental health shall provide the committed person who has not been conditionally released with an annual written notice of the person's right to petition the court for release over the director's objection. The notice shall contain a waiver of rights. The director shall forward the notice and waiver form to the court with the annual report.

3. If the committed person petitions the court for conditional release over the director's objection, the petition shall be served upon the court that committed the person, the **prosecuting attorney of the jurisdiction into which the committed person is to be released, the** director

of the department of mental health, the head of the facility housing the person, and the attorney general.

4. The committed person shall have a right to have an attorney represent the person at the hearing but the person is not entitled to be present at the hearing. If the court at the hearing determines by a preponderance of the evidence that the person no longer suffers from a mental abnormality that makes the person likely to engage in acts of sexual violence if released, then the court shall set a trial on the issue.

5. The trial shall be governed by the following provisions:

(1) The committed person shall be entitled to be present and entitled to the benefit of all constitutional protections that were afforded the person at the initial commitment proceeding;

(2) The attorney general shall represent the state and shall have a right to a jury trial and to have the committed person evaluated by a psychiatrist or psychologist not employed by the department of mental health or the department of corrections. In addition, the person may be examined by a consenting psychiatrist or psychologist of the person's choice at the person's own expense;

(3) The burden of proof at the trial shall be upon the state to prove by clear and convincing evidence that the committed person's mental abnormality remains such that the person is not safe to be at large and if released is likely to engage in acts of sexual violence. If such determination is made by a jury, the verdict must be unanimous;

(4) If the court or jury finds that the person's mental abnormality remains such that the person is not safe to be at large and if released is likely to engage in acts of sexual violence, the person shall remain in the custody of the department of mental health in a secure facility designated by the director of the department of mental health. If the court or jury finds that the person's mental abnormality has so changed that the person is not likely to commit acts of sexual violence if released, the person shall be conditionally released as provided in section 632.505.

632.505. CONDITIONAL RELEASE — INTERAGENCY AGREEMENTS FOR SUPERVISION, PLAN — COURT REVIEW OF PLAN, ORDER, CONDITIONS — COPY OF ORDER — CONTINUING CONTROL AND CARE — MODIFICATIONS — VIOLATIONS — AGREEMENTS WITH PRIVATE ENTITIES — FEE, RULEMAKING AUTHORITY — ESCAPE — NOTIFICATION TO LOCAL LAW ENFORCEMENT, WHEN. — 1. Upon determination by a court or jury that the person's mental abnormality has so changed that the person is not likely to commit acts of sexual violence if released, the court shall place the person on conditional release pursuant to the terms of this section. The primary purpose of conditional release is to provide outpatient treatment and monitoring to prevent the person's condition from deteriorating to the degree that the person would need to be returned to a secure facility designated by the director of the department of mental health.

2. The department of mental health is authorized to enter into an interagency agreement with the department of corrections for the supervision of persons granted a conditional release by the court. In conjunction with the department of corrections, the department of mental health shall develop a conditional release plan which contains appropriate conditions for the person to be released. The plan shall address the person's need for supervision, counseling, medication, community support services, residential services, vocational services, and alcohol and drug treatment. The department of mental health shall submit the proposed plan for conditional release to the court.

3. The court shall review the plan and determine the conditions that it deems necessary to meet the person's need for treatment and supervision and to protect the safety of the public. The court shall order that the person shall be subject to the following conditions and other conditions as deemed necessary:

(1) Maintain a residence approved by the department of mental health and not change residence unless approved by the department of mental health;

(2) Maintain employment unless engaged in other structured activity approved by the department of mental health;

(3) Obey all federal and state laws;

(4) Not possess a firearm or dangerous weapon;

(5) Not be employed or voluntarily participate in an activity that involves contact with children without approval of the department of mental health;

(6) Not consume alcohol or use a controlled substance except as prescribed by a treating physician and to submit, upon request, to any procedure designed to test for alcohol or controlled substance use;

(7) Not associate with any person who has been convicted of a felony unless approved by the department of mental health;

(8) Not leave the state without permission of the department of mental health;

(9) Not have contact with specific persons, including but not limited to, the victim or victim's family, as directed by the department of mental health;

(10) Not have any contact with any child without specific approval by the department of mental health;

(11) Not possess material that is pornographic, sexually oriented, or sexually stimulating;

(12) Not enter a business providing sexually stimulating or sexually oriented entertainment;

(13) Submit to a polygraph, plethysmograph, or other electronic or behavioral monitoring or assessment;

(14) Submit to electronic monitoring which may be based on a global positioning system or other technology which identifies and records a person's location at all times;

(15) Attend and fully participate in assessment and treatment as directed by the department of mental health;

(16) Take all psychiatric medications as prescribed by a treating physician;

(17) Authorize the department of mental health to access and obtain copies of confidential records pertaining to evaluation, counseling, treatment, and other such records and provide the consent necessary for the release of any such records;

(18) Pay fees to the department of mental health and the department of corrections to cover the costs of services and monitoring;

(19) Report to or appear in person as directed by the department of mental health and the department of corrections, and to follow all directives of such departments;

(20) Comply with any registration requirements under sections 589.400 to 589.425; and

(21) Comply with any other conditions that the court determines to be in the best interest of the person and society.

4. The court shall provide a copy of the order containing the conditions of release to the person, the attorney general, the department of mental health, the head of the facility housing the person, and the department of corrections.

5. A person who is conditionally released and supervised by a probation and parole officer employed by the department of corrections remains under the control, care, and treatment of the department of mental health.

6. The court may modify conditions of release upon its own motion or upon the petition of the department of mental health, the department of corrections, or the person on conditional release.

7. The following provisions shall apply to violations of conditional release:

(1) If any probation and parole officer has reasonable cause to believe that a person on conditional release has violated a condition of release or that the person is no longer a proper subject for conditional release, the officer may issue a warrant for the person's arrest. The warrant shall contain a brief recitation of the facts supporting the officer's belief. The warrant shall direct any peace officer to take the person into custody immediately so that the person can be returned to a secure facility;

(2) If the director of the department of mental health or the director's designee has reasonable cause to believe that a person on conditional release has violated a condition of release or that the person is no longer a proper subject for conditional release, the director or the director's designee may request that a peace officer take the person into custody immediately, or request that a probation and parole officer or the court which ordered the release issue a warrant for the person's arrest so that the person can be returned to a secure facility;

(3) At any time during the period of a conditional release, the court which ordered the release may issue a notice to the released person to appear to answer a charge of a violation of the terms of the release and the court may issue a warrant of arrest for the violation. Such notice shall be personally served upon the released person. The warrant shall authorize the return of the released person to the custody of the court or to the custody of the director of mental health or the director's designee;

(4) No peace officer responsible for apprehending and returning the person to the facility upon the request of the director of the department of mental health or the director's designee or a probation and parole officer shall be civilly liable for apprehending or transporting such person to the facility so long as such duties were performed in good faith and without negligence;

(5) The department of mental health shall promptly notify the court that the person has been apprehended and returned to a secure facility;

(6) Within seven days of the person's return to a secure facility, the department of mental health must either request that the attorney general file a petition to revoke the person's conditional release or continue the person on conditional release;

(7) If a petition to revoke conditional release is filed, the person shall remain in custody until a hearing is held on the petition. The hearing shall be given priority on the court's docket. If upon hearing the evidence, the court finds by preponderance of the evidence that the person has violated a condition of release and that the violation of the condition was sufficient to render the person no longer suitable for conditional release, the court shall revoke the conditional release and order the person returned to a secure facility designated by the director of the department of mental health. If the court determines that revocation is not required, the court may modify or increase the conditions of release or order the person's release on the existing conditions of release;

(8) A person whose conditional release has been revoked may petition the court for subsequent release pursuant to sections 632.498, 632.501, and 632.504 no sooner than six months after the person's return to a secure facility.

8. The department of mental health may enter into agreements with the department of corrections and other departments and may enter into contracts with private entities for the purpose of supervising a person on conditional release.

9. The department of mental health and the department of corrections may require a person on conditional release to pay a reasonable fee to cover the costs of providing services and monitoring while the person is released. Each department may adopt rules with respect to establishing, waiving, collecting, and using fees. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.

10. In the event a person on conditional release escapes from custody, the department of mental health shall notify the court, the department of corrections, the attorney general, the chief law enforcement officer of the county or city not within a county from where the person escaped or absconded, and any other persons necessary to protect the safety of the public or to assist in the apprehension of the person. The attorney general shall notify victims and

witnesses. Upon receiving such notice, the attorney general shall file escape from commitment charges under section 575.195.

11. When a person who has been granted conditional release under this section is being electronically monitored and remains in the county, city, town, or village where the facility is located that released the person, the department of corrections shall provide, upon request, the chief of the local law enforcement agency of such county, city, town, or village with access to the information gathered by the global positioning system or other technology used to monitor the person. This access shall include, but not be limited to, any user name or password needed to view any real-time or recorded information about the person, and any alert or message generated by the technology. The access shall continue while the person is being electronically monitored and is living in the county, city, town, or village where the facility that released the offender is located. The information obtained by the chief of the local law enforcement agency shall be closed and shall not be disclosed to any person outside the law enforcement agency except upon an order of the court supervising the conditional release.

SECTION 1. ABROGATION OF CASE LAW, SEXUALLY VIOLENT OFFENSE DEFINITION. — It is the intent of the legislature to reject and abrogate earlier case law interpretations on the meaning of or definition of "sexually violent offense" to include, but not be limited to, holdings in: Robertson v. State, 392 S.W.3d 1 (Mo. App. W.D., 2012); and State ex rel. Whitaker v. Satterfield, 386 S.W.3d 893 (Mo. App. S.D., 2012); and all cases citing, interpreting, applying, or following those cases. It is the intent of the legislature to apply these provisions retroactively.

[478.075. CIRCUIT NO. 1. — Circuit number one shall consist of the counties of Clark, Schuyler and Scotland.**]**

[478.077. CIRCUIT NO. 2. — Circuit number two shall consist of the counties of Adair, Knox and Lewis.**]**

[478.080. CIRCUIT NO. 3. — Circuit number three shall consist of the counties of Grundy, Harrison, Mercer and Putnam.**]**

[478.085. CIRCUIT NO. 4. — Circuit number four shall consist of the counties of Holt, Atchison, Gentry, Nodaway and Worth.**]**

[478.087. CIRCUIT NO. 5. — Circuit number five shall consist of the counties of Buchanan and Andrew.**]**

[478.090. CIRCUIT NO. 6. — Circuit number six shall consist of the county of Platte.**]**

[478.093. CIRCUIT NO. 7. — Circuit number seven shall consist of the county of Clay.**]**

[478.095. CIRCUIT NO. 8. — Circuit number eight shall consist of the counties of Carroll and Ray.**]**

[478.097. CIRCUIT NO. 9. — Circuit number nine shall consist of the counties of Chariton, Linn and Sullivan.**]**

[478.100. CIRCUIT NO. 10. — Circuit number ten shall consist of the counties of Marion, Monroe and Ralls.**]**

[478.103. CIRCUIT NO. 11. — 1. Until August 28, 1991, circuit number eleven shall consist of the counties of Lincoln, Pike and St. Charles.

2. Beginning August 29, 1991, circuit number eleven shall consist of the county of St. Charles.**]**

[478.105. CIRCUIT NO. 12. — Circuit number twelve shall consist of the counties of Audrain, Montgomery and Warren.**]**

[478.107. CIRCUIT NO. 13. — Circuit number thirteen shall consist of the counties of Boone and Callaway.**]**

[478.110. CIRCUIT NO. 14. — Circuit number fourteen shall consist of the counties of Howard and Randolph.**]**

[478.113. CIRCUIT NO. 15. — Circuit number fifteen shall consist of the counties of Lafayette and Saline.**]**

[478.115. CIRCUIT NO. 16. — Circuit number sixteen shall consist of the county of Jackson.**]**

[478.117. CIRCUIT NO. 17. — Circuit number seventeen shall consist of the counties of Cass and Johnson.**]**

[478.120. CIRCUIT NO. 18. — Circuit number eighteen shall consist of the counties of Cooper and Pettis.**]**

[478.123. CIRCUIT NO. 19. — Circuit number nineteen shall consist of the county of Cole.**]**

[478.125. CIRCUIT NO. 20. — Circuit number twenty shall consist of the counties of Franklin, Gasconade and Osage.**]**

[478.127. CIRCUIT NO. 21. — Circuit number twenty-one shall consist of the county of St. Louis.**]**

[478.130. CIRCUIT NO. 22. — Circuit number twenty-two shall consist of the city of St. Louis.**]**

[478.133. CIRCUIT NO. 23. — Circuit number twenty-three shall consist of Jefferson County.**]**

[478.135. CIRCUIT NO. 24. — Circuit number twenty-four shall consist of the counties of Madison, St. Francois, Ste. Genevieve and Washington.**]**

[478.137. CIRCUIT NO. 25. — Circuit number twenty-five shall consist of the counties of Maries, Phelps, Pulaski and Texas.**]**

[478.140. CIRCUIT NO. 26. — Circuit number twenty-six shall consist of the counties of Camden, Laclede, Miller, Moniteau and Morgan.**]**

[478.143. CIRCUIT NO. 27. — Circuit number twenty-seven shall consist of the counties of Bates, Henry and St. Clair.**]**

[478.145. CIRCUIT NO. 28. — Circuit number twenty-eight shall consist of the counties of Barton, Cedar, Dade and Vernon.**]**

[478.147. CIRCUIT NO. 29. — Circuit number twenty-nine shall consist of the county of Jasper.**]**

[478.150. CIRCUIT NO. 30. — Circuit number thirty shall consist of the counties of Benton, Dallas, Hickory, Polk and Webster.**]**

[478.153. CIRCUIT NO. 31. — Circuit number thirty-one shall consist of the county of Greene.**]**

[478.155. CIRCUIT NO. 32. — Circuit number thirty-two shall consist of the counties of Perry, Bollinger and Cape Girardeau.**]**

[478.157. CIRCUIT NO. 33. — Circuit number thirty-three shall consist of the counties of Mississippi and Scott.**]**

[478.160. CIRCUIT NO. 34. — Circuit number thirty-four shall consist of the counties of New Madrid and Pemiscot.**]**

[478.163. CIRCUIT NO. 35. — Circuit number thirty-five shall consist of the counties of Dunklin and Stoddard.**]**

[478.165. CIRCUIT NO. 36. — Circuit number thirty-six shall consist of the counties of Butler and Ripley.**]**

[478.167. CIRCUIT NO. 37. — Circuit number thirty-seven shall consist of the counties of Carter, Howell, Oregon and Shannon.**]**

[478.170. CIRCUIT NO. 38. — Circuit number thirty-eight shall consist of the counties of Christian and Taney.**]**

[478.173. CIRCUIT NO. 39. — Circuit number thirty-nine shall consist of the counties of Barry, Lawrence and Stone.**]**

[478.175. CIRCUIT NO. 40. — Circuit number forty shall consist of the counties of McDonald and Newton.**]**

[478.177. CIRCUIT NO. 41. — Circuit number forty-one shall consist of the counties of Macon and Shelby.**]**

[478.180. CIRCUIT NO. 42. — Circuit number forty-two shall consist of the counties of Crawford, Dent, Iron, Reynolds and Wayne.**]**

[478.183. CIRCUIT NO. 43. — Circuit number forty-three shall consist of the counties of Clinton, Caldwell, Daviess, Livingston, and DeKalb.**]**

[478.185. CIRCUIT NO. 44. — Circuit number forty-four shall consist of the counties of Douglas, Ozark, and Wright.**]**

[478.186. CIRCUIT NO. 45. — 1. Beginning August 29, 1991, circuit number forty-five shall consist of the counties of Lincoln and Pike.

2. The circuit court judge who sat in division three of the eleventh judicial circuit on August 28, 1991, shall beginning August 29, 1991, be the circuit judge of the forty-fifth judicial circuit and shall hold office for the remainder of the term to which he was elected or appointed, and until his successor is elected and qualified.**]**

SECTION B. AUTHORITY FOR ESTABLISHMENT OF CIRCUITS, REPEALED, EFFECTIVE WHEN. — The repeal of sections 478.075, 478.077, 478.080, 478.085, 478.087, 478.090, 478.093, 478.095, 478.097, 478.100, 478.103, 478.105, 478.107, 478.110, 478.113, 478.115, 478.117, 478.120, 478.123, 478.125, 478.127, 478.130, 478.133, 478.135, 478.137, 478.140, 478.143, 478.145, 478.147, 478.150, 478.153, 478.155, 478.157, 478.160, 478.163, 478.165, 478.167, 478.170, 478.173, 478.175, 478.177, 478.180, 478.183, 478.185, 478.186, and the repeal and reenactment of section 487.010 shall become effective December 31, 2020.

Approved July 3, 2013

HB 400 [HB 400]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Establishes requirements for the administration of RU-486 or any other abortion-inducing drug or chemical

AN ACT to amend chapter 188, RSMo, by adding thereto one new section relating to administration of abortion-inducing drugs.

SECTION
A. Enacting clause.
188.021. RU-486, administration of, requirements.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Chapter 188, RSMo, is amended by adding thereto one new section, to be known as section 188.021, to read as follows:

188.021. RU-486, ADMINISTRATION OF, REQUIREMENTS. — When RU-486 (mifepristone) or any drug or chemical is used for the purpose of inducing an abortion, the initial dose of the drug or chemical shall be administered in the same room and in the physical presence of the physician who prescribed, dispensed, or otherwise provided the drug or chemical to the patient. The physician inducing the abortion, or a person acting on such physician's behalf, shall make all reasonable efforts to ensure that the patient returns after the administration or use of RU-486 or any drug or chemical for a follow-up visit unless such termination of the pregnancy has already been confirmed and the patient's medical condition has been assessed by a licensed physician prior to discharge.

Allowed to go into effect pursuant to Article III, Section 31 of the Missouri Constitution

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HB 404 [HCS HBs 404 & 614]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Recognizes psychological stress as an occupational disease for paid police officers of a paid police department certified under Chapter 590 if a direct causal relationship is established

AN ACT to repeal sections 287.067 and 287.975, RSMo, and to enact in lieu thereof two new sections relating to workers' compensation.

SECTION
A. Enacting clause.
287.067. Occupational disease defined — repetitive motion, loss of hearing, radiation injury, communicable disease, others.
287.975. Pure premium rate, schedule of rates, filed with director, when — payroll differential, advisory organization to collect data, when, purpose.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 287.067 and 287.975, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 287.067 and 287.975, to read as follows:

287.067. OCCUPATIONAL DISEASE DEFINED — REPETITIVE MOTION, LOSS OF HEARING, RADIATION INJURY, COMMUNICABLE DISEASE, OTHERS. — 1. In this chapter the term "occupational disease" is hereby defined to mean, unless a different meaning is clearly indicated by the context, an identifiable disease arising with or without human fault out of and in the course of the employment. Ordinary diseases of life to which the general public is exposed outside of the employment shall not be compensable, except where the diseases follow as an incident of an occupational disease as defined in this section. The disease need not to have been foreseen or expected but after its contraction it must appear to have had its origin in a risk connected with the employment and to have flowed from that source as a rational consequence.

2. An injury **or death** by occupational disease is compensable only if the occupational exposure was the prevailing factor in causing both the resulting medical condition and disability. The "prevailing factor" is defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition and disability. Ordinary, gradual deterioration, or progressive degeneration of the body caused by aging or by the normal activities of day-to-day living shall not be compensable.

3. An injury due to repetitive motion is recognized as an occupational disease for purposes of this chapter. An occupational disease due to repetitive motion is compensable only if the occupational exposure was the prevailing factor in causing both the resulting medical condition and disability. The "prevailing factor" is defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition and disability. Ordinary, gradual deterioration, or progressive degeneration of the body caused by aging or by the normal activities of day-to-day living shall not be compensable.

4. "Loss of hearing due to industrial noise" is recognized as an occupational disease for purposes of this chapter and is hereby defined to be a loss of hearing in one or both ears due to prolonged exposure to harmful noise in employment. "Harmful noise" means sound capable of producing occupational deafness.

5. "Radiation disability" is recognized as an occupational disease for purposes of this chapter and is hereby defined to be that disability due to radioactive properties or substances or

to Roentgen rays (X-rays) or exposure to ionizing radiation caused by any process involving the use of or direct contact with radium or radioactive properties or substances or the use of or direct exposure to Roentgen rays (X-rays) or ionizing radiation.

6. Disease of the lungs or respiratory tract, hypotension, hypertension, or disease of the heart or cardiovascular system, including carcinoma, may be recognized as occupational diseases for the purposes of this chapter and are defined to be disability due to exposure to smoke, gases, carcinogens, inadequate oxygen, of paid firefighters of a paid fire department or paid police officers of a paid police department certified under chapter 590 if a direct causal relationship is established, or psychological stress of firefighters of a paid fire department **or paid peace officers of a police department who are certified under chapter 590** if a direct causal relationship is established.

7. Any employee who is exposed to and contracts any contagious or communicable disease arising out of and in the course of his or her employment shall be eligible for benefits under this chapter as an occupational disease.

8. With regard to occupational disease due to repetitive motion, if the exposure to the repetitive motion which is found to be the cause of the injury is for a period of less than three months and the evidence demonstrates that the exposure to the repetitive motion with the immediate prior employer was the prevailing factor in causing the injury, the prior employer shall be liable for such occupational disease.

287.975. PURE PREMIUM RATE, SCHEDULE OF RATES, FILED WITH DIRECTOR, WHEN — PAYROLL DIFFERENTIAL, ADVISORY ORGANIZATION TO COLLECT DATA, WHEN, PURPOSE. — 1. The advisory organization shall file with the director every pure premium rate, every manual of rating rules, every rating schedule and every change or amendment, or modification of any of the foregoing, proposed for use in this state no more than thirty days after it is distributed to members, subscribers or others.

2. The advisory organization which makes a uniform classification system for use in setting rates in this state shall collect data for two years after January 1, 1994, on the payroll differential between employers within the construction group of code classifications, including, but not limited to, payroll costs of the employer and number of hours worked by all employees of the employer engaged in construction work. Such data shall be transferred to the department of insurance, financial institutions and professional registration in a form prescribed by the director of the department of insurance, financial institutions and professional registration, and the department shall compile the data and develop a formula to equalize premium rates for employers within the construction group of code classifications based on such payroll differential within three years after the data is submitted by the advisory organization.

3. The formula to equalize premium rates for employers within the construction group of code classifications established under subsection 2 of this section shall be the formula in effect on January 1, 1999. This subsection shall become effective on January 1, 2014.

Approved June 27, 2013

HB 418 [HCS HB 418]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Modifies the Kansas City police retirement systems

AN ACT to repeal sections 86.900, 86.990, 86.1000, 86.1010, 86.1030, 86.1100, 86.1110, 86.1150, 86.1180, 86.1210, 86.1220, 86.1230, 86.1240, 86.1250, 86.1270, 86.1310, 86.1380, 86.1420, 86.1500, 86.1530, 86.1540, 86.1580, 86.1590, 86.1610, and 86.1630, RSMo, and to enact in lieu thereof twenty-seven new sections relating to Kansas City police retirement systems.

SECTION

A. Enacting clause.
86.900. Definitions.
86.990. Board to certify amount to be paid by city, when.
86.1000. Contributions to pension fund by city — board to certify to board of police commissioners amount required.
86.1010. Members' retirement contributions, amount, how determined.
86.1030. Benefits and administrative expenses to be paid by retirement system funds — commencement of base pension — death of a member, effect of.
86.1100. Creditable service, board to fix and determine by rule.
86.1110. Military leave of absence, effect of — service credit for military service, when.
86.1150. Retirement age — base pension amount.
86.1151. Tier II members, retire when — benefits, how computed.
86.1180. Permanent disability caused by performance of duty, retirement by board of police commissioners permitted — base pension amount — certification of disability.
86.1210. Partial lump sum option plan distribution authorized.
86.1220. Cost-of-living adjustments in addition to base pension.
86.1230. Supplemental retirement benefits, Tier I members, amount — member to be special consultant, compensation.
86.1231. Supplemental retirement benefits, Tier II members, amount — member to be a special consultant, compensation.
86.1240. Pensions of spouses of deceased members — surviving spouse to be appointed as consultant to board, when.
86.1250. Pensions of children of deceased members.
86.1270. Retirement plan deemed qualified plan under federal law — board to administer plan as a qualified plan — vesting of benefits — distributions — definitions.
86.1310. Definitions.
86.1380. Certification by the board to the city for amount to be paid to the retirement system.
86.1420. Benefits and administrative expenses to be paid by system funds — commencement of base pension, when — death of member, effect of.
86.1500. Military service, effect on creditable service — election to purchase creditable service, when — service credit for military service, when.
86.1530. Normal retirement dates.
86.1540. Normal pension, amount — early retirement option, when — election for optional benefit for spouse — pension after five years of creditable service — felony conviction, effect of.
86.1580. Optional distribution under partial lump-sum option plan, when — death before retirement, effect of.
86.1590. Cost-of-living adjustments — base pension defined.
86.1610. Death of member in service, benefit to be received — death of member after retirement, benefit to be received — surviving spouse benefits.
86.1630. Tax-exempt status of plan to be maintained — assets of system to be held in trust — member benefits vested, when — distribution of benefits.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 86.900, 86.990, 86.1000, 86.1010, 86.1030, 86.1100, 86.1110, 86.1150, 86.1180, 86.1210, 86.1220, 86.1230, 86.1240, 86.1250, 86.1270, 86.1310, 86.1380, 86.1420, 86.1500, 86.1530, 86.1540, 86.1580, 86.1590, 86.1610, and 86.1630, RSMo, are repealed and twenty-seven new sections enacted in lieu thereof, to be known as sections 86.900, 86.990, 86.1000, 86.1010, 86.1030, 86.1100, 86.1110, 86.1150, 86.1151, 86.1180, 86.1210, 86.1220, 86.1230, 86.1231, 86.1240, 86.1250, 86.1270, 86.1310, 86.1380, 86.1420, 86.1500, 86.1530, 86.1540, 86.1580, 86.1590, 86.1610, and 86.1630, to read as follows:

86.900. DEFINITIONS. — The following words and phrases as used in sections 86.900 to 86.1280 shall have the following meanings unless a different meaning is plainly required by the context:

(1) "Accumulated contributions", the sum of all amounts deducted from the compensation of a member and paid to the retirement board, together with all amounts paid to the retirement board by a member or by a member's beneficiary, for the purchase of prior service credits or any other purpose permitted under sections 86.900 to 86.1280;

(2) "Actuarial cost", the present value of a future payment or series of payments as calculated by applying the actuarial assumptions established according to subsection 8 of section 86.1270;

(3) "Beneficiary", any person entitled, either currently or conditionally, to receive pension or other benefits provided in sections 86.900 to 86.1280;

(4) "Board of police commissioners", the board composed of police commissioners authorized by law to employ and manage an organized police force in the cities;

(5) "City" or "cities", any city which now has or may hereafter have a population of more than three hundred thousand and less than seven hundred thousand inhabitants, or any city that has made an election under section 86.910 to continue a police retirement system maintained under sections 86.900 to 86.1280;

(6) "Compensation", the basic wage or salary paid a member for any period on the basis of the member's rank and position, excluding bonuses, overtime pay, expense allowances, and other extraordinary compensation; except that, notwithstanding such provision, compensation for any year for any member shall not exceed the amount permitted to be taken into account under Section 401(a)(17) of the Internal Revenue Code as applicable to such year;

(7) "Consultant", unless otherwise specifically defined, a person retained by the retirement system as a special consultant on the problems of retirement, aging and related matters who, upon request of the retirement board, shall give opinions and be available to give opinions in writing or orally in response to such requests, as may be needed by the board;

(8) "Creditable service", service qualifying as a determinant of a member's pension or other benefit under sections 86.900 to 86.1280 by meeting the requirements specified in said sections or section 105.691;

(9) "Final compensation"**:**

(a) For a Tier I member as described in subdivision (13) of this section, the average annual compensation of a member during the member's service if less than two years, or the twenty-four months of service for which the member received the highest salary whether consecutive or otherwise. In computing the average annual compensation of a member, **[**no compensation for service after the thirtieth full year of membership service shall be included.**]** **compensation shall only be included for the periods in which the member made contributions as provided under section 86.1010 except as provided in subsection 3 of section 86.110;**

(b) For a Tier II member as described in subdivision (13) of this section, the average annual compensation of a member during the member's service if less than three years, or the thirty-six months of service for which the member received the highest salary whether consecutive or otherwise. In computing the average annual compensation of a member, compensation shall only be included for the periods in which the member made contributions as provided under section 86.1010 except as provided in subsection 3 of section 86.110;

(c) For any period of time when a member is paid on a frequency other than monthly, the member's salary for such period shall be deemed to be the monthly equivalent of the member's annual rate of compensation for such period;

(10) "Fiscal year", for the retirement system, the fiscal year of the cities;

(11) "Internal Revenue Code", the United States Internal Revenue Code of 1986, as amended;

(12) "Medical board", not less than one nor more than three physicians appointed by the retirement board to arrange for and conduct medical examinations as directed by the retirement board;

(13) "Member", a member of the police retirement system as described in section 86.1090**[**;**]** **:**

(a) "Tier I member", any person who became a member prior to August 28, 2013, and who remains a member on August 28, 2013, shall remain a Tier I member until such member's membership is terminated as described in section 86.1130;

(b) "Tier I surviving spouse", the surviving spouse of a Tier I member;

(c) "Tier II member", any person who became a member on or after August 28, 2013;

(d) "Tier II surviving spouse", the surviving spouse of a Tier II member;

(e) Any person whose membership is terminated as described in section 86.1130 and who re-enters membership on or after August 28, 2013, shall become a member under paragraph (c) of this subdivision;

(14) "Pension", annual payments for life, payable monthly, at the times described in section 86.1030;

(15) "Pension fund", the fund resulting from contributions made thereto by the cities affected by sections 86.900 to 86.1280 and by the members of the police retirement system;

(16) "Police officer", an officer or member of the police department of the cities employed for compensation by the boards of police commissioners of the cities for police duty who holds a rank or position for which an annual salary range is provided in section 84.480 or 84.510; in case of dispute as to whether any person is a police officer qualified for membership in the retirement system, the decision of the board of police commissioners shall be final;

(17) "Retirement board" or "board", the board provided in section 86.920 to administer the retirement system;

(18) "Retirement system", the police retirement system of the cities as defined in section 86.910;

(19) "Surviving spouse", when determining whether a person is entitled to benefits under sections 86.900 to 86.1280 by reason of surviving a member, shall include only:

(a) A person who was married to a member at the time of the member's death in the line of duty or from an occupational disease arising out of and in the course of the member's employment and who had not, after the member's death and prior to August 28, 2000, remarried;

(b) With respect to a member who retired or died prior to August 28, 1997, a spouse who survives such member, whose marriage to such member occurred at least two years before the member's retirement or at least two years before the member's death while in service, and who had not remarried anyone other than the member prior to August 28, 2000;

(c) With respect to a member who retired or died while in service after August 28, 1997, and before August 28, 2000, a spouse who survives such member, was married to such member at the time of such member's retirement or of such member's death while in service, and had not, after the member's death and prior to August 28, 2000, remarried; and

(d) With respect to a member who retires or dies in service after August 28, 2000, a spouse who survives a member and was married to such member at the time of such member's retirement or death while in service.

86.990. BOARD TO CERTIFY AMOUNT TO BE PAID BY CITY, WHEN. — The retirement board shall before **[**January tenth**]** **October fifteenth** of each year certify to the chief financial officer of such city the amount to be paid by the city under the retirement pension system for the succeeding fiscal year, as otherwise provided by sections 86.900 to 86.1280.

86.1000. CONTRIBUTIONS TO PENSION FUND BY CITY — BOARD TO CERTIFY TO BOARD OF POLICE COMMISSIONERS AMOUNT REQUIRED. — 1. The city shall contribute to the pension fund quarter-annually or at such lesser intervals as may be agreed upon by the city and the retirement board. Such contribution shall be in addition to and separate from the appropriations made by the city for the operation of the police department. For each fiscal year of the operation of the pension system, the city's contribution to the pension fund shall be a percentage of the compensation paid to members of the pension system from which a member's deduction has been made under section 86.1010. The city's contribution shall be **[**such percentage as shall be agreed upon by the board of police commissioners and the city, but in no event shall such contribution be less than twelve percent**] the total of the following amounts:**

(1) Such amounts as may be necessary to meet the requirements for the annual actuarial required contributions as determined by a qualified professional actuary selected by the retirement board;

(2) An amount of two-hundred dollars per month for every member entitled to receive a supplemental benefit under section 86.1230 or section 86.1231. Such total of said amounts shall be certified by the retirement board to the chief financial officer of said city as provided in section 86.990.

2. On or before **[**the tenth day of January**] October fifteenth** of each year the retirement board shall certify to the board of police commissioners the amount of money that will **[**likely**]** be required to comply with the provisions of this section during the next succeeding fiscal year including administration expenses. The amounts so certified shall be included by the board of police commissioners in their annual budget estimate, and shall be appropriated by the cities and transferred to the pension fund during the ensuing fiscal year.

86.1010. MEMBERS' RETIREMENT CONTRIBUTIONS, AMOUNT, HOW DETERMINED. — **Except as provided in subsection 5 of section 86.1100,** the board of police commissioners shall cause to be deducted from the compensation of each member **[**until retirement**] who is accruing creditable service** a percentage of such member's compensation**[**, which shall not be less than six percent,**]** as determined by the retirement board, as such member's contribution to the pension fund. The sum so deducted shall be paid by the board of police commissioners promptly after each payroll to the retirement board to be credited to the member's account. Every member shall be deemed to consent to the deductions made and provided for herein. The board of police commissioners shall certify to the retirement board on every payroll the amount deducted, and such amounts shall be paid into the pension fund and shall be credited to the individual pension account of the member from whose compensation such deduction was made.

86.1030. BENEFITS AND ADMINISTRATIVE EXPENSES TO BE PAID BY RETIREMENT SYSTEM FUNDS — COMMENCEMENT OF BASE PENSION — DEATH OF A MEMBER, EFFECT OF. — 1. All benefits and all necessary administrative expenses of the retirement system shall be paid from the funds of the retirement system.

2. The base pension of a member who, after August 28, 2011, retires from or otherwise terminates active service with entitlement to a base pension under sections 86.900 to 86.1280 shall commence as of the first day of the month next following such retirement or termination with no proration of such pension for the month in which such retirement or termination occurs. The supplemental retirement benefits of a member who, after August 28, 2011, retires from or otherwise terminates active service with entitlement to a supplemental retirement benefit provided in subsection 1 of section 86.1230 **or as provided in section 86.1231** shall commence as of the first day of the month next following such retirement or termination with no proration of such supplemental retirement benefit for the month in which such retirement or termination occurs.

3. Upon the death of a member who is receiving a base pension under sections 86.900 to 86.1280 leaving a surviving spouse, as defined in section 86.900, entitled to benefits, payment of the member's base pension including all cost-of-living adjustments thereto, prorated for that

portion of the month of such death in which such member was living, shall be made to such surviving spouse, and the benefit for which such spouse is entitled under section 86.1240 **or subdivision (1) of subsection 2 of section 86.1151** shall be prorated and paid to such spouse for the remainder of such month.

4. Upon the death of a member who is receiving a base pension under sections 86.900 to 86.1280 leaving no surviving spouse, as defined in section 86.900, entitled to benefits, payment of the member's base pension including all cost-of-living adjustments thereto, prorated for that portion of the month of such death in which such member was living, shall be made in equal shares to or for the benefit of the children, if any, of such member as are entitled to share in spousal benefits as described in subsection 2 of section 86.1250. If no such children shall survive such member, such prorated benefit for the month of such member's death shall be paid to the beneficiary named by such member in a writing filed with the retirement system prior to the member's death for the purpose of receiving such benefit. If no beneficiary is named, then no payment shall be made of such prorated benefit for the month of such member's death.

5. Upon the death of a surviving spouse who is receiving a base pension under section 86.1240 **or subdivision (1) of subsection 2 of section 86.1151**, payment of such spouse's base pension including all cost-of-living adjustments thereto, prorated for that portion of the month of such death in which such spouse was living, shall be made in equal shares to or for the benefit of the children, if any, of the member of whom such spouse is the surviving spouse as are entitled to share in spousal benefits described in subsection 2 of section 86.1250. If no such children shall survive such spouse, such prorated benefit for the month of such spouse's death shall be paid to the beneficiary named by such surviving spouse in a writing filed with the retirement system prior to such spouse's death for the purpose of receiving such benefit. If no beneficiary is named, then no payment shall be made of such prorated benefit for the month of such spouse's death.

6. Upon the death of a **Tier I** member who is receiving a supplemental benefit under section 86.1230 **or upon the death of a Tier II member who is receiving a supplemental benefit under section 86.1231** and who leaves a surviving spouse, as defined in section 86.900, entitled to benefits, the entire supplemental benefit for the month of such death shall be paid to such surviving spouse without proration, and the surviving spouse shall receive no additional supplemental benefit for such month.

7. Upon the death of a **Tier I** member who is receiving a supplemental benefit under section 86.1230 **or upon the death of a Tier II member who is receiving a supplemental benefit under section 86.1231** and who leaves no surviving spouse, as defined in section 86.900, entitled to benefits, or upon the death of a surviving spouse who is receiving a supplemental benefit under section 86.1230 **or section 86.1231**, such supplemental benefit shall terminate upon such death. No benefit shall be payable for any period after the most recent monthly payment of such benefit prior to such death.

8. Upon the death of a member in service who leaves a surviving spouse, as defined in section 86.900, entitled to benefits, the base pension of such surviving spouse shall commence as of the first day of the month next following such death with no proration of such pension for the month in which such death occurs.

9. Upon the death of a member in service who leaves no surviving spouse, as defined in section 86.900, entitled to benefits, any benefit payable to surviving children of such member under subsection 2 of section 86.1250 shall commence as of the first day of the month next following such death with no proration of such benefit for the month in which such death occurs. If there are no such surviving children entitled to such benefit, then such member's accumulated contributions shall be paid to the beneficiary named by such member in a writing filed with the retirement system prior to the member's death for the purpose of receiving such benefit, or if no beneficiary is named, then to such member's estate.

10. Upon the death of a member in service or after retirement, any benefit payable to the surviving children of such member under subsection 1 of section 86.1250 shall commence as

of the first day of the month next following such death with no proration of such benefit for the month in which such death occurs.

11. All payments of any benefit shall be paid on the last business day of each month for that month. For any benefit under sections 86.900 to 86.1280, the retirement system shall withhold payment of such benefit until all requisite documentation has been filed with the retirement system evidencing the entitlement of payee to such payment.

12. If no benefits are otherwise payable to a surviving spouse or child of a deceased member or otherwise as provided in this section, the member's accumulated contributions, to any extent not fully paid to such member prior to the member's death or to the surviving spouse or child of such member or otherwise as provided in this section, shall be paid in one lump sum to the member's beneficiary named by such member in a writing filed with the retirement system prior to the member's death for the purpose of receiving such benefit, or if no beneficiary is named, then to such member's estate. Such payment shall constitute full and final payment of any and all claims for benefits under the retirement system.

86.1100. CREDITABLE SERVICE, BOARD TO FIX AND DETERMINE BY RULE. — 1. The retirement board shall fix and determine by proper rules and regulations how much service in any year is equivalent to one year of service. In no case shall more than one year of service be creditable for all service rendered in one calendar year. The retirement board shall not allow credit as service for any period during which the member was absent without compensation, except as provided in sections 86.1110 and 86.1140.

2. Except as provided in subsection 3 of section 86.1110 **or subsection 2 of section 86.1140**, creditable service at retirement on which the retirement allowance of a member is based consists of the membership service rendered by such member since such member last became a member **provided that no creditable service shall be allowed for any period of time when a member was not making contributions**.

3. Creditable service also includes any prior service credit to which a member may be entitled by virtue of an authorized purchase of such credit or as otherwise provided in sections 86.900 to 86.1280.

4. Creditable service shall not include any time a member was suspended from service without compensation. No contribution is required from either the member under section 86.1010 or from the city under section 86.1000 for such time.

5. Any member **[**who has completed thirty years of creditable service may continue in service by permission of the board of police commissioners**] in active service with the police department on or after August 28, 2013, may accrue up to a maximum of thirty-two years of creditable service**. Contributions shall not be required of, and no service shall be credited to, any member for more than **[**thirty**] thirty-two** years of service.

86.1110. MILITARY LEAVE OF ABSENCE, EFFECT OF — SERVICE CREDIT FOR MILITARY SERVICE, WHEN. — 1. Whenever a member is given a leave of absence for military service and returns to employment after discharge from the service, such member shall be entitled to creditable service for the years of employment prior to the leave of absence.

2. Except as provided in subsection 3 of this section, a member who served on active duty in the Armed Forces of the United States and who became a member, or returned to membership, after discharge under honorable conditions, may elect prior to retirement to purchase creditable service equivalent to such service in the Armed Forces, not to exceed two years, provided the member is not receiving and is not eligible to receive retirement credits or benefits from any other public or private retirement plan for the service to be purchased, other than a United States military service retirement system or United States Social Security benefits attributable to such military service, and an affidavit so stating is filed by the member with the retirement system. A member electing to make such purchase shall pay to the retirement system an amount equal to the actuarial cost of the additional benefits attributable to the additional

service credit to be purchased, as of the date the member elects to make such purchase. Payment in full of the amount due from a member electing to purchase creditable service under this subsection shall be made over a period not to exceed five years, measured from the date of election, or prior to the commencement date for payment of benefits to the member from the retirement system, whichever is earlier, including interest on unpaid balances compounded annually at the interest rate assumed from time to time for actuarial valuations of the retirement system. If payment in full including interest is not made within the prescribed period, any partial payments made by the member shall be refunded, and no creditable service attributable to such election, or as a result of any such partial payments, shall be allowed; provided that if a benefit commencement date occurs because of the death or disability of a member who has made an election under this subsection and if the member is current in payments under an approved installment plan at the time of the death or disability, such election shall be valid if the member, the surviving spouse, or other person entitled to benefit payments pays the entire balance of the remaining amount due, including interest to the date of such payment, within sixty days after the member's death or disability. The time of a disability shall be deemed to be the time when such member is retired by the board of police commissioners for reason of disability as provided in sections 86.900 to 86.1280.

3. Notwithstanding any other provision of sections 86.900 to 86.1280, a member who is on leave of absence for military service during any portion of which leave the United States is in a state of declared war, or a compulsory draft is in effect for any of the military branches of the United States, or any units of the military reserves of the United States, including the National Guard, are mobilized for combat military operations, and who becomes entitled to reemployment rights and other employment benefits under Title 38, Chapter 43 of the U.S. Code, relating to employment and reemployment rights of members of the uniformed services by meeting the requirements for such rights and benefits under Section 4312 of said chapter, or the corresponding provisions of any subsequent applicable federal statute, shall be entitled to service credit for the time spent in such military service for all purposes of sections 86.900 to 86.1280 and such member shall not be required to pay any member contributions for such time. If it becomes necessary for the years of such service to be included in the calculation of such member's compensation for any purpose, such member shall be deemed to have received the same compensation throughout such period of service as the member's base annual salary immediately prior to the commencement of such leave of absence**; provided, however, that the foregoing provisions of this subsection shall apply only to such portion of such leave with respect to which the cumulative length of the absence and of all previous absences from a position of employment with the employer by reason of service in the uniformed services does not exceed five years except for such period of any such excess as meets the requirements for exceptions to such five-year limitation set forth in the aforesaid Section 4312**.

86.1150. RETIREMENT AGE — BASE PENSION AMOUNT. — 1. Any **Tier I** member may retire when such member has completed twenty-five or more years of creditable service **[**and, except as otherwise provided in section 86.1100, shall retire when such member has completed thirty years of creditable service**]**. Upon such retirement such member shall receive a base pension equal to:

(1) For a member retiring prior to August 28, 2000, two percent of such member's final compensation, as defined in section 86.900, multiplied by the number of years of such member's total creditable service; or

(2) For a member retiring on or after August 28, 2000**, and prior to August 28, 2013**, two and one-half percent of such member's final compensation, as defined in section 86.900, multiplied by the number of years of such member's total creditable service. Such pension shall not exceed seventy-five percent of the member's final compensation**[**.

2. Every member not having thirty years of service must retire at sixty years of age except that on recommendation of the chief of police, the board of police commissioners may permit such member who is sixty years of age or over to remain in service until such member reaches the age of sixty-five years. Such member shall continue to make contributions and receive credit for service until reaching sixty-five years of age, until retirement, or until completion of thirty years of creditable service, whichever occurs first. If such member shall reach sixty-five years of age or shall retire prior to completion of twenty-five years of service, the base pension of such member shall be calculated under subsection 3 of this section.

3. Except as provided in section 86.1100 or in subsection 2 of this section,**] ; or**

(3) For a member retiring on or after August 28, 2013, two and one-half percent of such member's final compensation, as defined in section 86.900, multiplied by the number of years of such member's total creditable service. Such pension shall not exceed eighty percent of the member's final compensation.

2. Any **Tier I** member in service who shall have attained sixty years of age and at that time shall have completed at least ten **[**but less than thirty**]** years of creditable service **[**shall**] may** retire and **upon such retirement** shall receive a base pension equal to:

(1) For a member retiring prior to August 28, 2000, two percent of such member's final compensation, as defined in section 86.900, multiplied by the number of years of such member's total creditable service; or

(2) For a member retiring on or after August 28, 2000, two and one-half percent of such member's final compensation as defined in section 86.900 multiplied by the number of years of such member's total creditable service.

[4.**]** 3. Subject to the provisions of subsection **[**5**] 4** of this section, whenever the service of a **Tier I** member is terminated for any reason prior to death or retirement and the member has fifteen or more years of creditable service, the member may elect not to withdraw such member's accumulated contributions and shall become entitled to a base pension commencing on the first day of the month following the attainment of the age of fifty-five, if then living, equal to:

(1) For a member whose service so terminates prior to August 28, 2001, two percent of such member's final compensation multiplied by the number of years of such member's creditable service; or

(2) For a member whose service so terminates on or after August 28, 2001, two and one-half percent of such member's final compensation multiplied by the number of years of such member's creditable service.

[5.**] 4.** Notwithstanding any other provisions of sections 86.900 to 86.1280, any member who is convicted of a felony prior to separation from active service shall not be entitled to any benefit from this retirement system except the return of such member's accumulated contributions.

86.1151. TIER II MEMBERS, RETIRE WHEN — BENEFITS, HOW COMPUTED. — 1. Any Tier II member may retire when such member has completed twenty-seven or more years of creditable service. Upon such retirement such member shall receive a base pension equal to two and one-half percent of such member's final compensation, as defined in section 86.900, multiplied by the number of years of such member's total creditable service. Such pension shall not exceed eighty percent of the member's final compensation.

2. (1) A Tier II member who is married at the time of retirement may by a written election, with the written consent of such member's spouse, elect an optional benefit calculated as follows: such optional benefit shall be a monthly pension in the initial amount which shall be actuarially equivalent to the actuarial value of the pension described in subsection 1 of this section for such member at the date of retirement (including the value of survivorship rights of a surviving spouse, where applicable, under section 86.1240),

upon the basis that the initial annuity for the member's spouse, if such spouse survives the member, shall be:

(a) The same as the amount being paid the member at the member's death, and, together with cost-of-living adjustments thereafter declared on the spouse's base pension under section 86.1220, shall be paid to such surviving spouse for the lifetime of such spouse; or

(b) Seventy-five percent of the amount being paid the member at the member's death, and, together with cost-of-living adjustments thereafter declared on the spouse's base pension under section 86.1220, shall be paid to such surviving spouse for the lifetime of such spouse.

(2) If a member who elects the optional benefit permitted by this subsection also makes an election permitted under section 86.1210, such optional benefit shall be reduced as provided in subdivision (3) of subsection 2 of section 86.1210.

(3) If a member makes the election permitted by this subsection, the amount calculated for such optional benefit under either subdivision (1) or (2) of this subsection shall become the base pension for such member and for such member's spouse for all purposes of sections 86.900 to 86.1280.

(4) An election for an optional benefit under this subsection shall be void if the member dies within thirty days after filing such election with the retirement system or if the member dies before the due date of the first payment of such member's pension.

3. Subject to the provisions of subsection 4 of this section, whenever the service of a Tier II member is terminated for any reason prior to death or retirement and the member has fifteen or more years of creditable service, the member may elect not to withdraw such member's accumulated contributions and shall become entitled to a base pension commencing on the first day of the month following the attainment of the age of sixty, if then living, equal to two and one-half percent of such member's final compensation multiplied by the number of years of such member's creditable service.

4. Notwithstanding any other provisions of sections 86.900 to 86.1280, any member who is convicted of a felony prior to separation from active service shall not be entitled to any benefit from this retirement system except the return of such member's accumulated contributions.

86.1180. PERMANENT DISABILITY CAUSED BY PERFORMANCE OF DUTY, RETIREMENT BY BOARD OF POLICE COMMISSIONERS PERMITTED — BASE PENSION AMOUNT — CERTIFICATION OF DISABILITY. — 1. Any member in active service who is permanently unable to perform the full and unrestricted duties of a police officer as the natural, proximate, and exclusive result of an accident occurring within the actual performance of duty at some definite time and place or through an occupational disease arising exclusively out of and in the course of his or her employment shall be retired by the board of police commissioners upon certification by one or more physicians of the medical board that the member is mentally or physically unable to perform the full and unrestricted duties of a police officer, that the inability is permanent or likely to become permanent, and that the member should be retired. The inability to perform the full and unrestricted duties of a police officer means that the member is unable to perform all the essential job functions for the position of police officer as established by the board of police commissioners.

2. **(1)** Upon such retirement on or after August 28, 2001**, and prior to August 28, 2013**, a member shall receive a base pension equal to seventy-five percent of his or her final compensation for so long as the permanent disability shall continue, during which time such member shall for purposes of this section be referred to as a disability beneficiary. Such pension may be subject to offset or reduction under section 86.1190 by amounts paid or payable under any workers' compensation law**;**

(2) Upon such retirement on or after August 28, 2013, a member shall receive a base pension equal to eighty percent of his or her final compensation for so long as the permanent disability shall continue, during which time such member shall for purposes of this section be referred to as a disability beneficiary. Such pension may be subject to offset or reduction under section 86.1190 by amounts paid or payable under any workers' compensation law.

3. Once each year during the first five years following his or her retirement, and at least once in every three-year period thereafter, the retirement board may, and upon the member's application shall, require any disability beneficiary who has not yet attained the age of sixty years to undergo a medical examination at a place designated by the medical board or some member thereof. If any disability beneficiary who has not attained the age of sixty years refuses to submit to a medical examination his or her disability pension may be discontinued until his or her withdrawal of such refusal, and if his or her refusal continues for one year, all rights in and to such pension may be revoked by the retirement board.

4. If one or more members of the medical board certify to the retirement board that a disability beneficiary is able to perform the full and unrestricted duties of a police officer, and if the retirement board concurs on the report, then such beneficiary's disability pension shall cease.

5. If upon cessation of a disability pension under subsection 4 of this section, the former disability beneficiary is restored to active service, such member shall contribute to this retirement system thereafter at the same rate as other members. Upon subsequent retirement, such member shall be credited with all his or her creditable service, including any years in which such member received a disability pension under this section.

6. If upon cessation of a disability pension under subsection 4 of this section, the former disability beneficiary is not restored to active service, such member shall be entitled to the retirement benefit to which such member would have been entitled if such member had terminated service at the time of such cessation of the disability pension. For the purpose of such retirement benefits, such former disability beneficiary will be credited with all his or her creditable service, including any years in which such member received a disability pension under this section.

86.1210. PARTIAL LUMP SUM OPTION PLAN DISTRIBUTION AUTHORIZED. — 1. Any member **in active service** entitled to commence a pension under **subsection 1 of** section 86.1150 **[**with twenty-six years or more of creditable service**] or subsection 1 of section 86.1151** may elect an optional distribution under the partial lump sum option plan provided in this section if the member:

(1) Notifies the retirement system in writing of the member's retirement date at least ninety days in advance thereof and requests an explanation of the member's rights under this section; and

(2) Notifies the retirement system of the member's election hereunder at least thirty days in advance of the member's retirement date. Following receipt of an initial notice of a member's retirement date and request for an explanation under this section, the retirement system shall, at least sixty days in advance of such retirement date, provide the member a written explanation of the member's rights under this section and an estimate of the amount by which the member's regular monthly base pension would be reduced in the event of the member's election of any of the options available to the member under this section.

2. (1) A member entitled to make an election under this section may elect to receive a lump sum distribution with the member's initial monthly pension payment under **subsection 1 of** section 86.1150 **or subsection 1 of section 86.1151**, subject to all the terms of this section. The member may elect the amount of the member's lump sum distribution from one, but not more than one, of the following options for which the member qualifies:

(a) A member having **[**twenty-six or more years of creditable service**] one or more years of creditable service after the member's eligible retirement date** may elect a lump sum

amount equal to twelve times the initial monthly base pension the member would receive if no election were made under this section;

(b) A member having **[**twenty-seven**]** **two** or more years of creditable service **after the member's eligible retirement date** may elect a lump sum amount equal to twenty-four times the initial monthly base pension the member would receive if no election were made under this section; or

(c) A member having **[**twenty-eight**]** **three** or more years of creditable service **after the member's eligible retirement date** may elect a lump sum amount equal to thirty-six times the initial monthly base pension the member would receive if no election were made under this section.

For purposes of this section, "eligible retirement date" for a member shall mean the earliest date on which the member could elect to retire and be entitled to receive a pension under subsection 1 of section 86.1150 or subsection 1 of section 86.1151.

(2) When a member makes an election to receive a lump sum distribution under this section, the base pension which the member would have received in the absence of the election shall be reduced on an actuarially equivalent basis to reflect the payment of the lump sum distribution, and the reduced base pension shall be the member's base pension thereafter for all purposes relating to base pension amounts under sections 86.900 to 86.1280**, unless the member has also elected an optional benefit permitted under subdivision (1) of subsection 2 of section 86.1151;**

(3) If a member electing a lump sum distribution under this section has elected the optional benefit permitted under subdivision (1) of subsection 2 of section 86.1151, the calculation of the member's pension shall be made in the following order:

(a) The amount of the member's normal pension under subsection 1 of section 86.1151 shall be reduced to the actuarially equivalent amount to produce the optional form of benefit described in subdivision (1) of subsection 2 of section 86.1151, and

(b) The amount of reduced pension as determined under paragraph (a) of this subdivision shall be further reduced as required to produce an actuarially equivalent benefit in the form of the lump sum distribution option elected under this section which will include the lump sum benefit and the optional benefit elected under subdivision (1) of subsection 2 of section 86.1151, and, subject to cost-of-living adjustments thereafter declared on the spouse's base pension under section 86.1220, shall be paid to such surviving spouse for the lifetime of such spouse.

3. An election under this section to receive a lump sum distribution and reduced monthly base pension shall be void if the member dies before retirement, and in such case amounts due a surviving spouse or other beneficiary of the member shall be determined without regard to such election.

86.1220. COST-OF-LIVING ADJUSTMENTS IN ADDITION TO BASE PENSION. — 1. Provided that the retirement system shall remain actuarially sound, each of the following persons may receive **[**each year**]**, in addition to such person's base pension, a cost-of-living adjustment in an amount not to exceed three percent of such person's base pension during any one year:

(1) Every **Tier I** member who is retired and receiving a base pension from the retirement system; **and**

(2) Every **Tier I** surviving spouse who is receiving a base pension from the retirement system**[**; and

(3) Every child who, under subsection 2 of section 86.1250, is receiving the benefit, or a portion thereof, which would be payable to a surviving spouse of the member who was such child's parent**]**.

2. **Provided that the retirement system shall remain actuarially sound, each of the following persons may receive, in addition to such person's base pension, a cost-of-living**

adjustment in an amount not to exceed three percent of such person's base pension during any one year as follows:

(1) Every Tier II member who retired with at least thirty-two years of creditable service shall be eligible in the year following retirement; and

(2) Every Tier II member who retired under subsection 1 of section 86.1151 with less than thirty-two years of creditable service shall be eligible in the year following the year in which they would have attained thirty-two years of creditable service had such member remained in active service; and

(3) Every Tier II member who retired under section] shall be eligible in the year following retirement; and

(4) Every Tier II member who retired under section 86.1200 shall be eligible in the earlier of the year following the fifth year after retirement or the year following the year in which they would have attained thirty-two years of creditable service had such member remained in active service; and

(5) Every Tier II member who retired under subsection 3 of section 86.1151 shall be eligible in the year following the fifth year after retirement; and

(6) (a) Every Tier II surviving spouse of a member who, at the member's death, was receiving benefits including cost-of-living adjustments shall be eligible in the year following the most recent year when the decedent received a cost-of-living adjustment; and

(b) Every Tier II surviving spouse of a member who, at the member's death, was receiving benefits but who was not yet eligible for cost-of-living adjustments shall be eligible in the year when the decedent member would have become eligible had such decedent survived; and

(c) Every Tier II surviving spouse entitled to the benefit provided in subsection 1 of section 86.1260 shall be eligible in the year following the year of the member's death; and

(d) Every Tier II surviving spouse of a member who died with less than twenty-seven years of creditable service, entitled to benefits provided in subsection 1 of section 86.1240, and who is not eligible for the benefit provided in subsection 1 of section 86.1260, shall be eligible in the year following the fifth year after the member's death; and

(e) Every Tier II surviving spouse of a member who died with twenty-seven or more years of creditable service, entitled to benefits provided in subsection 1 of section 86.1240, and who is not eligible for the benefit provided in subsection 1 of section 86.1260, shall be eligible the later of the year following the year of the member's death or the year following the year in which the member would have attained thirty-two years of creditable service had such member remained in active service.

3. Provided that the retirement system shall remain actuarially sound, every child who, under subsection 2 of section 86.1250, is receiving the benefit, or a portion thereof, which would be payable to a surviving spouse of the member who was such child's parent, may receive each year such cost-of-living adjustment on such benefit as would have been payable on such benefit, or portion thereof, to such surviving spouse if living.

4. Upon the death of a **Tier I** member who has been retired and receiving a pension and who dies after September 28, 1987, the surviving spouse of such member entitled to receive a base pension under section 86.1240 or children of such member entitled to receive a base pension under subsection 2 of section 86.1250 shall receive an immediate percentage cost-of-living adjustment to their respective base pension equal to the total percentage cost-of-living adjustments received during such member's lifetime under this section, except that the adjustment provided by this subsection shall not be made to a base pension calculated under either subdivision (1) or paragraph (b) of subdivision (2) of subsection 2 of section 86.1240, either for a surviving spouse or for a child or children entitled to a base pension measured by the pension to which a qualified surviving spouse would be entitled, wherein such base pension is determined by a percentage of the amount being received by the deceased member at death.

5. Upon the death of a Tier II member who has been retired and receiving a pension, the surviving spouse of such member entitled to receive a base pension under section 86.1240 or children of such member entitled to receive a base pension under subsection 2 of section 86.1250 shall receive an immediate percentage cost-of-living adjustment to their respective base pension equal to the total percentage cost-of-living adjustments received during such member's lifetime under this section, except that the adjustment provided by this subsection shall not apply for any surviving spouse, or for a child or children entitled to benefits which would be received by a qualified surviving spouse, receiving a benefit pursuant to an election made under subdivision (1) of subsection 2 of section 86.1151.

[3.**]** **6.** For purposes of this section, the term "base pension" shall mean:

(1) For a member, the pension computed under the provisions of the law as of the date of retirement without regard to cost-of-living adjustments, as adjusted, if applicable, for any election made under **subdivision (1) of subsection 2 of section 86.1151 or** section 86.1210, but in all events not including any supplemental benefit under section 86.1230 **or section 86.1231**;

(2) For a surviving spouse, the base pension calculated for such spouse in accordance with the provisions of section 86.1240 **or subdivision (3) of subsection 2 of section 86.1151**, including any compensation as a consultant to which such surviving spouse is entitled under said section in lieu of a pension thereunder, but not including any supplemental benefit under section 86.1230 **or section 86.1231**; and

(3) For a member's surviving child who is entitled to receive part or all of the pension which would be received by the surviving spouse, if living, the base pension calculated for such surviving spouse in accordance with the provisions of section 86.1240 **or subdivision (3) of subsection 2 of section 86.1151**, including any compensation as a consultant to which such spouse would be entitled under said section, if living, divided by the number of surviving children entitled to share in such pension under subsection 2 of section 86.1250.

[4.**]** **7.** The cost-of-living adjustment shall be an increase or decrease computed on the base pension amount by the retirement board in an amount that the board, in its discretion, determines to be satisfactory, but in no event shall the adjustment be more than three percent or reduce the pension to an amount less than the base pension. In determining and granting the cost-of-living adjustments, the retirement board shall adopt such rules and regulations as may be necessary to effectuate the purposes of this section, including provisions for the manner of computation of such adjustments and the effective dates thereof. The retirement board shall provide for such adjustments to be determined once each year and granted on a date or dates to be chosen by the board, and may apply such adjustments in full to **eligible** members **as provided in subsections 1 and 2 of this section** who have retired during the year prior to such adjustments but who have not been retired for one full year and to the surviving spouse or applicable children of a member who has died during the year prior to such adjustments.

[5.**]** **8.** The determination of whether the retirement system will remain actuarially sound shall be made at the time any cost-of-living adjustment is granted. If at any time the retirement system ceases to be actuarially sound, pension payments shall continue as adjusted by increases theretofore granted. A member of the retirement board shall have no personal liability for granting increases under this section if that retirement board member in good faith relied and acted upon advice of a qualified actuary that the retirement system would remain actuarially sound.

[6.**]** **9.** If any benefit under subsection 1 of section 86.1250 on August 27, 2005, would be reduced by application of this section, such benefit shall continue thereafter without reduction, but any benefit so continued shall terminate at the time prescribed in subsection 1 of section 86.1250.

86.1230. SUPPLEMENTAL RETIREMENT BENEFITS, TIER I MEMBERS, AMOUNT — MEMBER TO BE SPECIAL CONSULTANT, COMPENSATION. — 1. Any **Tier I** member who

retires subsequent to August 28, 1991, with entitlement to a pension under sections 86.900 to 86.1280, shall receive, in addition to such member's base pension and cost-of-living adjustments thereto under section 86.1220, and in addition to any other compensation or benefit to which such member may be entitled under sections 86.900 to 86.1280, a supplemental retirement benefit of fifty dollars per month. The amount of such supplemental retirement benefit may be adjusted by cost-of-living adjustments determined by the retirement board not more frequently than annually.

2. Any **Tier I** member who was retired on or before August 28, 1991, and is receiving retirement benefits from the retirement system shall, upon application to the retirement board, be retained as a consultant, and for such services such member shall receive, in addition to such member's base pension and cost-of-living adjustments thereto under section 86.1220, and in addition to any other compensation or benefit to which such member may be entitled under sections 86.900 to 86.1280, a supplemental compensation in the amount of fifty dollars per month. This appointment as a consultant shall in no way affect any member's eligibility for retirement benefits under the provisions of sections 86.900 to 86.1280, or in any way have the effect of reducing retirement benefits otherwise payable to such member. The amount of such supplemental compensation under this subsection may be adjusted by cost-of-living adjustments determined by the retirement board not more frequently than annually.

3. For purposes of subsections 1 and 2 of this section, the term "member" shall include a surviving spouse entitled to a benefit under sections 86.900 to 86.1280 who shall be deemed to have retired for purposes of this section on the date of retirement of the member of whom such person is the surviving spouse or on the date of death of such member if such member died prior to retirement; provided, that if the surviving spouse of any member who retired prior to August 28, 2000, shall not have remarried prior to August 28, 2000, but remarries thereafter, such surviving spouse shall thereafter receive benefits under subsection 2 of this section, and provided further, that no benefits shall be payable under this section to the surviving spouse of any member who retired prior to August 28, 2000, if such surviving spouse was at any time remarried after the member's death and prior to August 28, 2000. All benefits payable to a surviving spouse under this section shall be in addition to all other benefits to which such surviving spouse may be entitled under other provisions of sections 86.900 to 86.1280. Any such surviving spouse of a member who dies while entitled to payments under this section shall succeed to the full amount of payment under this section to which such member was entitled at the time of such member's death, including any cost-of-living adjustments received by such member in the payment under this section prior to such member's death. In all events, the term "member" shall not include any children of the member who would be entitled to receive part or all of the pension which would be received by a surviving spouse if living.

4. Any member who is receiving benefits from the retirement system and who either was retired under the provisions of subdivision (1) of subsection 1 of section 86.1150, or who retired before August 28, 2001, under the provisions of section 86.1180 or section 86.1200, shall, upon application to the retirement board, be retained as a consultant. For such services such member shall receive each month in addition to such member's base pension and cost-of-living adjustments thereto under section 86.1220, and in addition to any other compensation or benefit to which such member may be entitled under sections 86.900 to 86.1280, an equalizing supplemental compensation of ten dollars per month. This appointment as a consultant shall in no way affect any member's eligibility for retirement benefits under the provisions of sections 86.900 to 86.1280, or in any way have the effect of reducing retirement benefits otherwise payable to such member. The amount of equalizing supplemental compensation under this subsection may be adjusted by cost-of-living adjustments, determined by the retirement board not more frequently than annually, but in no event shall the aggregate of such equalizing supplemental compensation together with all such cost-of-living adjustments thereto exceed twenty-five percent of the member's base pension. Each cost-of-living adjustment to compensation under this subsection shall be determined independently of any cost-of-living

adjustment to any other benefit under sections 86.900 to 86.1280. For the purposes of this subsection, the term "member" shall include a surviving spouse entitled to benefits under the provisions of sections 86.900 to 86.1280, and who is the surviving spouse of a member who qualified, or would have qualified if living, for compensation under this subsection. Such surviving spouse shall, upon application to the retirement board, be retained as a consultant, and for such services shall be compensated in an amount equal to the compensation which would have been received by the member under this subsection, if living. Any such surviving spouse of a member who dies while entitled to payments under this subsection shall succeed to the full amount of payment under this subsection to which such member was entitled at the time of such member's death, including any cost-of-living adjustments received by such member in the payment under this subsection prior to such member's death. In all events, the term "member" shall not include any children of the member who would be entitled to receive part or all of the pension that would be received by a surviving spouse, if living.

5. A surviving spouse who is entitled to benefits under the provisions of subsection 1 of section 86.1240 as a result of the death prior to August 28, 2007, of a member in service, and who is receiving benefits from the retirement system, shall, upon application to the retirement board, be retained as a consultant, and for such services such surviving spouse shall receive each month an equalizing supplemental compensation of ten dollars per month. A surviving spouse entitled to benefits under the provisions of subsection 1 of section 86.1240 as a result of the death of a member in service on or after August 28, 2007, shall receive each month an equalizing supplemental benefit of ten dollars per month. All benefits payable to a surviving spouse under this subsection shall be in addition to all other benefits to which such surviving spouse may be entitled under other provisions of sections 86.900 to 86.1280 and shall in no way have the effect of reducing benefits otherwise payable to such surviving spouse. The amount of equalizing supplemental benefit or equalizing supplemental compensation under this subsection may be adjusted by cost-of-living adjustments, determined by the retirement board not more frequently than annually, but in no event shall the aggregate of such equalizing supplemental benefit or compensation together with all such cost-of-living adjustments thereto exceed twenty-five percent of the base pension of the surviving spouse. Each cost-of-living adjustment to an equalizing supplemental benefit or compensation under this subsection shall be determined independently of any cost-of-living adjustment to any other benefit under sections 86.900 to 86.1280. In all events the term "surviving spouse" as used in this subsection shall not include any children of the member who would be entitled to receive part or all of the pension that would be received by a surviving spouse, if living.

6. In determining and granting the cost-of-living adjustments under this section, the retirement board shall adopt such rules and regulations as may be necessary to effectuate the purposes of this section, including provisions for the manner of computation of such adjustments and the effective dates thereof. The retirement board shall provide for such adjustments to be determined once each year and granted on a date or dates to be chosen by the board. The retirement board shall not be required to prorate the initial adjustment to any benefit or compensation under this section for any member.

7. The determination of whether the retirement system will remain actuarially sound shall be made at the time any cost-of-living adjustment under this section is granted. If at any time the retirement system ceases to be actuarially sound, any benefit or compensation payments provided under this section shall continue as adjusted by increases or decreases theretofore granted. A member of the retirement board shall have no personal liability for granting increases under this section if that retirement board member in good faith relied and acted upon advice of a qualified actuary that the retirement system would remain actuarially sound.

86.1231. SUPPLEMENTAL RETIREMENT BENEFITS, TIER II MEMBERS, AMOUNT — MEMBER TO BE A SPECIAL CONSULTANT, COMPENSATION. — Any Tier II member who retires with entitlement to a pension under sections 86.900 to 86.1280, shall receive, in

addition to such member's base pension and cost-of-living adjustments thereto under section 86.1220, and in addition to any other compensation or benefit to which such member may be entitled under sections 86.900 to 86.1280, a supplemental retirement benefit of two hundred dollars per month. For purposes of this section, the term "member" shall include a surviving spouse entitled to a benefit under sections 86.900 to 86.1280 as a Tier II surviving spouse. All benefits payable to a surviving spouse under this section shall be in addition to all other benefits to which such surviving spouse may be entitled under other provisions of sections 86.900 to 86.1280. Any such surviving spouse of a member who dies while entitled to payments under this section shall succeed to the full amount of payment under this section to which such member was entitled at the time of such member's death. In all events, the term "member" shall not include any children of the member who would be entitled to receive part or all of the pension which would be received by a surviving spouse, if living.

86.1240. PENSIONS OF SPOUSES OF DECEASED MEMBERS — SURVIVING SPOUSE TO BE APPOINTED AS CONSULTANT TO BOARD, WHEN. — 1. Upon receipt of the proper proofs of death of a member in service for any reason whatsoever, there shall be paid to such member's surviving spouse, if any, in addition to all other benefits but subject to subsection 6 of this section, a base pension equal to forty percent of the final compensation of such member, subject to adjustments, if any, as provided in section 86.1220.

2. (1) Upon receipt of the proper proofs of death of a **Tier I** member who was retired or terminated service after August 28, 1999, and died after having become entitled to benefits from this retirement system, there shall be paid to such member's surviving spouse, if any, in addition to all other benefits but subject to subsection 6 of this section, a base pension equal to eighty percent of the pension being received by such member, including cost-of-living adjustments to such pension but excluding supplemental retirement benefits, at the time of such member's death, subject to subsequent adjustments, if any, as provided in section 86.1220. The pension provided by this subdivision shall terminate upon remarriage by the surviving spouse prior to August 28, 2000.

(2) (a) Upon receipt of the proper proof of death of a **Tier I** member who retired or terminated service on or before August 28, 1999, and who died after August 28, 1999, and after having become entitled to benefits from this retirement system, such member's surviving spouse, if any, shall be entitled to a base pension equal to forty percent of the final compensation of such member.

(b) Such a surviving spouse shall, upon application to the retirement board, be appointed by the retirement board as a consultant and be compensated in an amount equal to the benefits such spouse would receive under subdivision (1) of this subsection if the member had retired or terminated service after August 28, 1999.

(c) The benefits provided by this subdivision shall terminate upon remarriage by the surviving spouse prior to August 28, 2000.

(3) Upon receipt of the proper proof of death of a Tier II member after retirement who has not elected the optional annuity permitted under subdivision (1) of subsection 2 of section 86.1151, such member's surviving spouse, shall be entitled to a base pension payable for life equaling fifty percent of the member's base pension.

3. In the case of any member who, prior to August 28, 2000, died in service or retired, the surviving spouse who would qualify for benefits under subsection 1 or 2 of this section but for remarriage, and who has not remarried prior to August 28, 2000, but remarries thereafter, shall upon application be appointed by the retirement board as a consultant. For services as such consultant, such surviving spouse shall be compensated in an amount equal to the benefits such spouse would have received under sections 86.900 to 86.1280 in the absence of such remarriage.

4. Upon the death of any member who is in service after August 28, 2000, and who either had at least twenty-five years of creditable service or was retired or died as a result of an injury

or illness occurring in the line of duty or course of employment under section 86.1180, the surviving spouse's benefit provided under this section, without including any supplemental retirement benefits paid such surviving spouse by this retirement system, shall be six hundred dollars per month. For any member who died, retired or terminated service on or before August 28, 2000, and who either had at least twenty-five years of creditable service or was retired or died as a result of an injury or illness occurring in the line of duty or course of employment under section 86.1180, the surviving spouse shall upon application to the retirement board be appointed by the retirement board as a consultant. For services as such consultant, the surviving spouse shall, beginning the later of August 28, 2000, or the time the appointment is made under this subsection, be compensated in an amount which without including supplemental retirement benefits provided by this system shall be six hundred dollars monthly. A pension benefit under this subsection shall be paid in lieu of any base pension as increased by cost-of-living adjustments granted under section 86.1220. The benefit under this subsection shall not be subject to cost-of-living adjustments, but shall be terminated and replaced by the base pension and cost-of-living adjustments to which such spouse would otherwise be entitled at such time as the total base pension and such adjustments exceed six hundred dollars monthly.

5. A surviving spouse who is entitled to benefits under the provisions of subsection 1 of this section as a result of the death on or before August 28, 2009, of a member in service who is receiving benefits under sections 86.900 to 86.1280 and who does not qualify under the provisions of subsection 4 of this section shall, upon application to the retirement board, be appointed as a consultant, and for such services such surviving spouse shall be compensated in an amount which, without including any supplemental retirement benefits provided by sections 86.900 to 86.1280, shall be six hundred dollars monthly. A pension benefit under this subsection shall be paid in lieu of any base pension as increased by cost-of-living adjustments granted under section 86.1220. The benefit under this subsection shall not be subject to cost-of-living adjustments, but shall be terminated and replaced by the base pension and cost-of-living adjustments to which such surviving spouse would otherwise be entitled at such time as the total base pension and such adjustments exceed six hundred dollars monthly. As used in this subsection, "surviving spouse" shall not include any children of the member who would be entitled to receive part or all of the pension that would be received by a surviving spouse, if living.

6. Any beneficiary of benefits under sections 86.900 to 86.1280 who becomes the surviving spouse of more than one member shall be paid all benefits due a surviving spouse of that member whose entitlements produce the largest surviving spouse benefits for such beneficiary but shall not be paid surviving spouse benefits as the surviving spouse of more than one member.

86.1250. PENSIONS OF CHILDREN OF DECEASED MEMBERS. — 1. (1) Upon the death of a member in service or after retirement, such member's child or children under the age of eighteen years at the time of the member's death shall be paid fifty dollars per month each until he or she shall attain the age of eighteen years; however, each such child who is or becomes a full-time student at an accredited educational institution shall continue to receive payments under this section for so long as such child shall remain such a full-time student or shall be in a summer or other vacation period scheduled by the institution with intent by such child, demonstrated to the satisfaction of the retirement board, to return to such full-time student status upon the resumption of the institution's classes following such vacation period, but in no event shall such payments be continued after such child shall attain the age of twenty-one years except as hereinafter provided.

(2) Any child eighteen years of age or older, who is physically or mentally incapacitated from wage earning, so long as such incapacity exists as certified by a member of the medical board, shall be entitled to the same benefits as a child under the age of eighteen. For purposes of this section, a determination of whether a child of a member is physically or mentally

incapacitated from wage earning so that the child is entitled to benefits under this section shall be made at the time of the member's death. If a child becomes incapacitated after the member's death, or if a child's incapacity existing at the member's death is removed and such child later becomes incapacitated again, such child shall not be entitled to benefits as an incapacitated child under the provisions of this section. A child shall be deemed incapacitated only for so long as the incapacity existing at the time of the member's death continues.

(3) Notwithstanding any other law to the contrary, amounts payable under subdivision (1) or (2) of this subsection shall not be subject to offset or reduction by amounts paid or payable under any workers' compensation or similar law.

2. Upon or after the death of a member in service or after retirement with entitlement to benefits, if there is no surviving spouse or if a surviving spouse dies, the total amount, including any amounts receivable as consulting compensation, but not including any supplemental benefits under section 86.1230 **for a Tier I member or section 86.1231 for a Tier II member**, which would be received by a qualified surviving spouse or which is being received by the surviving spouse at the date of death of such surviving spouse shall be added to the amounts received by and shall be divided among the children of such member under the age of eighteen years and the incapacitated children in equal shares. As each such child attains the age of eighteen years or has such incapacity removed, such total amount shall then be divided among the remaining such children, until there is no remaining child of such member under the age of eighteen years or incapacitated, at which time all benefits for children of such member under this subsection shall cease.

3. Upon the death of a member in service or after retirement, a funeral benefit of one thousand dollars shall be paid to the person or entity who provided or paid for the funeral services for such member.

86.1270. RETIREMENT PLAN DEEMED QUALIFIED PLAN UNDER FEDERAL LAW — BOARD TO ADMINISTER PLAN AS A QUALIFIED PLAN — VESTING OF BENEFITS — DISTRIBUTIONS — DEFINITIONS. — 1. A retirement plan under sections 86.900 to 86.1280 is a qualified plan under the provisions of applicable federal law. The benefits and conditions of a retirement plan under sections 86.900 to 86.1280 shall always be adjusted to ensure that the tax-exempt status is maintained.

2. The retirement board shall administer the retirement system in a manner as to retain at all times qualified status under Section 401(a) of the Internal Revenue Code.

3. The retirement board shall hold in trust the assets of the retirement system for the exclusive benefit of the members and their beneficiaries and for defraying reasonable administrative expenses of the system. No part of such assets shall, at any time prior to the satisfaction of all liabilities with respect to members and their beneficiaries, be used for or diverted to any purpose other than such exclusive benefit or to any purpose inconsistent with sections 86.900 to 86.1280.

4. A member's benefit shall be one hundred percent vested and nonforfeitable upon the member's attainment of normal retirement age, which shall be the earlier of:

(1) Completion of twenty-five years of service **for Tier I members and twenty-seven years of service for Tier II members**;

(2) Age sixty **[**if the**]** **for any Tier I** member **who** has completed at least ten years of creditable service **or age sixty for any Tier II member who has completed at least fifteen years of creditable service**;

(3) Age seventy without regard to years of service; or

(4) To the extent funded, upon the termination of the system established under sections 86.900 to 86.1280 or any partial termination which affects the members or any complete discontinuance of contributions by the city to the system.

Amounts representing forfeited nonvested benefits of terminated members shall not be used to increase benefits payable from the system but may be used to reduce contributions for future plan years.

5. Distribution of benefits shall begin not later than April first of the year following the later of the calendar year during which the member becomes seventy and one-half years of age or the calendar year in which the member retires, and shall otherwise conform to Section 401(a)(9) of the Internal Revenue Code.

6. A member or beneficiary of a member shall not accrue a service retirement annuity, disability retirement annuity, death benefit, whether death occurs in the line of duty or otherwise, or any other benefit under sections 86.900 to 86.1280 in excess of the benefit limits applicable to the fund under Section 415 of the Internal Revenue Code. The retirement board shall reduce the amount of any benefit that exceeds those limits by the amount of the excess. If the total benefits under the retirement system and the benefits and contributions to which any member is entitled under any other qualified plan or plans maintained by the board of police commissioners that employs the member would otherwise exceed the applicable limits under Section 415 of the Internal Revenue Code, the benefits the member would otherwise receive from the retirement system shall be reduced to the extent necessary to enable the benefits to comply with Section 415 of the Internal Revenue Code.

7. The total salary taken into account for any purpose for any member of the retirement system shall not exceed two hundred thousand dollars per year, subject to periodic adjustments in accordance with guidelines provided by the United States Secretary of the Treasury, and shall not exceed such other limits as may be applicable at any given time under Section 401(a)(17) of the Internal Revenue Code.

8. If the amount of any benefit is to be determined on the basis of actuarial assumptions that are not otherwise specifically set forth for that purpose in sections 86.900 to 86.1280, the actuarial assumptions to be used are those earnings and mortality assumptions being used on the date of the determination by the retirement system's actuary and approved by the retirement board. The actuarial assumptions being used at any particular time shall be attached as an addendum to a copy of the retirement system's statute that is maintained by the retirement board and shall be treated for all purposes as a part of sections 86.900 to 86.1280. The actuarial assumptions may be changed by the retirement system's actuary annually if approved by the retirement board, but a change in actuarial assumptions shall not result in any decrease in benefits accrued as of the effective date of the change.

9. Any member or beneficiary who is entitled to receive any distribution that is an eligible rollover distribution, as defined by Section 402(c)(4) of the Internal Revenue Code, is entitled to have that distribution transferred directly to another eligible retirement plan of the member's or beneficiary's choice upon providing direction to the secretary of this retirement system regarding the transfer in accordance with procedures established by the retirement board.

10. For all distributions made after December 31, 2001:

(1) For the purposes of subsection 9 of this section, an eligible retirement plan shall also mean an annuity contract described in Section 403(b) of the Internal Revenue Code and an eligible plan under Section 457(b) of the Internal Revenue Code which is maintained by the state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from the retirement system. The definition of eligible retirement plan shall also apply in the case of a distribution to a surviving spouse or to a spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Section 414(p) of the Internal Revenue Code; and

(2) For purposes of subsection 9 of this section, a portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax employee contributions which are not includable in gross income. However, such portion may be paid only to an individual retirement account or annuity described in Section 408(a) or 408(b) of the

Internal Revenue Code, or to a qualified defined contribution plan described in Section 401(a) or 403(a) of the Internal Revenue Code that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution that is includable in gross income and the portion of such distribution that is not so includable.

86.1310. DEFINITIONS. — The following words and phrases as used in sections 86.1310 to 86.1640 shall have the following meanings unless a different meaning is plainly required by the context:

(1) "Accumulated contributions", the sum of all amounts deducted from the compensation of a member and paid to the retirement board, together with all amounts paid to the retirement board by a member or by a member's beneficiary for the purchase of prior service credits or any other purpose permitted under sections 86.1310 to 86.1640, in all cases with interest, if any, thereon at a rate determined from time to time for such purpose by the retirement board;

(2) "Actuarial cost", the present value of a future payment or series of payments as calculated by applying the actuarial assumptions established according to subsection 8 of section 86.1630;

(3) "Beneficiary", any person entitled, either currently or conditionally, to receive pension or other benefits provided in sections 86.1310 to 86.1640;

(4) "Board of police commissioners", the board composed of police commissioners authorized by law to employ and manage an organized police force in the cities;

(5) "City" or "cities", any city which now has or may hereafter have a population of more than three hundred thousand and less than seven hundred thousand inhabitants, or any city that has made an election under section 86.1320 to continue a civilian employees' retirement system theretofore maintained under sections 86.1310 to 86.1640;

(6) "Compensation", the basic wage or salary paid a member for any period, excluding bonuses, overtime pay, expense allowances, and other extraordinary compensation; except that, notwithstanding such provision, compensation for any year for any member shall not exceed the amount permitted to be taken into account under Section 401(a)(17) of the Internal Revenue Code as applicable to such year;

(7) "Consultant", unless otherwise specifically defined, means a person retained by the retirement system as a special consultant on the problems of retirement, aging and related matters who, upon request of the retirement board, shall give opinions and be available to give opinions in writing or orally in response to such requests, as may be needed by the board;

(8) "Creditable service", service qualifying as a determinant of a member's pension or other benefit under sections 86.1310 to 86.1640 by meeting the requirements specified in such sections, or section 105.691;

(9) "Employee", any regularly appointed civilian employee of the police department of the city as specified in sections 86.1310 to 86.1640 who is:

(a) Appointed prior to August 28, 2011, and is not eligible to receive a pension from the police retirement system of said city;

(b) Appointed on or after August 28, 2011, and is not eligible to receive a pension from the police retirement system of such city or from any other retirement or pension system of such city;

(10) "Final compensation"**[**,**]** **:**

(a) For a Tier I member as described in subdivision (13) of this section, the average annual compensation of a member during the member's service if less than two years, or the twenty-four months of service for which the member received the highest salary whether consecutive or otherwise**[**.**]** **;**

(b) For a Tier II member as described in subdivision (13) of this section, the average annual compensation of a member during the member's service if less than three years, or the thirty-six months of service for which the member received the highest salary whether consecutive or otherwise;

(c) For any period of time when a member is paid on a frequency other than monthly, the member's salary for such period shall be deemed to be the monthly equivalent of the member's annual rate of compensation for such period;

(11) "Internal Revenue Code", the United States Internal Revenue Code of 1986, as amended;

(12) "Medical board", not less than one nor more than three physicians appointed by the retirement board to arrange for and conduct medical examinations as directed by the retirement board;

(13) "Member", a member of the civilian employees' retirement system as described in section 86.1480**[**;**]** **:**

(a) "Tier I member", any person who became a member prior to August 28, 2013, and who remains a member on August 28, 2013, shall remain a Tier I member until such member's membership is terminated as described in section 86.1520;

(b) "Tier I surviving spouse", the surviving spouse of a Tier I member;

(c) "Tier II member", any person who became a member on or after August 28, 2013;

(d) "Tier II surviving spouse", the surviving spouse of a Tier II member;

(e) Any person whose membership is terminated as described in section 86.1520 and who re-enters membership on or after August 28, 2013, shall become a member under paragraph (c) of this subdivision;

(14) "Pension", annual payments for life, payable monthly, at the times described in section 86.1420;

(15) "Pension fund", the fund resulting from contributions made thereto by the cities affected by sections 86.1310 to 86.1640 and by the members of the civilian employees' retirement system;

(16) "Retirement", termination of a member's status as an employee of the police department of the city at a time when the member or the member's beneficiary is immediately entitled to one or more benefits under sections 86.1310 to 86.1640;

(17) "Retirement board" or "board", the board provided in section 86.1330 to administer the retirement system;

(18) "Retirement system", the civilian employees' retirement system of the police department of the cities as defined in section 86.1320;

(19) "Surviving spouse", when determining whether a person is entitled to benefits under sections 86.1310 to 86.1640 by reason of surviving a member, shall include only:

(a) The person who was married to the member at the time of the member's death in service prior to August 28, 2001, and who had not remarried prior to August 28, 2001;

(b) The person who was married to the member at the time of the member's death in service on or after August 28, 2001;

(c) In the case of any member who both retired and died prior to August 28, 2001, the person who was married to the member at the time of the member's death and who had not remarried prior to August 28, 2001;

(d) In the case of any member who retired prior to August 28, 2001, and died on or after that date, the person who was married to the member at the time of the member's death; or

(e) In the case of any member who retired on or after August 28, 2001, the person who was married to the member at both the time of the member's retirement and the time of the member's death.

86.1380. CERTIFICATION BY THE BOARD TO THE CITY FOR AMOUNT TO BE PAID TO THE RETIREMENT SYSTEM. — The retirement board shall before **[**January tenth**]** **October fifteenth** of each year certify to the chief financial officer of such city the amount to be paid by the city to the retirement pension system for the succeeding fiscal year, as otherwise provided by sections 86.1310 to 86.1640.

86.1420. BENEFITS AND ADMINISTRATIVE EXPENSES TO BE PAID BY SYSTEM FUNDS — COMMENCEMENT OF BASE PENSION, WHEN — DEATH OF MEMBER, EFFECT OF. — 1. All benefits and all necessary administrative expenses of the retirement system shall be paid from the funds of the retirement system.

2. The base pension of a member who, after August 28, 2011, retires from or otherwise terminates active service with entitlement to a base pension under sections 86.1310 to 86.1640 shall commence as of the first day of the month next following such retirement or termination with no proration of such pension for the month in which such retirement or termination occurs. The supplemental retirement benefit of a member who, after August 28, 2011, retires from or otherwise terminates active service with entitlement to a supplemental retirement benefit provided in subsection 1 of section 86.1600 shall commence as of the first day of the month next following such retirement or termination with no proration of such supplemental retirement benefit for the month in which such retirement or termination occurs.

3. Upon the death of a member in service who leaves a surviving spouse, as defined in section 86.1310, entitled to benefits, any base pension which such surviving spouse shall elect under subdivision (2) of subsection 1 of section 86.1610 or under paragraph (b) of subdivision (3) of subsection 1 of section 86.1610 shall commence the later of the first day of the month next following such death or the first day of the month following the date which would have been the member's earliest possible retirement date permitted under **[**subsection**]** **subsections** 2 **or 3** of section 86.1540 with no proration of such pension for the month prior to such commencement date. Any base pension which such surviving spouse shall elect under paragraph (c) of subdivision (3) of subsection 1 of section 86.1610 shall commence the first day of the month next following such death with no proration of such pension for the month prior to such commencement date.

4. Upon the death of a member who is receiving a base pension under sections 86.1310 to 86.1640 leaving a surviving spouse, as defined in section 86.1310, entitled to benefits, the pension of such surviving spouse shall commence on the first day of the month next following such death with no proration for the month in which such death occurs.

5. All payments of any benefit shall be paid on the first business day of each month for that month. For any benefit under sections 86.1310 to 86.1640, the retirement system shall withhold payment of such benefit until all requisite documentation has been filed with the retirement system evidencing the entitlement of the payee to such payment. The final payment due to a retired member shall be the payment due on the first day of the month in which such member's death occurs. The final payment due to any surviving spouse shall be the payment due on the first day of the month in which such surviving spouse dies or otherwise ceases to be entitled to benefits under sections 86.1310 to 86.1640.

6. If no benefits are otherwise payable to a surviving spouse of a deceased member or otherwise as provided in this section, the member's accumulated contributions, to any extent not fully paid to such member prior to the member's death or to the surviving spouse of such member or otherwise as provided in this section, shall be paid in one lump sum to the member's beneficiary named by such member in a writing filed with the retirement system prior to the member's death for the purpose of receiving such benefit, and if no beneficiary is named, then to such member's estate. Such payment shall constitute full and final payment of any and all claims for benefits under the retirement system, except as provided in section 86.1620.

86.1500. MILITARY SERVICE, EFFECT ON CREDITABLE SERVICE — ELECTION TO PURCHASE CREDITABLE SERVICE, WHEN — SERVICE CREDIT FOR MILITARY SERVICE, WHEN. — 1. Whenever a member is given a leave of absence for military service and returns to employment after discharge from the service, such member shall be entitled to creditable service for the years of employment prior to the leave of absence.

2. Except as provided in subsection 3 of this section, a member who served on active duty in the Armed Forces of the United States and who became a member, or returned to

membership, after discharge under honorable conditions, may elect prior to retirement to purchase creditable service equivalent to such service in the Armed Forces, not to exceed two years, provided the member is not receiving and is not eligible to receive retirement credits or benefits from any other public or private retirement plan for the service to be purchased, other than a United States military service retirement system or United States Social Security benefits attributable to such military service, and an affidavit so stating is filed by the member with the retirement system. A member electing to make such purchase shall pay to the retirement system an amount equal to the actuarial cost of the additional benefits attributable to the additional service credit to be purchased, as of the date the member elects to make such purchase. Payment in full of the amount due from a member electing to purchase creditable service under this subsection shall be made over a period not to exceed five years, measured from the date of election, or prior to the commencement date for payment of benefits to the member from the retirement system, whichever is earlier, including interest on unpaid balances compounded annually at the interest rate assumed from time to time for actuarial valuations of the retirement system. If payment in full including interest is not made within the prescribed period, any partial payments made by the member shall be refunded, and no creditable service attributable to such election, or as a result of any such partial payments, shall be allowed; provided that if a benefit commencement date occurs because of the death or disability of a member who has made an election under this subsection and if the member is current in payments under an approved installment plan at the time of the death or disability, such election shall be valid if the member, the surviving spouse or other person entitled to benefit payments pays the entire balance of the remaining amount due, including interest to the date of such payment, within sixty days after the member's death or disability. The time of a disability shall be deemed to be the time when such member is determined by the retirement board to be totally and permanently disabled as provided in section 86.1560.

3. Notwithstanding any other provision of sections 86.1310 to 86.1640, a member who is on leave of absence for military service during any portion of which leave the United States is in a state of declared war, or a compulsory draft is in effect for any of the military branches of the United States, or any units of the military reserves of the United States, including the National Guard, are mobilized for combat military operations, and who becomes entitled to reemployment rights and other employment benefits under Title 38, Chapter 43 of the U.S. Code, relating to employment and reemployment rights of members of the uniformed services by meeting the requirements for such rights and benefits under Section 4312 of said chapter, or the corresponding provisions of any subsequent applicable federal statute, shall be entitled to service credit for the time spent in such military service for all purposes of sections 86.1310 to 86.1640 and such member shall not be required to pay any member contributions for such time. If it becomes necessary for the years of such service to be included in the calculation of such member's compensation for any purpose, such member shall be deemed to have received the same compensation throughout such period of service as the member's base annual salary immediately prior to the commencement of such leave of absence**; provided, however, that the foregoing provisions of this subsection shall apply only to such portion of such leave with respect to which the cumulative length of the absence and of all previous absences from a position of employment with the employer by reason of service in the uniformed services does not exceed five years except for such period of any such excess as meets the requirements for exceptions to such five-year limitation set forth in the aforesaid Section 4312**.

86.1530. NORMAL RETIREMENT DATES. — The normal retirement date of a member shall be the later of**:**

(1) Tier I member - the date such member attains the age of sixty-five years, or the tenth anniversary of such member's employment; **or**

(2) Tier II member - the date such member attains the age of sixty-seven years, or the twentieth anniversary of such member's employment.

86.1540. NORMAL PENSION, AMOUNT — EARLY RETIREMENT OPTION, WHEN — ELECTION FOR OPTIONAL BENEFIT FOR SPOUSE — PENSION AFTER FIVE YEARS OF CREDITABLE SERVICE — FELONY CONVICTION, EFFECT OF. — 1. (1) Upon retirement on or after a member's normal retirement date, such member shall receive a base pension in the amount of two percent of such member's final compensation times the number of years, including fractions thereof, of such member's creditable service.

(2) Such member may elect to receive a different base pension under an election permitted under this section or section 86.1580.

2. **Tier I** members may elect early retirement as follows:

(1) Beginning at age fifty-five, if the member has completed at least ten years of creditable service or at any later age after the member has completed at least ten years of creditable service. Unless subdivision (3) of this subsection shall be applicable, the benefit as computed under subsection 1 of this section shall be reduced by one-half of one percent for each full month the initial payment is prior to the first day of the month following that in which such member will attain age sixty;

(2) Beginning at age sixty, if the member has completed at least five but not more than ten years of creditable service or at any later age after the member has completed at least five years of creditable service. Unless subdivision (3) of this subsection shall be applicable, the benefit as computed under subsection 1 of this section shall be reduced by one-half of one percent for each full month the initial payment is prior to the first day of the month following that in which such member will attain age sixty-five; or

(3) At any time after the member's total of age and years of creditable service equals or exceeds eighty, in which event the benefit shall be as computed under subsection 1 of this section without any reduction. If an election for early retirement results in a reduced benefit under subdivision (1) or (2) of this subsection, such reduced benefit shall become the member's base pension, subject to all other adjustments described in this section.

3. **Tier II members may elect early retirement as follows:**

(1) Beginning at age sixty-two, if the member has completed at least five years of creditable service, the benefit as computed under subsection 1 of this section shall be reduced by one-half of one percent for each full month the initial payment is prior to the first day of the month following that in which such member will attain age sixty-seven; or

(2) At any time after the member has completed at least twenty years of creditable service and is at least sixty-two years of age, in which event the benefit shall be as computed under subsection 1 of this section without any reduction; or

(3) At any time after the member's total of age and years of creditable service equals or exceeds eighty-five, in which event the benefit shall be as computed under subsection 1 of this section without any reduction. If an election for early retirement results in a reduced benefit under subdivision (1) of this subsection, such reduced benefit shall become the member's base pension, subject to all other adjustments described in this section.

4. (1) A member who is married at the time of retirement may by a written election, with the written consent of such member's spouse, elect an optional benefit calculated as follows: such optional benefit shall be a monthly pension in the initial amount which shall be actuarially equivalent to the actuarial value of the pension described in subdivision (1) of subsection 1 of this section for such member at the date of retirement (including the value of survivorship rights of a surviving spouse, where applicable, under section 86.1610), upon the basis that the initial annuity for the member's spouse, if such spouse survives the member, shall be the same as the amount being paid the member on such annuity at the member's death, and, subject to cost-of-living adjustments thereafter declared on the spouse's base pension under section 86.1590, shall be paid to such surviving spouse for the lifetime of such spouse without regard to remarriage.

If a member who makes an election of an optional benefit under this subsection has also elected an early retirement under either subdivision (1) or (2) of subsection 2 of this section **or subdivision (1) of subsection 3 of this section**, any reduction in benefit required for such early retirement election shall be calculated before calculating the initial amount of the optional benefit under this subsection.

(2) If a member who makes the election permitted by this subsection also makes an election permitted under section 86.1580, such optional benefit shall be reduced as provided in subdivision (3) of subsection 2 of section 86.1580.

(3) If a member makes the election permitted by this subsection, the amount calculated for such optional benefit under either subdivision (1) or (2) of this subsection shall be the base pension for such member and for such member's spouse for all purposes of sections 86.1310 to 86.1640.

(4) An election for an optional benefit under this subsection shall be void if the member dies within thirty days after filing such election with the retirement system or if the member dies before the due date of the first payment of such member's pension.

[4.**]** **5.** Subject to the provisions of subsection **[**6**]** **7** of this section, whenever the service of a member is terminated after August 28, 1999, for any reason prior to death or retirement and the member has five or more years of creditable service, the member may elect not to withdraw such member's accumulated contributions and shall become entitled to receive a pension upon such member's normal retirement date under subdivision (1) of subsection 1 of this section or may elect to receive a pension commencing upon or after any date, prior to his or her normal retirement date, upon which early retirement would have been permitted under subsection 2 of this section **for Tier I members or subsection 3 of this section for Tier II members** if such member had remained a civilian employee of such police department, except that in calculating any qualification under **[**subsection**]** **subsections** 2 **or 3** of this section, such member shall not be entitled to count any year of creditable service in excess of such member's total years of creditable service at the time of such member's termination of employment. The amount of any pension commenced upon the basis of a date permitted under **[**subsection**]** **subsections** 2 **or 3** of this section shall be computed on the basis of the member's final compensation and number of years of creditable service, subject to such adjustments as may be applicable under the subdivision of **[**subsection**]** **subsections** 2 **or 3** of this section upon which such member relies in electing such member's pension and subject to any other adjustments that such member may elect under this section. The amount of the initial pension calculated after all applicable adjustments shall be the base pension for such member, and for such member's spouse if such member shall elect the optional benefit permitted under subsection **[**3**]** **4** of this section, for all purposes of sections 86.1310 to 86.1640. Payment of any benefits elected under this subsection shall commence as of the first day of the month next following the applicable date with no proration of such benefit for any initial partial month.

[5.**]** **6.** A member whose service was terminated on or before August 28, 1999, after five or more years of creditable service, and who permitted such member's accumulated contributions to remain in the pension fund, shall upon application to the retirement board be appointed as a consultant. For services as such consultant, such member shall, beginning the later of August 28, 1999, or the time of such appointment under this subsection, be entitled to elect to receive compensation in such amount and at such time as such member would have been entitled to elect under any of the provisions of subsection **[**4**]** **5** of this section if such member had terminated service after August 28, 1999. Such member shall be entitled to the same cost-of-living adjustments following the commencement of such compensation as if such member's compensation had been a base pension.

[6.**]** **7.** Notwithstanding any other provisions of sections 86.1310 to 86.1640, any member who is convicted of a felony prior to separation from active service shall not be entitled to any benefit from this retirement system except the return of such member's accumulated contributions.

86.1580. OPTIONAL DISTRIBUTION UNDER PARTIAL LUMP-SUM OPTION PLAN, WHEN — DEATH BEFORE RETIREMENT, EFFECT OF. — 1. Any member in active service entitled to commence a pension under section 86.1540 may elect an optional distribution under the partial lump sum option plan provided in this section if the member:

(1) Notifies the retirement system in writing of the member's retirement date at least ninety days in advance thereof and requests an explanation of the member's rights under this section; and

(2) Notifies the retirement system of the member's election hereunder at least thirty days in advance of the retirement date.

Following receipt of an initial notice of a member's retirement date and request for an explanation, the retirement system shall, at least sixty days in advance of such retirement date, provide the member a written explanation of such member's rights under this section and an estimate of the amount by which the member's regular monthly base pension would be reduced in the event of the member's election of any of the options available to the member under this section.

2. (1) A member entitled to make an election under this section may elect to receive a lump sum distribution with the member's initial monthly pension payment under section 86.1540, subject to all the terms of this section. The member may elect the amount of the member's lump sum distribution from one, but not more than one, of the following options for which the member qualifies:

(a) A member having one or more years of creditable service after the member's eligible retirement date may elect a lump sum amount equal to twelve times the initial monthly base pension the member would receive if no election were made under this section;

(b) A member having two or more years of creditable service after the member's eligible retirement date may elect a lump sum amount equal to twenty-four times the initial monthly base pension the member would receive if no election were made under this section; or

(c) A member having three or more years of creditable service after the member's eligible retirement date may elect a lump sum amount equal to thirty-six times the initial monthly base pension the member would receive if no election were made under this section.

For purposes of this section, "eligible retirement date" for a member shall mean the earliest date on which the member could elect to retire and be entitled to receive a pension under section 86.1540.

(2) When a member makes an election to receive a lump sum distribution under this section, the base pension that the member would have received in the absence of an election shall be reduced on an actuarially equivalent basis to reflect the payment of the lump sum distribution, and the reduced base pension shall be the member's base pension thereafter for all purposes relating to base pension amounts under sections 86.1310 to 86.1640, unless the member has also elected an optional benefit permitted under subsection **[**3**]** **4** of section 86.1540.

(3) If a member electing a lump sum distribution under this section has elected the optional benefit permitted under subsection **[**3**]** **4** of section 86.1540, the calculation of the member's pension shall be made in the following order:

(a) The amount of the member's normal pension under subdivision (1) of subsection 1 of section 86.1540 shall be reduced if applicable by any reductions required under **[**subsection**]** **subsections** 2 **or 3** of section 86.1540;

(b) The amount of the pension as determined under paragraph (a) of this subdivision shall be reduced to the actuarially equivalent amount to produce the optional form of benefit described in subdivision (1) of subsection **[**3**]** **4** of section 86.1540;

(c) The amount of reduced pension as determined under paragraph (b) of this subdivision shall be further reduced as required to produce an actuarially equivalent benefit in the form of

the lump sum distribution option elected under this section and a remaining monthly annuity which shall be paid on the basis that the initial annuity for the member's spouse, if such spouse survives the member, shall be the same as the amount being paid the member on this annuity at the member's death, and, subject to cost-of-living adjustments thereafter declared on the spouse's base pension under section 86.1590, shall be paid to such surviving spouse for the lifetime of such spouse without regard to remarriage.

3. An election under this section to receive a lump sum distribution and reduced monthly base pension shall be void if the member dies before retirement, in which case amounts due a surviving spouse or other beneficiary of the member shall be determined without regard to such election.

86.1590. COST-OF-LIVING ADJUSTMENTS — BASE PENSION DEFINED. — 1. Provided that the retirement system shall remain actuarially sound, each of the following persons may receive each year, in addition to such person's base pension, a cost-of-living adjustment in an amount not to exceed three percent of such person's base pension during any one year:

(1) Every member who is retired and receiving a base pension from this retirement system; and

(2) Every surviving spouse who is receiving a base pension from this retirement system.

2. Upon the death of a member who has been retired and receiving a pension, and who dies after August 28, 2001, the surviving spouse of such member entitled to receive a base pension under section 86.1610 shall receive an immediate percentage cost-of-living adjustment to his or her base pension equal to the total percentage cost-of-living adjustments received during such member's lifetime under this section, but such adjustment shall not be deemed to change the base pension amount to which subsequent cost-of-living adjustments may be made.

3. For purposes of this section, the term "base pension" shall mean:

(1) For a member, the pension computed under the provisions of the law as of the date of retirement without regard to cost-of-living adjustments, as adjusted if applicable, for any optional elections made under sections 86.1540 and 86.1580, but in all events not including any supplemental benefit under section 86.1600;

(2) For a surviving spouse whose pension is prescribed by section 86.1610, the base pension calculated for such spouse in accordance with the provisions of section 86.1610, including any compensation as a consultant to which such surviving spouse is entitled under said section in lieu of a pension, but not including any supplemental benefit under section 86.1600;

(3) For a surviving spouse entitled to the continuation of an optional benefit elected under subsection **[**3**]** **4** of section 86.1540, the base pension determined in accordance with subdivision (3) of subsection **[**3**]** **4** of section 86.1540.

4. The cost-of-living adjustment shall be an increase or decrease computed on the base pension amount by the retirement board in an amount that the board, in its discretion, determines to be satisfactory, but in no event shall the adjustment be more than three percent or reduce the pension to an amount less than the base pension. In determining and granting the cost-of-living adjustments, the retirement board shall adopt such rules and regulations as may be necessary to effectuate the purposes of this section, including provisions for the manner of computation of such adjustments and the effective dates thereof. The retirement board shall provide for such adjustments to be determined once each year and granted on a date or dates to be chosen by the board, and may apply such adjustments in full to members who have retired during the year prior to such adjustments but who have not been retired for one full year and to the surviving spouse of a member who has died during the year prior to such adjustments.

5. The determination of whether the retirement system will remain actuarially sound shall be made at the time any cost-of-living adjustment is granted. If at any time the retirement system ceases to be actuarially sound, pension payments shall continue as adjusted by increases theretofore granted. A member of the retirement board shall have no personal liability for granting increases under this section if that retirement board member in good faith relied and

acted upon advice of a qualified actuary that the retirement system would remain actuarially sound.

86.1610. DEATH OF MEMBER IN SERVICE, BENEFIT TO BE RECEIVED — DEATH OF MEMBER AFTER RETIREMENT, BENEFIT TO BE RECEIVED — SURVIVING SPOUSE BENEFITS. — 1. Upon receipt of the proper proofs of death of a member in service for any reason whatsoever, the following amounts shall be payable subject to subsection 4 of this section, and if a pension shall be elected, the initial amount thereof shall be the base pension for such surviving spouse:

(1) If the member has less than five years of creditable service, the member's surviving spouse shall be paid, in one lump sum, the amount of the member's accumulated contributions. If there is no surviving spouse, the member's accumulated contributions shall be paid as provided in subsection 6 of section 86.1420;

(2) If the member has at least five but fewer than twenty years of creditable service, the member's surviving spouse may elect the lump sum settlement in subdivision (1) of this subsection or a pension. Such pension shall be fifty percent of the member's accrued pension at date of death as computed in subdivision (1) of subsection 1 of section 86.1540, commencing as provided in subsection 3 of section 86.1420;

(3) If the member has at least twenty years of creditable service, the member's surviving spouse may elect any one of:

(a) The lump sum settlement in subdivision (1) of this subsection;

(b) The pension as computed in subdivision (2) of this subsection; or

(c) A pension in the monthly amount determined on a joint and survivor's basis from the actuarial value of the member's accrued annuity at date of death;

(4) Any death of a retired member occurring before the first payment of the retirement pension shall be deemed to be a death prior to retirement;

(5) For the surviving spouse of a member who died in service after August 28, 2001, benefits payable under subsection 1 of this section shall continue for the lifetime of such surviving spouse without regard to remarriage.

2. Upon death of a member after retirement who has not elected the optional annuity permitted under subsection **[**3**]** **4** of section 86.1540, the surviving spouse shall receive a base pension payable for life, equaling fifty percent of the member's base pension, as of the member's retirement date, subject to the following:

(1) No surviving spouse of a member who retires after August 28, 2001, shall be entitled to receive any benefits under sections 86.1310 to 86.1640 unless such spouse was married to the member at the time of the member's retirement; and

(2) Any surviving spouse who was married to such a member at the time of the member's retirement shall be entitled to all benefits for surviving spouses under sections 86.1310 to 86.1640 for the life of such surviving spouse without regard to remarriage.

3. In the case of any member who, prior to August 28, 2001, died in service or retired, the surviving spouse who would qualify for benefits under subsection 1 or 2 of this section but for remarriage, and has not remarried prior to August 28, 2001, but remarries thereafter, shall upon application be appointed by the retirement board as a consultant. For services as such consultant, such surviving spouse shall be compensated in an amount equal to the benefits such spouse would have received under sections 86.1310 to 86.1640 in the absence of such remarriage.

4. Any beneficiary of benefits under sections 86.1310 to 86.1640 who becomes the surviving spouse of more than one member shall be paid all benefits due a surviving spouse of that member whose entitlements produce the largest surviving spouse benefits for such beneficiary but shall not be paid surviving spouse benefits as the surviving spouse of more than one member, except that any surviving spouse for whom an election has been made for an

optional benefit under subsection **[**3**]** **4** of section 86.1540 shall be entitled to every optional benefit for which such surviving spouse has so contracted.

86.1630. TAX-EXEMPT STATUS OF PLAN TO BE MAINTAINED — ASSETS OF SYSTEM TO BE HELD IN TRUST — MEMBER BENEFITS VESTED, WHEN — DISTRIBUTION OF BENEFITS. — 1. A retirement plan under sections 86.1310 to 86.1640 is a qualified plan under the provisions of applicable federal law. The benefits and conditions of a retirement plan under sections 86.1310 to 86.1640 shall always be adjusted to ensure that the tax-exempt status is maintained.

2. The retirement board shall administer this retirement system in such manner as to retain at all times qualified status under Section 401(a) of the Internal Revenue Code.

3. The retirement board shall hold in trust the assets of the retirement system for the exclusive benefit of the members and their beneficiaries and for defraying reasonable administrative expenses of the system. No part of such assets shall, at any time prior to the satisfaction of all liabilities with respect to members and their beneficiaries, be used for or diverted to any purpose other than such exclusive benefit or to any purpose inconsistent with sections 86.1310 to 86.1640.

4. A member's benefit shall be one hundred percent vested and nonforfeitable upon the member's attainment of normal retirement age, which shall be the earlier of:

(1) The attaining of the age of sixty-five or the member's tenth anniversary of employment, whichever is later **for any Tier I member, or the attaining of the age of sixty-seven or the member's twentieth anniversary of employment, whichever is later for any Tier II member**;

(2) **For any Tier I member** when the total sum of age and years of **creditable** service equals or exceeds eighty**, or for any Tier II member when the total sum of age and years of creditable service equals or exceeds eighty-five**; or

(3) To the extent funded, upon the termination of the system established under sections 86.1310 to 86.1640 or any partial termination which affects the member or any complete discontinuance of contributions by the city to the system.

Amounts representing forfeited nonvested benefits of terminated members shall not be used to increase benefits payable from the system but may be used to reduce contributions for future plan years.

5. Distribution of benefits shall begin not later than April first of the year following the later of the calendar year during which the member becomes seventy and one-half years of age or the calendar year in which the member retires, and shall otherwise conform to Section 401(a)(9) of the Internal Revenue Code.

6. A member or beneficiary of a member shall not accrue a service retirement annuity, disability retirement annuity, death benefit, whether death occurs in the line of duty or otherwise, or any other benefit under sections 86.1310 to 86.1640 in excess of the benefit limits applicable to the fund under Section 415 of the Internal Revenue Code. The retirement board shall reduce the amount of any benefit that exceeds the limits of this section by the amount of the excess. If the total benefits under the retirement system and the benefits and contributions to which any member is entitled under any other qualified plan or plans maintained by the board of police commissioners that employs the member would otherwise exceed the applicable limits under Section 415 of the Internal Revenue Code, the benefits the member would otherwise receive from the retirement system are reduced to the extent necessary to enable the benefits to comply with Section 415 of the Internal Revenue Code.

7. The total salary taken into account for any purpose for any member of the retirement system shall not exceed two hundred thousand dollars per year, subject to periodic adjustments in accordance with guidelines provided by the United States Secretary of the Treasury and may not exceed such other limits as may be applicable at any given time under Section 401(a)(17) of the Internal Revenue Code.

8. If the amount of any benefit is determined on the basis of actuarial assumptions that are not specifically set forth for that purpose in sections 86.1310 to 86.1640, the actuarial assumptions to be used are those earnings and mortality assumptions used on the date of the determination by the retirement system's actuary and approved by the retirement board. The actuarial assumptions used at any particular time shall be attached as an addendum to a copy of the retirement system's statute maintained by the retirement board and shall be treated for all purposes as part of sections 86.1310 to 86.1640. The actuarial assumptions may be changed by the retirement system's actuary annually if approved by the retirement board, but a change in actuarial assumptions shall not result in any decrease in benefits accrued as of the effective date of the change.

9. Any member or beneficiary who is entitled to receive any distribution that is an eligible rollover distribution, as defined by Section 402(c)(4) of the Internal Revenue Code, is entitled to have that distribution transferred directly to another eligible retirement plan of the member's or beneficiary's choice upon providing direction to the secretary of the retirement system regarding the transfer in accordance with procedures established by the retirement board.

10. For all distributions made after December 31, 2001:

(1) For the purposes of subsection 9 of this section, an eligible retirement plan shall also mean an annuity described in Section 403(b) of the Internal Revenue Code and an eligible plan under Section 457(b) of the Internal Revenue Code that is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from the retirement system. The definition for eligible retirement plan shall also apply in the case of a distribution to a surviving spouse or to a spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Section 414(p) of the Internal Revenue Code; and

(2) For the purposes of subsection 9 of this section, a portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax employee contributions which are not includable in gross income. However, such portion may be paid only to an individual retirement account or annuity described in Section 408(a) or 408(b) of the Internal Revenue Code, or to a qualified defined contribution plan described in Section 401(a) or 403(a) of the Internal Revenue Code that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution that is includable in gross income and the portion of such distribution that is not so includable.

Approved June 27, 2013

HB 428 [SS SCS HB 428]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding the registration and licensing of motor vehicles

AN ACT to repeal sections 301.193 and 301.260, RSMo, and to enact in lieu thereof three new sections relating to the registration and licensing of motor vehicles.

SECTION

A. Enacting clause.

301.193. Abandoned property, titling of, privately owned real estate, procedure — inability to obtain negotiable title, salvage or junking certificate authorized.

301.260. State and municipally owned motor vehicles — public schools and colleges courtesy or driver training vehicles — regulations.

301.642. Purchase of motor vehicles and trailers through claims adjustment process by insurers, procedure, requirements.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 301.193 and 301.260, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 301.193, 301.260, and 301.642, to read as follows:

301.193. ABANDONED PROPERTY, TITLING OF, PRIVATELY OWNED REAL ESTATE, PROCEDURE — INABILITY TO OBTAIN NEGOTIABLE TITLE, SALVAGE OR JUNKING CERTIFICATE AUTHORIZED. — 1. Any person who purchases or is the owner of real property on which vehicles, as defined in section 301.010, vessels or watercraft, as defined in section 306.010, or outboard motors, as that term is used in section 306.530, have been abandoned, without the consent of said purchaser or owner of the real property, may apply to the department of revenue for a certificate of title. Any insurer which purchases a vehicle through the claims adjustment process for which the insurer is unable to obtain a negotiable title may make an application to the department of revenue for a salvage certificate of title pursuant to this section. Prior to making application for a certificate of title on a vehicle under this section, the insurer or owner of the real estate shall have the vehicle inspected by law enforcement pursuant to subsection 9 of section 301.190, and shall have law enforcement perform a check in the national crime information center and any appropriate statewide law enforcement computer to determine if the vehicle has been reported stolen and the name and address of the person to whom the vehicle was last titled and any lienholders of record. The insurer or owner or purchaser of the real estate shall, thirty days prior to making application for title, notify any owners or lienholders of record for the vehicle by certified mail that the owner intends to apply for a certificate of title from the director for the abandoned vehicle. The application for title shall be accompanied by:

(1) A statement explaining the circumstances by which the property came into the insurer, owner or purchaser's possession; a description of the property including the year, make, model, vehicle identification number and any decal or license plate that may be affixed to the vehicle; the current location of the property; and the retail value of the property;

(2) An inspection report of the property, if it is a vehicle, by a law enforcement agency pursuant to subsection 9 of section 301.190; and

(3) A copy of the thirty-day notice and certified mail receipt mailed to any owner and any person holding a valid security interest of record.

2. Upon receipt of the application and supporting documents, the director shall search the records of the department of revenue, or initiate an inquiry with another state, if the evidence presented indicated the property described in the application was registered or titled in another state, to verify the name and address of any owners and any lienholders. If the latest owner or lienholder was not notified the director shall inform the insurer, owner, or purchaser of the real estate of the latest owner and lienholder information so that notice may be given as required by subsection 1 of this section. Any owner or lienholder receiving notification may protest the issuance of title by, within the thirty-day notice period and may file a petition to recover the vehicle, naming the insurer or owner of the real estate and serving a copy of the petition on the director of revenue. The director shall not be a party to such petition but shall, upon receipt of the petition, suspend the processing of any further certificate of title until the rights of all parties to the vehicle are determined by the court. Once all requirements are satisfied the director shall issue one of the following:

(1) An original certificate of title if the vehicle examination certificate, as provided in section 301.190, indicates that the vehicle was not previously in a salvaged condition or rebuilt;

(2) An original certificate of title designated as prior salvage if the vehicle examination certificate as provided in section 301.190 indicates the vehicle was previously in a salvaged condition or rebuilt;

(3) A salvage certificate of title designated with the words "salvage/abandoned property" or junking certificate based on the condition of the property as stated in the inspection report. An insurer purchasing a vehicle through the claims adjustment process under this section shall only be eligible to obtain a salvage certificate of title or junking certificate.

3. Any insurer which purchases a vehicle that is currently titled in Missouri through the claims adjustment process for which the insurer is unable to obtain a negotiable title may make application to the department of revenue for a salvage certificate of title or junking certificate. Such application may be made by the insurer or its designated salvage pool on a form provided by the department and signed under penalty of perjury. The application shall include a declaration that the insurer has made at least two written attempts to obtain the certificate of title, transfer documents, or other acceptable evidence of title, and be accompanied by proof of claims payment from the insurer, evidence that letters were **[**delivered**]** **sent** to the vehicle owner, a statement explaining the circumstances by which the property came into the insurer's possession, a description of the property including the year, make, model, vehicle identification number, and current location of the property, and the fee prescribed in subsection 5 of section 301.190. The insurer shall, thirty days prior to making application for title, notify any owners or lienholders of record for the vehicle that the insurer intends to apply for a certificate of title from the director for the vehicle. Upon receipt of the application and supporting documents, the director shall search the records of the department of revenue to verify the name and address of any owners and any lienholders. **[**After thirty days from receipt of the application,**]** **If the director identifies any additional owner or lienholder who has not been notified by the insurer, the director shall inform the insurer of such additional owner or lienholder and the insurer shall notify the additional owner or lienholder of the insurer's intent to obtain title as prescribed in this section.** If no valid lienholders have notified the department of the existence of a lien, the department shall issue a salvage certificate of title or junking certificate for the vehicle in the name of the insurer.

301.260. STATE AND MUNICIPALLY OWNED MOTOR VEHICLES — PUBLIC SCHOOLS AND COLLEGES COURTESY OR DRIVER TRAINING VEHICLES — REGULATIONS. — 1. The director of revenue shall issue certificates for all cars owned by the state of Missouri and shall assign to each of such cars two plates bearing the words: "State of Missouri, official car number ....." (with the number inserted thereon), which plates shall be displayed on such cars when they are being used on the highways. No officer or employee or other person shall use such a motor vehicle for other than official use.

2. Motor vehicles used as ambulances, patrol wagons and fire apparatus, owned by any municipality of this state, shall be exempt from all of the provisions of sections 301.010 to 301.440 while being operated within the limits of such municipality, but the municipality may regulate the speed and use of such motor vehicles owned by them; and all other motor vehicles owned by municipalities, counties and other political subdivisions of the state shall be exempt from the provisions of sections 301.010 to 301.440 requiring registration, proof of ownership and display of number plates; provided, however, that there shall be a plate, or, on each side of such motor vehicle, letters not less than three inches in height with a stroke of not less than three-eighths of an inch wide, to display the name of such municipality, county or political subdivision, the department thereof, and a distinguishing number. Provided, further, that when any motor vehicle is owned and operated exclusively by any school district and used solely for transportation of school children, the commissioner shall assign to each of such motor vehicles two plates bearing the words "School Bus, State of Missouri, car no. ....." (with the number inserted thereon), which plates shall be displayed on such motor vehicles when they are being used on the highways. No officer, or employee of the municipality, county or subdivision, or

any other person shall operate such a motor vehicle unless the same is marked as herein provided, and no officer, employee or other person shall use such a motor vehicle for other than official purposes.

3. For registration purposes only, a public school or college shall be considered the temporary owner of a vehicle acquired from a **[**new**]** motor vehicle **[**franchised**]** dealer which is to be used as a courtesy vehicle or a driver training vehicle. The school or college shall present to the director of revenue a copy of a lease agreement with an option to purchase clause between the authorized **[**new**]** motor vehicle **[**franchised**]** dealer and the school or college and a photocopy of the front **and back** of the dealer's vehicle manufacturer's statement of origin **or certificate of title**, and shall make application for and be granted a nonnegotiable certificate of ownership and be issued the appropriate license plates. Registration plates are not necessary on a driver training vehicle when the motor vehicle is plainly marked as a driver training vehicle while being used for such purpose and such vehicle can also be used in conjunction with the activities of the educational institution.

4. As used in this section, the term "political subdivision" is intended to include any township, road district, sewer district, school district, municipality, town or village, sheltered workshop, as defined in section 178.900, and any interstate compact agency which operates a public mass transportation system.

301.642. PURCHASE OF MOTOR VEHICLES AND TRAILERS THROUGH CLAIMS ADJUSTMENT PROCESS BY INSURERS, PROCEDURE, REQUIREMENTS. — Any insurer which purchases a motor vehicle or trailer through the claims adjustment process for which there is a valid lien or encumbrance perfected under sections 301.600 to 301.640 may, as an alternative to obtaining a lien release under section 301.640, apply for a salvage certificate of title or junking certificate on such motor vehicle or trailer by following the procedures in this section. The insurer may request a letter of guarantee from the lienholder containing a description of the motor vehicle or trailer, including the vehicle identification number, and indicating the amount payable by the insurer to the lienholder in order to release the lien. Upon receipt from the lienholder of such letter of guarantee, the insurer may, within ten days of such receipt, remit payment to the lienholder in accordance with the letter of guarantee and, if such payment satisfies the lien amount indicated in the letter of guarantee to release the lien, the lienholder shall provide proof of satisfaction to the insurer. This procedure shall be followed for each lienholder indicated on the certificate of ownership for the motor vehicle or trailer. Such letter of guarantee and corresponding proof of payment need not be notarized and may be immediately transmitted electronically. The insurer may then submit proof of such payments, a copy of each letter of guarantee, and the title for such motor vehicle or trailer to the department of revenue. The department shall accept such documents in lieu of a lien release and process the insurer's application.

Approved June 26, 2013

HB 432 [HB 432]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Authorizes the Missouri Public Service Commission to appear, participate, and intervene in any federal, state, or other administrative, regulatory, or judicial proceeding

AN ACT to repeal section 386.210, RSMo, and to enact in lieu thereof one new section relating to the public service commission.

SECTION
A. Enacting clause.
386.210. Conferences, limitation on communications — cooperative agreements, investigations authorized — funds may be received and distributed, how — regulatory and judicial proceedings, intervening permitted.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Section 386.210, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 386.210, to read as follows:

386.210. CONFERENCES, LIMITATION ON COMMUNICATIONS — COOPERATIVE AGREEMENTS, INVESTIGATIONS AUTHORIZED — FUNDS MAY BE RECEIVED AND DISTRIBUTED, HOW — REGULATORY AND JUDICIAL PROCEEDINGS, INTERVENING PERMITTED. — 1. The commission may confer in person, or by correspondence, by attending conventions, or in any other way, with the members of the public, any public utility or similar commission of this and other states and the United States of America, or any official, agency or instrumentality thereof, on any matter relating to the performance of its duties.

2. Such communications may address any issue that at the time of such communication is not the subject of a case that has been filed with the commission.

3. Such communications may also address substantive or procedural matters that are the subject of a pending filing or case in which no evidentiary hearing has been scheduled, provided that the communication:

(1) Is made at a public agenda meeting of the commission where such matter has been posted in advance as an item for discussion or decision;

(2) Is made at a forum where representatives of the public utility affected thereby, the office of public counsel, and any other party to the case are present; or

(3) If made outside such agenda meeting or forum, is subsequently disclosed to the public utility, the office of the public counsel, and any other party to the case in accordance with the following procedure:

(a) If the communication is written, the person or party making the communication shall no later than the next business day following the communication file a copy of the written communication in the official case file of the pending filing or case and serve it upon all parties of record;

(b) If the communication is oral, the party making the oral communication shall no later than the next business day following the communication file a memorandum in the official case file of the pending case disclosing the communication and serve such memorandum on all parties of record. The memorandum must contain a summary of the substance of the communication and not merely a listing of the subjects covered.

4. Nothing in this section or any other provision of law shall be construed as imposing any limitation on the free exchange of ideas, views, and information between any person and the commission or any commissioner, provided that such communications relate to matters of general regulatory policy and do not address the merits of the specific facts, evidence, claims, or positions presented or taken in a pending case unless such communications comply with the provisions of subsection 3 of this section.

5. The commission and any commissioner may also advise any member of the general assembly or other governmental official of the issues or factual allegations that are the subject of a pending case, provided that the commission or commissioner does not express an opinion as to the merits of such issues or allegations, and may discuss in a public agenda meeting with parties to a case in which an evidentiary hearing has been scheduled, any procedural matter in

such case or any matter relating to a unanimous stipulation or agreement resolving all of the issues in such case.

6. The commission may enter into and establish fair and equitable cooperative agreements or contracts with or act as an agent or licensee for the United States of America, or any official, agency or instrumentality thereof, or any public utility or similar commission of other states, that are proper, expedient, fair and equitable and in the interest of the state of Missouri and the citizens thereof, for the purpose of carrying out its duties pursuant to section 386.250 as limited and supplemented by section 386.030 and to that end the commission may receive and disburse any contributions, grants or other financial assistance as a result of or pursuant to such agreements or contracts. Any contributions, grants or other financial assistance so received shall be deposited in the public service commission utility fund or the state highway commission fund depending upon the purposes for which they are received.

7. The commission may make joint investigations, hold joint hearings within or without the state, and issue joint or concurrent orders in conjunction or concurrence with any railroad, public utility or similar commission, of other states or the United States of America, or any official, agency or any instrumentality thereof, except that in the holding of such investigations or hearings, or in the making of such orders, the commission shall function under agreements or contracts between states or under the concurrent power of states to regulate interstate commerce, or as an agent of the United States of America, or any official, agency or instrumentality thereof, or otherwise.

8. The commission may appear, participate, and intervene in any federal, state, or other administrative, regulatory, or judicial proceeding. This subsection applies to all proceedings now pending or commenced after August 28, 2013.

Approved July 3, 2013

HB 446 [HCS HBs 446 & 211]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding the enforcement and servicing of real estate loans

AN ACT to amend chapter 443, RSMo, by adding thereto one new section relating to real estate loans.

SECTION
A. Enacting clause.
443.454. Enforcement and servicing of real estate loans, federal and state law preemption.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Chapter 443, RSMo, is amended by adding thereto one new section, to be known as section 443.454, to read as follows:

443.454. ENFORCEMENT AND SERVICING OF REAL ESTATE LOANS, FEDERAL AND STATE LAW PREEMPTION. — The enforcement and servicing of real estate loans secured by mortgage or deed of trust or other security instrument shall be pursuant only to state and federal law and no local law or ordinance may add to, change, delay enforcement, or interfere with, any loan agreement, security instrument, mortgage or deed of trust. No local law or ordinance may add, change, or delay any rights or obligations or impose fees or taxes of any kind or require payment of fees to any government contractor related to

any real estate loan agreement, mortgage or deed of trust, other security instrument, or affect the enforcement and servicing thereof.

Allowed to go into effect pursuant to Article III, Section 31 of the Missouri Constitution

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HB 451 [HB 451]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Authorizes a county to amend its budget twice during a fiscal year when there are certain specified circumstances

AN ACT to repeal section 50.622, RSMo, and to enact in lieu thereof one new section relating to procedures for counties to decrease their budgets.

SECTION
A. Enacting clause.
50.622. Amendment of annual budget by any county during fiscal year receiving additional funds, procedure — decrease permitted, when.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Section 50.622, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 50.622, to read as follows:

50.622. AMENDMENT OF ANNUAL BUDGET BY ANY COUNTY DURING FISCAL YEAR RECEIVING ADDITIONAL FUNDS, PROCEDURE — DECREASE PERMITTED, WHEN. — 1. Any county may amend the annual budget during any fiscal year in which the county receives additional funds, and such amount or source, including but not limited to, federal or state grants or private donations, could not be estimated when the budget was adopted. The county shall follow the same procedures as required in sections 50.525 to 50.745 for adoption of the annual budget to amend its budget during a fiscal year.

2. Any county may decrease the annual budget twice during any fiscal year in which the county experiences a verifiable decline in funds of two percent or more, and such amount could not be estimated or anticipated when the budget was adopted, provided that any decrease in appropriations shall not unduly affect any one officeholder. Before any reduction affecting an independently elected officeholder can occur, negotiations shall take place with all officeholders who receive funds from the affected category of funds in an attempt to cover the shortfall. The county shall follow the same procedures as required in sections 50.525 to 50.745 to decrease the annual budget, except that the notice provided for in section 50.600 shall be extended to thirty days for purposes of this subsection. Such notice shall include a published summary of the proposed reductions and an explanation of the shortfall.

3. Any decrease in an appropriation authorized under subsection 2 of this section shall not impact any dedicated fund otherwise provided by law.

4. County commissioners may reduce budgets of departments under their direct supervision and responsibility at any time without the restrictions imposed by this section.

5. Subsections 2, 3, and 4 of this section shall expire on July 1, 2016.

6. Notwithstanding the provisions of this section, no charter county shall be restricted from amending its budget under the terms of its charter.

Approved June 27, 2013

HB 478 [HB 478]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding shares in credit unions

AN ACT to repeal sections 370.283 and 370.287, RSMo, and to enact in lieu thereof two new sections relating to credit unions.

SECTION
A. Enacting clause.
370.283. Minors may hold or release shares — subject to lien.
370.287. Jointly held shares, survival — effect of incapacity on joint tenancy — payment of shares, release and discharge of the credit union, when.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 370.283 and 370.287, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 370.283 and 370.287, to read as follows:

370.283. MINORS MAY HOLD OR RELEASE SHARES — SUBJECT TO LIEN. — 1. When shares are issued in the name of any minor, the same shall be held for the exclusive right and benefit of the minor, and free from the control or lien of all other persons, except creditors, and shall be paid, together with dividends thereon, to the person in whose name the shares shall have been issued, and the receipt or acquittance of the minor shall be a valid and sufficient release and discharge to the credit union for the share or any part thereof. **To the shares issued in joint tenancy in the name of any minor, all provisions of section 370.287 shall apply.**

2. The credit union may require that the minor's parent, guardian, or other person responsible for the minor be a joint owner of the minor's account.

3. Shares on deposit held in the name of a minor are subject to the credit union's lien under section 370.250 and any consensual lien on pledge of shares, which may not be avoided due to the minor's status. The credit union may pay funds to a conservator appointed under section 475.045 and thereby discharge its liability to the minor for the shares. Accounts opened under the Missouri Transfer to Minors Law, sections 404.005 to 404.094, shall be governed by that law.

370.287. JOINTLY HELD SHARES, SURVIVAL — EFFECT OF INCAPACITY ON JOINT TENANCY — PAYMENT OF SHARES, RELEASE AND DISCHARGE OF THE CREDIT UNION, WHEN. — 1. Shares may be issued in joint tenancy with the right of survivorship with any **persons [**person**] , minor or adult,** designated by the credit union member, **whether or not the names are stated in the conjunctive or the disjunctive or otherwise.** But no person so designated as joint tenant shall be permitted to vote, obtain loans or hold office unless **[**he**] such person** is within the field of membership and is a qualified member. **The records of the credit union describing the issuance, opening, or maintenance of shares in joint tenancy with the right of survivorship in the absence of fraud or undue influence shall be conclusive evidence of the intention of all the joint tenants to vest title to the account any additions thereto in the surviving joint tenants.** Any shares so issued and additions thereto of whatever nature shall be **the property of such persons as joint tenants and** payable by the credit union on the death of **[**the deceased member to the surviving joint tenant, and**] any one or more of the joint tenants. If there are two or more surviving joint tenants, such joint tenants shall own the shares as joint tenants with the right of survivorship.** The payment and the receipt or

acquittance of the **[**same**]** **shares and additions thereto as described herein** to said surviving joint **[**tenant**]** **tenants** shall be a valid and sufficient release and discharge to the credit union for all amounts so paid.

2. The adjudication of disability or incapacity of any one or more of the joint tenants shall not operate to sever or terminate the joint tenancy ownership of all or any part of the account and the account may be withdrawn or pledged by any one or more of the joint owners in the same manner as though the adjudication of disability or incapacity had not been made, except that any withdrawal or pledge on behalf of the disabled joint owner shall be by such person's conservator.

3. Shares held in the name of two persons who are husband and wife or the survivor thereof shall be considered a joint tenancy and not a tenancy by the entirety unless specified otherwise.

4. A payment of any or all shares or additions thereto as provided in section 1 shall release and discharge the credit union with respect to the moneys so paid prior to the receipt by the credit union of notice in writing signed by any one of the joint tenants not to pay the shares in accordance with the terms thereof. After receipt of such notice, a credit union may refuse without liability to honor any check, other order to pay, withdrawal receipt, or order to pay out any dividends or interest thereon pending determination of the rights of the parties. No credit union paying any joint tenant in accordance with the provisions of this section shall thereby be liable for any estate or succession taxes which may be due this state. Accounts opened under the Missouri Transfer to Minors Law, sections 404.005 to 404.094, shall be governed by that law.

Approved June 28, 2013

HB 498 [SCS HB 498]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Repeals the requirement that paid-in surplus distributions must be identified as liquidating dividends and the amount per share must be disclosed to shareholders when it is paid

AN ACT to repeal section 351.210, RSMo, and to enact in lieu thereof one new section relating to the distribution of paid-in surplus.

SECTION
A. Enacting clause.
351.210. Paid-in surplus — its distribution and restrictions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Section 351.210, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 351.210, to read as follows:

351.210. PAID-IN SURPLUS — ITS DISTRIBUTION AND RESTRICTIONS. — 1. Paid-in surplus, whether created by reduction of stated capital or otherwise, may be distributed in cash or in kind to the shareholders entitled thereto, subject to the following restrictions **[**and in the following manner**]**:

(1) No such distribution shall be made to any class of shareholders unless all cumulative dividends accrued on preferred or special classes of shares entitled to preferred dividends shall have been fully paid;

(2) No such distribution shall be made to any class of shareholders when the net assets are less than its stated capital or when such distribution would reduce the net assets below the stated capital**[**;

(3) Each such distribution, when made, shall be identified as a liquidating dividend and the amount per share shall be disclosed to the shareholders receiving the same, concurrently with the payment thereof**]**.

2. The corporation may by resolution of its board of directors apply any part or all of its paid-in surplus to the reduction or elimination of any deficit arising from operating or other losses, or from diminution in value of its assets.

Approved June 25, 2013

HB 505 [SCS HCS HB 505]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding child abuse and neglect

AN ACT to repeal sections 37.710, 160.261, 160.262, 162.068, 162.069, 210.115, 556.061, 568.060, and 595.220, RSMo, and to enact in lieu thereof nine new sections relating to child abuse and neglect, with penalty provisions and an emergency clause.

SECTION

A. Enacting clause.
37.710. Access to information — authority of office — confidentiality of information.
160.261. Discipline, written policy established by local boards of education — contents — reporting requirements — additional restrictions for certain suspensions — weapons offense, mandatory suspension or expulsion — no civil liability for authorized personnel — spanking not child abuse, when — investigation procedure — officials falsifying reports, penalty.
160.262. Mediation, office of the child advocate to coordinate, when — procedures — binding agreement, when.
162.068. Former employees, information provided by school district, written policy required — suspension of employee under investigation — immunity from liability, when, exception.
162.069. Employee-student communications, written policy required — training materials, required content.
210.115. Reports of abuse, neglect, and under age eighteen deaths — persons required to report — supervisors and administrators not to impede reporting — deaths required to be reported to the division or child fatality review panel, when — report made to another state, when.
556.061. Code definitions.
568.060. Abuse or neglect of a child, penalty.
595.220. Forensic examinations, department of public safety to pay medical providers, when — minor may consent to examination, when — attorney general to develop forms — collection kits — definitions — rulemaking authority.
B. Emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 37.710, 160.261, 160.262, 162.068, 162.069, 210.115, 556.061, 568.060, and 595.220, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 37.710, 160.261, 160.262, 162.068, 162.069, 210.115, 556.061, 568.060, and 595.220, to read as follows:

37.710. ACCESS TO INFORMATION — AUTHORITY OF OFFICE — CONFIDENTIALITY OF INFORMATION. — 1. The office shall have access to the following information:

(1) The names and physical location of all children in protective services, treatment, or other programs under the jurisdiction of the children's division, the department of mental health, and the juvenile court;

(2) All written reports of child abuse and neglect; and

(3) All current records required to be maintained pursuant to chapters 210 and 211.

2. The office shall have the authority:

(1) To communicate privately by any means possible with any child under protective services and anyone working with the child, including the family, relatives, courts, employees of the department of social services and the department of mental health, and other persons or entities providing treatment and services;

(2) To have access, including the right to inspect, copy and subpoena records held by the clerk of the juvenile or family court, juvenile officers, law enforcement agencies, institutions, public or private, and other agencies, or persons with whom a particular child has been either voluntarily or otherwise placed for care, or has received treatment within this state or in another state;

(3) To work in conjunction with juvenile officers and guardians ad litem;

(4) To file any findings or reports of the child advocate regarding the parent or child with the court, and issue recommendations regarding the disposition of an investigation, which may be provided to the court and to the investigating agency;

(5) To file amicus curiae briefs on behalf of the interests of the parent or child;

(6) To initiate meetings with the department of social services, the department of mental health, the juvenile court, and juvenile officers;

(7) To take whatever steps are appropriate to see that persons are made aware of the services of the child advocate's office, its purpose, and how it can be contacted;

(8) To apply for and accept grants, gifts, and bequests of funds from other states, federal, and interstate agencies, and independent authorities, private firms, individuals, and foundations to carry out his or her duties and responsibilities. The funds shall be deposited in a dedicated account established within the office to permit moneys to be expended in accordance with the provisions of the grant or bequest;

(9) Subject to appropriation, to establish as needed local panels on a regional or county basis to adequately and efficiently carry out the functions and duties of the office, and address complaints in a timely manner; and

(10) To mediate between alleged victims of sexual misconduct and school districts **or charter schools** as provided in subsection 1 of section 160.262.

3. For any information obtained from a state agency or entity under sections 37.700 to 37.730, the office of child advocate shall be subject to the same disclosure restrictions and confidentiality requirements that apply to the state agency or entity providing such information to the office of child advocate. For information obtained directly by the office of child advocate under sections 37.700 to 37.730, the office of child advocate shall be subject to the same disclosure restrictions and confidentiality requirements that apply to the children's division regarding information obtained during a child abuse and neglect investigation resulting in an unsubstantiated report.

160.261. DISCIPLINE, WRITTEN POLICY ESTABLISHED BY LOCAL BOARDS OF EDUCATION — CONTENTS — REPORTING REQUIREMENTS — ADDITIONAL RESTRICTIONS FOR CERTAIN SUSPENSIONS — WEAPONS OFFENSE, MANDATORY SUSPENSION OR EXPULSION — NO CIVIL LIABILITY FOR AUTHORIZED PERSONNEL — SPANKING NOT CHILD ABUSE, WHEN — INVESTIGATION PROCEDURE — OFFICIALS FALSIFYING REPORTS, PENALTY. — 1. The local board of education of each school district shall clearly establish a written policy of discipline, including the district's determination on the use of corporal

punishment and the procedures in which punishment will be applied. A written copy of the district's discipline policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning of each school year and also made available in the office of the superintendent of such district, during normal business hours, for public inspection. All employees of the district shall annually receive instruction related to the specific contents of the policy of discipline and any interpretations necessary to implement the provisions of the policy in the course of their duties, including but not limited to approved methods of dealing with acts of school violence, disciplining students with disabilities and instruction in the necessity and requirements for confidentiality.

2. The policy shall require school administrators to report acts of school violence to all teachers at the attendance center and, in addition, to other school district employees with a need to know. For the purposes of this chapter or chapter 167, "need to know" is defined as school personnel who are directly responsible for the student's education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties. As used in this section, the phrase "act of school violence" or "violent behavior" means the exertion of physical force by a student with the intent to do serious physical injury as defined in subdivision (6) of section 565.002 to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. The policy shall at a minimum require school administrators to report, as soon as reasonably practical, to the appropriate law enforcement agency any of the following crimes, or any act which if committed by an adult would be one of the following crimes:

(1) First degree murder under section 565.020;
(2) Second degree murder under section 565.021;
(3) Kidnapping under section 565.110;
(4) First degree assault under section 565.050;
(5) Forcible rape under section 566.030;
(6) Forcible sodomy under section 566.060;
(7) Burglary in the first degree under section 569.160;
(8) Burglary in the second degree under section 569.170;
(9) Robbery in the first degree under section 569.020;
(10) Distribution of drugs under section 195.211;
(11) Distribution of drugs to a minor under section 195.212;
(12) Arson in the first degree under section 569.040;
(13) Voluntary manslaughter under section 565.023;
(14) Involuntary manslaughter under section 565.024;
(15) Second degree assault under section 565.060;
(16) Sexual assault under section 566.040;
(17) Felonious restraint under section 565.120;
(18) Property damage in the first degree under section 569.100;
(19) The possession of a weapon under chapter 571;
(20) Child molestation in the first degree pursuant to section 566.067;
(21) Deviate sexual assault pursuant to section 566.070;
(22) Sexual misconduct involving a child pursuant to section 566.083;
(23) Sexual abuse pursuant to section 566.100;
(24) Harassment under section 565.090; or
(25) Stalking under section 565.225;

committed on school property, including but not limited to actions on any school bus in service on behalf of the district or while involved in school activities. The policy shall require that any portion of a student's individualized education program that is related to demonstrated or potentially violent behavior shall be provided to any teacher and other school district employees who are directly responsible for the student's education or who otherwise interact with the student

on an educational basis while acting within the scope of their assigned duties. The policy shall also contain the consequences of failure to obey standards of conduct set by the local board of education, and the importance of the standards to the maintenance of an atmosphere where orderly learning is possible and encouraged.

3. The policy shall provide that any student who is on suspension for any of the offenses listed in subsection 2 of this section or any act of violence or drug-related activity defined by school district policy as a serious violation of school discipline pursuant to subsection 9 of this section shall have as a condition of his or her suspension the requirement that such student is not allowed, while on such suspension, to be within one thousand feet of any school property in the school district where such student attended school or any activity of that district, regardless of whether or not the activity takes place on district property unless:

(1) Such student is under the direct supervision of the student's parent, legal guardian, or custodian and the superintendent or the superintendent's designee has authorized the student to be on school property;

(2) Such student is under the direct supervision of another adult designated by the student's parent, legal guardian, or custodian, in advance, in writing, to the principal of the school which suspended the student and the superintendent or the superintendent's designee has authorized the student to be on school property;

(3) Such student is enrolled in and attending an alternative school that is located within one thousand feet of a public school in the school district where such student attended school; or

(4) Such student resides within one thousand feet of any public school in the school district where such student attended school in which case such student may be on the property of his or her residence without direct adult supervision.

4. Any student who violates the condition of suspension required pursuant to subsection 3 of this section may be subject to expulsion or further suspension pursuant to the provisions of sections 167.161, 167.164, and 167.171. In making this determination consideration shall be given to whether the student poses a threat to the safety of any child or school employee and whether such student's unsupervised presence within one thousand feet of the school is disruptive to the educational process or undermines the effectiveness of the school's disciplinary policy. Removal of any pupil who is a student with a disability is subject to state and federal procedural rights. This section shall not limit a school district's ability to:

(1) Prohibit all students who are suspended from being on school property or attending an activity while on suspension;

(2) Discipline students for off-campus conduct that negatively affects the educational environment to the extent allowed by law.

5. The policy shall provide for a suspension for a period of not less than one year, or expulsion, for a student who is determined to have brought a weapon to school, including but not limited to the school playground or the school parking lot, brought a weapon on a school bus or brought a weapon to a school activity whether on or off of the school property in violation of district policy, except that:

(1) The superintendent or, in a school district with no high school, the principal of the school which such child attends may modify such suspension on a case-by-case basis; and

(2) This section shall not prevent the school district from providing educational services in an alternative setting to a student suspended under the provisions of this section.

6. For the purpose of this section, the term "weapon" shall mean a firearm as defined under 18 U.S.C. 921 and the following items, as defined in section 571.010: a blackjack, a concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife, knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade knife; except that this section shall not be construed to prohibit a school board from adopting a policy to allow a Civil War reenactor to carry a Civil War era weapon on school property for educational purposes so long as the firearm is unloaded. The local board of education shall

define weapon in the discipline policy. Such definition shall include the weapons defined in this subsection but may also include other weapons.

7. All school district personnel responsible for the care and supervision of students are authorized to hold every pupil strictly accountable for any disorderly conduct in school or on any property of the school, on any school bus going to or returning from school, during school-sponsored activities, or during intermission or recess periods.

8. Teachers and other authorized district personnel in public schools responsible for the care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable care by the school district, shall not be civilly liable when acting in conformity with the established policies developed by each board, including but not limited to policies of student discipline or when reporting to his or her supervisor or other person as mandated by state law acts of school violence or threatened acts of school violence, within the course and scope of the duties of the teacher, authorized district personnel or volunteer, when such individual is acting in conformity with the established policies developed by the board. Nothing in this section shall be construed to create a new cause of action against such school district, or to relieve the school district from liability for the negligent acts of such persons.

9. Each school board shall define in its discipline policy acts of violence and any other acts that constitute a serious violation of that policy. "Acts of violence" as defined by school boards shall include but not be limited to exertion of physical force by a student with the intent to do serious bodily harm to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. School districts shall for each student enrolled in the school district compile and maintain records of any serious violation of the district's discipline policy. Such records shall be made available to teachers and other school district employees with a need to know while acting within the scope of their assigned duties, and shall be provided as required in section 167.020 to any school district in which the student subsequently attempts to enroll.

10. Spanking, when administered by certificated personnel and in the presence of a witness who is an employee of the school district, or the use of reasonable force to protect persons or property, when administered by personnel of a school district in a reasonable manner in accordance with the local board of education's written policy of discipline, is not abuse within the meaning of chapter 210. The provisions of sections 210.110 to 210.165 notwithstanding, the children's division shall not have jurisdiction over or investigate any report of alleged child abuse arising out of or related to the use of reasonable force to protect persons or property when administered by personnel of a school district or any spanking administered in a reasonable manner by any certificated school personnel in the presence of a witness who is an employee of the school district pursuant to a written policy of discipline established by the board of education of the school district, as long as no allegation of sexual misconduct arises from the spanking or use of force.

11. If a student reports alleged sexual misconduct on the part of a teacher or other school employee to a person employed in a school facility who is required to report such misconduct to the children's division under section 210.115, such person and the superintendent of the school district shall **[**forward**]** **report** the allegation to the children's division **[**within twenty-four hours of receiving the information**]** **as set forth in section 210.115**. Reports made to the children's division under this subsection shall be investigated by the division in accordance with the provisions of sections 210.145 to 210.153 and shall not be investigated by the school district under subsections 12 to 20 of this section for purposes of determining whether the allegations should or should not be substantiated. The district may investigate the allegations for the purpose of making any decision regarding the employment of the accused employee.

12. Upon receipt of any reports of child abuse by the children's division other than reports provided under subsection 11 of this section, pursuant to sections 210.110 to 210.165 which allegedly involve personnel of a school district, the children's division shall notify the superintendent of schools of the district or, if the person named in the alleged incident is the

superintendent of schools, the president of the school board of the school district where the alleged incident occurred.

13. If, after an initial investigation, the superintendent of schools or the president of the school board finds that the report involves an alleged incident of child abuse other than the administration of a spanking by certificated school personnel or the use of reasonable force to protect persons or property when administered by school personnel pursuant to a written policy of discipline or that the report was made for the sole purpose of harassing a public school employee, the superintendent of schools or the president of the school board shall immediately refer the matter back to the children's division and take no further action. In all matters referred back to the children's division, the division shall treat the report in the same manner as other reports of alleged child abuse received by the division.

14. If the report pertains to an alleged incident which arose out of or is related to a spanking administered by certificated personnel or the use of reasonable force to protect persons or property when administered by personnel of a school district pursuant to a written policy of discipline or a report made for the sole purpose of harassing a public school employee, a notification of the reported child abuse shall be sent by the superintendent of schools or the president of the school board to the law enforcement in the county in which the alleged incident occurred.

15. The report shall be jointly investigated by the law enforcement officer and the superintendent of schools or, if the subject of the report is the superintendent of schools, by a law enforcement officer and the president of the school board or such president's designee.

16. The investigation shall begin no later than forty-eight hours after notification from the children's division is received, and shall consist of, but need not be limited to, interviewing and recording statements of the child and the child's parents or guardian within two working days after the start of the investigation, of the school district personnel allegedly involved in the report, and of any witnesses to the alleged incident.

17. The law enforcement officer and the investigating school district personnel shall issue separate reports of their findings and recommendations after the conclusion of the investigation to the school board of the school district within seven days after receiving notice from the children's division.

18. The reports shall contain a statement of conclusion as to whether the report of alleged child abuse is substantiated or is unsubstantiated.

19. The school board shall consider the separate reports referred to in subsection 17 of this section and shall issue its findings and conclusions and the action to be taken, if any, within seven days after receiving the last of the two reports. The findings and conclusions shall be made in substantially the following form:

(1) The report of the alleged child abuse is unsubstantiated. The law enforcement officer and the investigating school board personnel agree that there was not a preponderance of evidence to substantiate that abuse occurred;

(2) The report of the alleged child abuse is substantiated. The law enforcement officer and the investigating school district personnel agree that the preponderance of evidence is sufficient to support a finding that the alleged incident of child abuse did occur;

(3) The issue involved in the alleged incident of child abuse is unresolved. The law enforcement officer and the investigating school personnel are unable to agree on their findings and conclusions on the alleged incident.

20. The findings and conclusions of the school board under subsection 19 of this section shall be sent to the children's division. If the findings and conclusions of the school board are that the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated, the case closed, and no record shall be entered in the children's division central registry. If the findings and conclusions of the school board are that the report of the alleged child abuse is substantiated, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school district and shall

include the information in the division's central registry. If the findings and conclusions of the school board are that the issue involved in the alleged incident of child abuse is unresolved, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school board, however, the incident and the names of the parties allegedly involved shall not be entered into the central registry of the children's division unless and until the alleged child abuse is substantiated by a court of competent jurisdiction.

21. Any superintendent of schools, president of a school board or such person's designee or law enforcement officer who knowingly falsifies any report of any matter pursuant to this section or who knowingly withholds any information relative to any investigation or report pursuant to this section is guilty of a class A misdemeanor.

22. In order to ensure the safety of all students, should a student be expelled for bringing a weapon to school, violent behavior, or for an act of school violence, that student shall not, for the purposes of the accreditation process of the Missouri school improvement plan, be considered a dropout or be included in the calculation of that district's educational persistence ratio.

160.262. MEDIATION, OFFICE OF THE CHILD ADVOCATE TO COORDINATE, WHEN — PROCEDURES — BINDING AGREEMENT, WHEN. — 1. The office of the child advocate as created in section 37.705 shall be authorized to coordinate mediation efforts between school districts and students **and charter schools and students** when requested by both parties when allegations of child abuse arise in a school setting. The office of the child advocate shall maintain a list of individuals who are qualified mediators. The child advocate shall be available as one of the mediators on the list from which parents can choose.

2. Mediation procedures shall meet the following requirements:

(1) The mediation process shall not be used to deny or delay any other complaint process available to the parties; and

(2) The mediation process shall be conducted by a qualified and impartial mediator trained in effective mediation techniques who is not affiliated with schools or school professional associations, is not a mandated reporter of child abuse under state law or regulation, and who is available as a public service.

3. No student, parent of a student, school employee, **charter school,** or school district shall be required to participate in mediation under this section. If either the school district **or charter school** or the student or student's parent does not wish to enter into mediation, mediation shall not occur.

4. Each session in the mediation process shall be scheduled in a timely manner and be held in a location that is convenient to the parties in dispute.

5. Discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent administrative proceeding, administrative hearing, nor in any civil or criminal proceeding of any state or federal court.

6. If the parties resolve a dispute through the mediation process, the parties shall execute a legally binding agreement that sets forth the resolution and:

(1) States that all discussions that occurred during the mediation process shall remain confidential and may not be used as evidence in any subsequent administrative proceeding, administrative hearing, or civil proceeding of any federal or state court; and

(2) Is signed by a representative of each party who has authority to bind the party.

162.068. FORMER EMPLOYEES, INFORMATION PROVIDED BY SCHOOL DISTRICT, WRITTEN POLICY REQUIRED — SUSPENSION OF EMPLOYEE UNDER INVESTIGATION — IMMUNITY FROM LIABILITY, WHEN, EXCEPTION. — 1. By July 1, 2012, every school district shall adopt a written policy on information that the district provides about former employees, both certificated and noncertificated, to other public schools. **By July 1, 2014, every charter**

school shall adopt a written policy on information that the charter school provides about former employees, both certificated and noncertificated, to other public schools. The policy shall include who is permitted to respond to requests for information from potential employers and the information the district **or charter school** would provide when responding to such a request. The policy shall require that notice of this provision be provided to all current employees and to all potential employers who contact the school district **or charter school** regarding the possible employment of **[**a school district**]** **an** employee.

2. Any school district **or charter school** that employs a person about whom the children's division conducts an investigation involving allegations of sexual misconduct with a student and reaches a finding of substantiated shall immediately suspend the employment of such person, notwithstanding any other provision of law, but the district **or charter school** may return the person to his or her employment if the child abuse and neglect review board's finding that the allegation is substantiated is reversed by a court on appeal and becomes final. Nothing shall preclude a school district **or charter school** from otherwise lawfully terminating the employment of any employee about whom there has been a finding of unsubstantiated resulting from an investigation by the children's division involving allegations of sexual misconduct with a student.

3. Any **[**school district**]** employee who is permitted to respond to requests for information regarding former employees under a policy adopted by his or her school district **or charter school** under subsection 2 of this section and who communicates only the information which such policy directs, and who acts in good faith and without malice shall be immune against any civil action for damages brought by the former employee arising out of the communication of such information. If any such action is brought, the **[**school district**]** employee may, at his or her option, request the attorney general to defend him or her in such suit and the attorney general shall provide such defense, except that if the attorney general represents the school district or the department of elementary and secondary education in a pending licensing matter under section 168.071 the attorney general shall not represent the school district employee.

4. Notwithstanding the provisions of subsection 2 of this section, if a district **or charter school** that has employed any employee whose job involves contact with children receives allegations of sexual misconduct concerning the employee and as a result of such allegations or as a result of such allegations being substantiated by the child abuse and neglect review board dismisses the employee or allows the employee to resign in lieu of being fired and fails to disclose the allegations of sexual misconduct when furnishing a reference for the former employee or responding to a potential employer's request for information regarding such employee, the district **or charter school** shall be directly liable for damages to any student of a subsequent employing district **or charter school** who is found by a court of competent jurisdiction to be a victim of the former employee's sexual misconduct, and the district **or charter school** shall bear third-party liability to the employing district **or charter school** for any legal liability, legal fees, costs, and expenses incurred by the employing district **or charter school** caused by the failure to disclose such information to the employing district **or charter school**.

5. If a school district **or charter school** has previously employed a person about whom the children's division has conducted an investigation involving allegations of sexual misconduct with a student and has reached a finding of substantiated and another public school contacts the district **or charter school** for a reference for the former employee, the district **or charter school** shall disclose the results of the children's division's investigation to the public school.

6. Any school district **or charter school** employee, acting in good faith, who reports alleged sexual misconduct on the part of a teacher or other school employee shall not be discharged or otherwise discriminated against in any fashion because of such reporting.

162.069. EMPLOYEE-STUDENT COMMUNICATIONS, WRITTEN POLICY REQUIRED — TRAINING MATERIALS, REQUIRED CONTENT. — 1. Every school district shall, by March 1, 2012, promulgate a written policy concerning employee-student communication. **The**

governing body of each charter school shall adopt a written policy concerning employee-student communication by January 1, 2014. Such policy shall include, but not be limited to, the use of electronic media and other mechanisms to prevent improper communications between staff members and students.

2. **The school board of each school district and the governing body of each charter school shall, by January 1, 2014, adopt and implement training guidelines and an annual training program for all school employees who are mandatory reporters of child abuse or neglect under section 210.115.**

3. Every school district **and the governing body of each charter school** shall, by July 1, **[**2012**]** **2014**, include in its teacher and employee training a component that provides up-to-date and reliable information on identifying signs of sexual abuse in children and danger signals of potentially abusive relationships between children and adults. The training shall emphasize the importance of mandatory reporting of abuse under section 210.115 including the obligation of mandated reporters to report suspected abuse by other mandated reporters, and how to establish an atmosphere of trust so that students feel their school has concerned adults with whom they feel comfortable discussing matters related to abuse. **The training shall also emphasize that:**

(1) All mandatory reporters shall, upon finding reasonable cause, directly and immediately report suspected child abuse or neglect as provided in section 210.115;

(2) No supervisor or administrator may impede or inhibit any reporting under section 210.115; and

(3) No person making a report under section 210.115 shall be subject to any sanction, including any adverse employment action, for making such report.

210.115. REPORTS OF ABUSE, NEGLECT, AND UNDER AGE EIGHTEEN DEATHS — PERSONS REQUIRED TO REPORT — SUPERVISORS AND ADMINISTRATORS NOT TO IMPEDE REPORTING — DEATHS REQUIRED TO BE REPORTED TO THE DIVISION OR CHILD FATALITY REVIEW PANEL, WHEN — REPORT MADE TO ANOTHER STATE, WHEN. — 1. When any physician, medical examiner, coroner, dentist, chiropractor, optometrist, podiatrist, resident, intern, nurse, hospital or clinic personnel that are engaged in the examination, care, treatment or research of persons, and any other health practitioner, psychologist, mental health professional, social worker, day care center worker or other child-care worker, juvenile officer, probation or parole officer, jail or detention center personnel, teacher, principal or other school official, minister as provided by section 352.400, peace officer or law enforcement official, or other person with responsibility for the care of children has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect, that person shall immediately report **[**or cause a report to be made**]** to the division in accordance with the provisions of sections 210.109 to 210.183. **No internal investigation shall be initiated until such a report has been made.** As used in this section, the term "abuse" is not limited to abuse inflicted by a person responsible for the child's care, custody and control as specified in section 210.110, but shall also include abuse inflicted by any other person.

2. **[**Whenever such person is required to report pursuant to sections 210.109 to 210.183 in an official capacity as a staff member of a medical institution, school facility, or other agency, whether public or private, the person in charge or a designated agent shall be notified immediately. The person in charge or a designated agent shall then become responsible for immediately making or causing such report to be made to the division**]** **If two or more members of a medical institution who are required to report jointly have knowledge of a known or suspected instance of child abuse or neglect, a single report may be made by a designated member of that medical team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter immediately make the**

report. Nothing in this section, however, is meant to preclude any person from reporting abuse or neglect.

3. **The reporting requirements under this section are individual, and no supervisor or administrator may impede or inhibit any reporting under this section. No person making a report under this section shall be subject to any sanction, including any adverse employment action, for making such report. Every employer shall ensure that any employee required to report pursuant to subsection 1 of this section has immediate and unrestricted access to communications technology necessary to make an immediate report and is temporarily relieved of other work duties for such time as is required to make any report required under subsection 1 of this section.**

4. Notwithstanding any other provision of sections 210.109 to 210.183, any child who does not receive specified medical treatment by reason of the legitimate practice of the religious belief of the child's parents, guardian, or others legally responsible for the child, for that reason alone, shall not be found to be an abused or neglected child, and such parents, guardian or other persons legally responsible for the child shall not be entered into the central registry. However, the division may accept reports concerning such a child and may subsequently investigate or conduct a family assessment as a result of that report. Such an exception shall not limit the administrative or judicial authority of the state to ensure that medical services are provided to the child when the child's health requires it.

[4.**]** **5.** In addition to those persons and officials required to report actual or suspected abuse or neglect, any other person may report in accordance with sections 210.109 to 210.183 if such person has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect.

[5.**]** **6.** Any person or official required to report pursuant to this section, including employees of the division, who has probable cause to suspect that a child who is or may be under the age of eighteen, who is eligible to receive a certificate of live birth, has died shall report that fact to the appropriate medical examiner or coroner. If, upon review of the circumstances and medical information, the medical examiner or coroner determines that the child died of natural causes while under medical care for an established natural disease, the coroner, medical examiner or physician shall notify the division of the child's death and that the child's attending physician shall be signing the death certificate. In all other cases, the medical examiner or coroner shall accept the report for investigation, shall immediately notify the division of the child's death as required in section 58.452 and shall report the findings to the child fatality review panel established pursuant to section 210.192.

[6.**]** **7.** Any person or individual required to report may also report the suspicion of abuse or neglect to any law enforcement agency or juvenile office. Such report shall not, however, take the place of reporting **[**or causing a report to be made**]** to the division.

[7.**]** **8.** If an individual required to report suspected instances of abuse or neglect pursuant to this section has reason to believe that the victim of such abuse or neglect is a resident of another state or was injured as a result of an act which occurred in another state, the person required to report such abuse or neglect may, in lieu of reporting to the Missouri division of family services, make such a report to the child protection agency of the other state with the authority to receive such reports pursuant to the laws of such other state. If such agency accepts the report, no report is required to be made, but may be made, to the **[**Missouri**]** division **[**of family services**]**.

556.061. CODE DEFINITIONS. — In this code, unless the context requires a different definition, the following shall apply:

(1) "Affirmative defense" has the meaning specified in section 556.056;

(2) "Burden of injecting the issue" has the meaning specified in section 556.051;

(3) "Commercial film and photographic print processor", any person who develops exposed photographic film into negatives, slides or prints, or who makes prints from negatives or slides, for compensation. The term commercial film and photographic print processor shall include all employees of such persons but shall not include a person who develops film or makes prints for a public agency;

(4) "Confinement":

(a) A person is in confinement when such person is held in a place of confinement pursuant to arrest or order of a court, and remains in confinement until:

a. A court orders the person's release; or

b. The person is released on bail, bond, or recognizance, personal or otherwise; or

c. A public servant having the legal power and duty to confine the person authorizes his release without guard and without condition that he return to confinement;

(b) A person is not in confinement if:

a. The person is on probation or parole, temporary or otherwise; or

b. The person is under sentence to serve a term of confinement which is not continuous, or is serving a sentence under a work-release program, and in either such case is not being held in a place of confinement or is not being held under guard by a person having the legal power and duty to transport the person to or from a place of confinement;

(5) "Consent": consent or lack of consent may be expressed or implied. Assent does not constitute consent if:

(a) It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or

(b) It is given by a person who by reason of youth, mental disease or defect, or intoxication, is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or

(c) It is induced by force, duress or deception;

(6) "Criminal negligence" has the meaning specified in section 562.016;

(7) "Custody", a person is in custody when the person has been arrested but has not been delivered to a place of confinement;

(8) "Dangerous felony" means the felonies of arson in the first degree, assault in the first degree, attempted forcible rape if physical injury results, attempted forcible sodomy if physical injury results, forcible rape, forcible sodomy, kidnapping, murder in the second degree, assault of a law enforcement officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, statutory rape in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, statutory sodomy in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, and, abuse of a child **[**pursuant to subdivision (2) of subsection 3 of**]** **if the child dies as a result of injuries sustained from conduct chargeable under** section 568.060, child kidnapping, and parental kidnapping committed by detaining or concealing the whereabouts of the child for not less than one hundred twenty days under section 565.153;

(9) "Dangerous instrument" means any instrument, article or substance, which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury;

(10) "Deadly weapon" means any firearm, loaded or unloaded, or any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged, or a switchblade knife, dagger, billy, blackjack or metal knuckles;

(11) "Felony" has the meaning specified in section 556.016;

(12) "Forcible compulsion" means either:

(a) Physical force that overcomes reasonable resistance; or

(b) A threat, express or implied, that places a person in reasonable fear of death, serious physical injury or kidnapping of such person or another person;

(13) "Incapacitated" means that physical or mental condition, temporary or permanent, in which a person is unconscious, unable to appraise the nature of such person's conduct, or unable to communicate unwillingness to an act. A person is not incapacitated with respect to an act committed upon such person if he or she became unconscious, unable to appraise the nature of such person's conduct or unable to communicate unwillingness to an act, after consenting to the act;

(14) "Infraction" has the meaning specified in section 556.021;

(15) "Inhabitable structure" has the meaning specified in section 569.010;

(16) "Knowingly" has the meaning specified in section 562.016;

(17) "Law enforcement officer" means any public servant having both the power and duty to make arrests for violations of the laws of this state, and federal law enforcement officers authorized to carry firearms and to make arrests for violations of the laws of the United States;

(18) "Misdemeanor" has the meaning specified in section 556.016;

(19) "Offense" means any felony, misdemeanor or infraction;

(20) "Physical injury" means physical pain, illness, or any impairment of physical condition;

(21) "Place of confinement" means any building or facility and the grounds thereof wherein a court is legally authorized to order that a person charged with or convicted of a crime be held;

(22) "Possess" or "possessed" means having actual or constructive possession of an object with knowledge of its presence. A person has actual possession if such person has the object on his or her person or within easy reach and convenient control. A person has constructive possession if such person has the power and the intention at a given time to exercise dominion or control over the object either directly or through another person or persons. Possession may also be sole or joint. If one person alone has possession of an object, possession is sole. If two or more persons share possession of an object, possession is joint;

(23) "Public servant" means any person employed in any way by a government of this state who is compensated by the government by reason of such person's employment, any person appointed to a position with any government of this state, or any person elected to a position with any government of this state. It includes, but is not limited to, legislators, jurors, members of the judiciary and law enforcement officers. It does not include witnesses;

(24) "Purposely" has the meaning specified in section 562.016;

(25) "Recklessly" has the meaning specified in section 562.016;

(26) "Ritual" or "ceremony" means an act or series of acts performed by two or more persons as part of an established or prescribed pattern of activity;

(27) "Serious emotional injury", an injury that creates a substantial risk of temporary or permanent medical or psychological damage, manifested by impairment of a behavioral, cognitive or physical condition. Serious emotional injury shall be established by testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable degree of medical or psychological certainty;

(28) "Serious physical injury" means physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body;

(29) "Sexual conduct" means acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification;

(30) "Sexual contact" means any touching of the genitals or anus of any person, or the breast of any female person, or any such touching through the clothing, for the purpose of arousing or gratifying sexual desire of any person;

(31) "Sexual performance", any performance, or part thereof, which includes sexual conduct by a child who is less than seventeen years of age;

(32) "Voluntary act" has the meaning specified in section 562.011.

568.060. ABUSE OR NEGLECT OF A CHILD, PENALTY. — 1. As used in this section, the following terms shall mean:

(1) "Abuse", the infliction of physical, sexual, or mental injury against a child by any person eighteen years of age or older. For purposes of this section, abuse shall not include injury inflicted on a child by accidental means by a person with care, custody, or control of the child, or discipline of a child by a person with care, custody, or control of the child, including spanking, in a reasonable manner;

(2) "Abusive head trauma", a serious physical injury to the head or brain caused by any means, including but not limited to shaking, jerking, pushing, pulling, slamming, hitting, or kicking;

(3) "Mental injury", an injury to the intellectual or psychological capacity or the emotional condition of a child as evidenced by an observable and substantial impairment of the ability of the child to function within his or her normal range of performance or behavior;

(4) "Neglect", the failure to provide, by those responsible for the care, custody, and control of a child under the age of eighteen years, the care reasonable and necessary to maintain the physical and mental health of the child, when such failure presents a substantial probability that death or physical injury or sexual injury would result;

(5) "Physical injury", physical pain, illness, or any impairment of physical condition, including but not limited to bruising, lacerations, hematomas, welts, or permanent or temporary disfigurement and impairment of any bodily function or organ;

(6) "Serious emotional injury", an injury that creates a substantial risk of temporary or permanent medical or psychological damage, manifested by impairment of a behavioral, cognitive, or physical condition. Serious emotional injury shall be established by testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable degree of medical or psychological certainty;

(7) "Serious physical injury", a physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body.

2. A person commits the offense of abuse or neglect of a child if such person knowingly causes a child who is less than eighteen years of age:

(1) To suffer physical or mental injury as a result of abuse or neglect; or

(2) To be placed in a situation in which the child may suffer physical or mental injury as the result of abuse or neglect.

3. A person commits the offense of abuse or neglect of a child if such person recklessly causes a child who is less than eighteen years of age to suffer from abusive head trauma.

4. A person does not commit the offense of abuse or neglect of a child by virtue of the sole fact that the person delivers or allows the delivery of child to a provider of emergency services.

5. The offense of abuse or neglect of a child is**:**

(1) A class C felony, without eligibility for probation or parole until the defendant has served no less than one year of such sentence, unless the person has previously been found guilty of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct or the injury inflicted on the child is a serious emotional injury or a serious physical injury, in which case abuse or neglect of a child is a class B felony, without eligibility for probation or parole until the defendant has served not less than five years of such sentence**; or**

(2) A class A felony if the child dies as a result of injuries sustained from conduct chargeable under the provisions of this section.

6. Notwithstanding subsection 5 of this section to the contrary, the offense of abuse or neglect of a child is a class A felony, without eligibility for probation or parole until the defendant has served not less than fifteen years of such sentence, if:

(1) The injury is a serious emotional injury or a serious physical injury;

(2) The child is less than fourteen years of age; and

(3) The injury is the result of sexual abuse as defined under section 566.100 or sexual exploitation of a minor as defined under section 573.023.

7. The circuit or prosecuting attorney may refer a person who is suspected of abuse or neglect of a child to an appropriate public or private agency for treatment or counseling so long as the agency has consented to taking such referrals. Nothing in this subsection shall limit the discretion of the circuit or prosecuting attorney to prosecute a person who has been referred for treatment or counseling pursuant to this subsection.

8. Nothing in this section shall be construed to alter the requirement that every element of any crime referred to herein must be proven beyond a reasonable doubt.

9. Discipline, including spanking administered in a reasonable manner, shall not be construed to be abuse under this section.

595.220. FORENSIC EXAMINATIONS, DEPARTMENT OF PUBLIC SAFETY TO PAY MEDICAL PROVIDERS, WHEN — MINOR MAY CONSENT TO EXAMINATION, WHEN — ATTORNEY GENERAL TO DEVELOP FORMS — COLLECTION KITS — DEFINITIONS — RULEMAKING AUTHORITY. — 1. The department of public safety shall make payments to appropriate medical providers, out of appropriations made for that purpose, to cover the reasonable charges of the forensic examination of persons who may be a victim of a sexual offense if:

(1) The victim or the victim's guardian consents in writing to the examination; and

(2) The report of the examination is made on a form approved by the attorney general with the advice of the department of public safety. The department shall establish maximum reimbursement rates for charges submitted under this section, which shall reflect the reasonable cost of providing the forensic exam.

2. A minor may consent to examination under this section. Such consent is not subject to disaffirmance because of minority, and consent of parent or guardian of the minor is not required for such examination. The appropriate medical provider making the examination shall give written notice to the parent or guardian of a minor that such an examination has taken place.

3. The attorney general, with the advice of the department of public safety, shall develop the forms and procedures for gathering evidence during the forensic examination under the provisions of this section. The department of health and senior services shall develop a checklist, protocols, and procedures for appropriate medical providers to refer to while providing medical treatment to victims of a sexual offense, including those specific to victims who are minors.

4. Evidentiary collection kits shall be developed and made available, subject to appropriation, to appropriate medical providers by the highway patrol or its designees and eligible crime laboratories. Such kits shall be distributed with the forms and procedures for gathering evidence during forensic examinations of victims of a sexual offense to appropriate medical providers upon request of the provider, in the amount requested, and at no charge to the medical provider. All appropriate medical providers shall, with the written consent of the victim, perform a forensic examination using the evidentiary collection kit, or other collection procedures developed for victims who are minors, and forms and procedures for gathering evidence following the checklist for any person presenting as a victim of a sexual offense.

5. In reviewing claims submitted under this section, the department shall first determine if the claim was submitted within ninety days of the examination. If the claim is submitted within ninety days, the department shall, at a minimum, use the following criteria in reviewing the claim: examination charges submitted shall be itemized and fall within the definition of forensic examination as defined in subdivision (3) of subsection **[**7**]** **8** of this section.

6. All appropriate medical provider charges for eligible forensic examinations shall be billed to and paid by the department of public safety. No appropriate medical provider conducting forensic examinations and providing medical treatment to victims of sexual offenses shall charge the victim for the forensic examination. For appropriate medical provider charges

related to the medical treatment of victims of sexual offenses, if the victim is an eligible claimant under the crime victims' compensation fund, the victim shall seek compensation under sections 595.010 to 595.075.

7. **The department of public safety shall establish rules regarding the reimbursement of the costs of forensic examinations for children under fourteen years of age, including establishing conditions and definitions for emergency and non-emergency forensic examinations and may by rule establish additional qualifications for appropriate medical providers performing non-emergency forensic examinations for children under fourteen years of age. The department shall provide reimbursement regardless of whether or not the findings indicate that the child was abused.**

8. For purposes of this section, the following terms mean:

(1) "Appropriate medical provider",

(a) Any licensed nurse, physician, or physician assistant, and any institution employing licensed nurses, physicians, or physician assistants, provided that such licensed professionals are the only persons at such institution to perform tasks under the provisions of this section; **or**

(b) For the purposes of any non-emergency forensic examination of a child under fourteen years of age, the department of public safety may establish additional qualifications for any provider listed in paragraph (a) of this subdivision under rules authorized under subsection 7 of this section;

(2) "Evidentiary collection kit", a kit used during a forensic examination that includes materials necessary for appropriate medical providers to gather evidence in accordance with the forms and procedures developed by the attorney general for forensic examinations;

(3) "Forensic examination", an examination performed by an appropriate medical provider on a victim of an alleged sexual offense to gather evidence for the evidentiary collection kit or using other collection procedures developed for victims who are minors;

(4) "Medical treatment", the treatment of all injuries and health concerns resulting directly from a patient's sexual assault or victimization**;**

(5) "Emergency forensic examination", an examination of a person under fourteen years of age that occurs within five days of the alleged sexual offense. The department of public safety may further define the term "emergency forensic examination" by rule;

(6) "Non-emergency forensic examination", an examination of a person under fourteen years of age that occurs more than five days after the alleged sexual offense. The department of public safety may further define the term "non-emergency forensic examination" by rule.

[8.**] 9.** The department shall have authority to promulgate rules and regulations necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

SECTION B. EMERGENCY CLAUSE. — Because immediate action is necessary to protect children the repeal and reenactment of sections 556.061 and 568.060 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 556.061 and 568.060 of section A of this act shall be in full force and effect upon its passage and approval.

Approved July 9, 2013

HB 510 [HB 510]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Allows a limited liability company to establish a designated series of members, managers, and company interests having separate rights and duties regarding specified property

AN ACT to repeal sections 347.039 and 347.153, RSMo, and to enact in lieu thereof three new sections relating to series limited liability companies.

SECTION
A. Enacting clause.
347.039. Articles, contents.
347.153. Foreign company, registration required — application, contents, fee.
347.186. Designated series of members, managers, or limited liability interests permitted — requirements.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 347.039 and 347.153, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 347.039, 347.153, and 347.186, to read as follows:

347.039. ARTICLES, CONTENTS. — 1. The articles of organization shall set forth:

(1) The name of the limited liability company;

(2) The purpose or purposes for which the limited liability company is organized, which may be stated to be, or to include, the transaction of any or all lawful business for which a limited liability company may be organized under sections 347.010 to 347.187;

(3) The address, including street and number, if any, of the registered office and the name of the registered agent at such office;

(4) A statement as to whether management of the limited liability company is vested in managers or in members;

(5) The events by which the limited liability company is to dissolve or the number of years the limited liability company is to exist, which may be any number or perpetual; and

(6) The name and physical business or residence address of each organizer.

2. **The information provided by the limited liability company under subdivisions (1) through (6) of subsection 1 of this section shall also be provided for each separate series of the limited liability company authorized to operate under section 347.186.**

3. The articles of organization may set forth any other provision, not inconsistent with law or sections 347.010 to 347.187, which are in the operating agreement of the limited liability company.

347.153. FOREIGN COMPANY, REGISTRATION REQUIRED — APPLICATION, CONTENTS, FEE. — **1.** Before transacting business in this state, a foreign limited liability company shall register in a format prescribed by the secretary unless otherwise exempt under subdivision (5) of subsection 5 of section 347.163. In order to register, a foreign limited liability company shall pay the required filing fee and shall submit to the secretary an application for registration as a foreign limited liability company signed on its behalf by a manager, member or other authorized agent and setting forth:

(1) The name of the foreign limited liability company and, if different, the name under which it proposes to register and transact business in this state;

(2) The jurisdiction in which it was formed and date of its formation;

(3) The purpose of the foreign limited liability company or the general character of the business it proposes to transact in this state;

(4) The name and physical address of its registered agent and registered office in this state, which office and agent shall be subject to the same rights and limitations as provided in sections 347.030 and 347.033;

(5) A statement that the secretary is appointed the agent of the foreign limited liability company for service of process if the limited liability company fails to maintain a registered agent in this state or if the agent cannot be found or served with the exercise of reasonable diligence;

(6) The address of the office required to be maintained in the jurisdiction of its organization by the laws of that jurisdiction or, if not so required, of the principal office of the foreign limited liability company;

(7) A certificate of existence or a document of similar import duly authenticated by the secretary of state or other official having custody of the records in the state or country under whose laws it is registered; and

(8) A current certificate of good standing/existence from the secretary of state's office in the state of domicile, such document should be dated within sixty calendar days from filing.

2. The information provided by the foreign limited liability company under subdivisions (1) through (8) of subsection 1 of this section shall also be provided for each separate series of the limited liability company authorized to operate under section 347.186.

347.186. DESIGNATED SERIES OF MEMBERS, MANAGERS, OR LIMITED LIABILITY INTERESTS PERMITTED — REQUIREMENTS. — 1. An operating agreement may establish or provide for the establishment of a designated series of members, managers, or limited liability company interests having separate rights, powers, or duties with respect to specified property or obligations of the limited liability company or profits and losses associated with specified property or obligations. To the extent provided in the operating agreement, any such series may have a separate business purpose or investment objective.

2. (1) Notwithstanding any other provisions of law to the contrary, the debts, liabilities, and obligations incurred, contracted for, or otherwise existing with respect to a particular series shall be enforceable against the assets of such series only, and not against the assets of the limited liability company generally or any other series thereof. Such particular series shall be deemed to have possession, custody, and control only of the books, records, information, and documentation related to such series and not of the books, records, information, and documentation related to the limited liability company as a whole or any other series thereof if all of the following apply:

(a) The operating agreement creates one or more series;

(b) Separate and distinct records are maintained for or on behalf of any such series;

(c) The assets associated with any such series, whether held directly or indirectly, including through a nominee or otherwise, are accounted for separately from the other assets of the limited liability company or of any other series;

(d) The operating agreement provides for the limitations on liabilities of a series described in this subdivision;

(e) Notice of the limitation on liabilities of a series described in this subdivision is included in the limited liability company's articles of organization; and

(f) The limited liability company has filed articles of organization that separately identify each series which is to have limited liability under this section.

(2) With respect to a particular series, unless otherwise provided in the operating agreement, none of the debts, liabilities, obligations, and expenses incurred, contracted for or otherwise existing with respect to a limited liability company generally, or any other

series thereof, shall be enforceable against the assets of such series, subject to the provisions of subdivision (1) of this subsection.

(3) Compliance with subparagraphs (e) and (f) of paragraph (1) of subdivision 1 of this subsection shall constitute notice of such limitation of liability of a series.

(4) A series with limited liability shall be treated as a separate entity to the extent set forth in the articles of organization. Each series with limited liability may, in its own name, contract, hold title to assets, grant security interests, sue and be sued, and otherwise conduct business and exercise the powers of a limited liability company under this chapter. The limited liability company and any of its series may elect to consolidate its operations as a single taxpayer to the extent permitted under applicable law, elect to work cooperatively, elect to contract jointly, or elect to be treated as a single business for the purposes of qualification or authorization to do business in this or any other state. Such elections shall not affect the limitation of liability set forth in this section except to the extent that the series have specifically accepted joint liability by contract.

3. Except in the case of a foreign limited liability company that has adopted a name that is not the name under which it is registered in its jurisdiction of organization, as permitted under sections 347.153 and 347.157, the name of the series with limited liability is required to contain the entire name of the limited liability company and be distinguishable from the names of the other series set forth in the articles of organization. In the case of a foreign limited liability company that has adopted a name that is not the name under which it is registered in its jurisdiction of organization, as permitted under sections 347.153 and 347.157, the name of the series with limited liability must contain the entire name under which the foreign limited liability company has been admitted to transact business in this state.

4. (1) (a) Upon filing of articles of organization setting forth the name of each series with limited liability, in compliance with section 347.037 or amendments under section 347.041, the series' existence shall begin.

(b) Each copy of the articles of organization stamped "Filed" and marked with the filing date shall be conclusive evidence that all required conditions have been met and that the series has been or shall be legally organized and formed under this section and is notice for all purposes of all other facts required to be set forth therein.

(c) The name of a series with limited liability under this section may be changed by filing articles of amendment with the secretary of state pursuant to section 347.041, identifying the series whose name is being changed and the new name of such series. If not the same as the limited liability company, the names of the members of a member-managed series or of the managers of a manager-managed series may be changed by an amendment to the articles of organization with the secretary of state.

(d) A series with limited liability under this section may be dissolved by filing with the secretary of state articles of amendment pursuant to section 347.041 identifying the series being dissolved or by the dissolution of the limited liability company as provided in section 347.045. Except to the extent otherwise provided in the operating agreement, a series may be dissolved and its affairs wound up without causing the dissolution of the limited liability company. The dissolution of a series established in accordance with subsection 2 of this section shall not affect the limitation on liabilities of such series provided by subsection 2 of this section. A series is terminated and its affairs shall be wound up upon the dissolution of the limited liability company under section 347.045.

(e) Articles of organization, amendment, or termination described under this subdivision may be executed by the limited liability company or any manager, person, or entity designated in the operating agreement for the limited liability company.

(2) If different from the limited liability company, the articles of organization shall list the names of the members for each series if the series is member-managed or the names of the managers if the series is manager-managed.

(3) A series of a limited liability company shall be deemed to be in good standing as long as the limited liability company is in good standing.

(4) The registered agent and registered office for the limited liability company appointed under section 347.033 shall serve as the agent and office for service of process for each series in this state.

5. (1) An operating agreement may provide for classes or groups of members or managers associated with a series having such relative rights, powers, and duties as an operating agreement may provide and may make provision for the future creation of additional classes or groups of members or managers associated with the series having such relative rights, powers, and duties as may from time to time be established, including rights, powers, and duties senior and subordinate to or different from existing classes and groups of members or managers associated with the series.

(2) A series may be managed either by the member or members associated with the series or by the manager or managers chosen by the members of such series, as provided in the operating agreement. Unless otherwise provided in an operating agreement, the management of a series shall be vested in the members associated with such series.

(3) An operating agreement may grant to all or certain identified members or managers, or to a specified class or group of the members or managers associated with a series, the right to vote separately or with all or any class or group of the members or managers associated with the series, on any matter. An operating agreement may provide that any member or class or group of members associated with a series shall have no voting rights or ability to otherwise participate in the management or governance of such series, but any such member or class or group of members are owners of the series.

(4) Except as modified in this section, the provisions of this chapter which are generally applicable to limited liability companies and their managers, members, and transferees shall be applicable to each particular series with respect to the operation of such series.

(5) Except as otherwise provided in an operating agreement, any event specified in this chapter or in an operating agreement that causes a manager to cease to be a manager with respect to a series shall not, in itself, cause such manager to cease to be a manager of the limited liability company or with respect to any other series thereof.

(6) Except as otherwise provided in an operating agreement, any event specified in this chapter or in an operating agreement that causes a member to cease to be associated with a series shall not, in itself, cause such member to cease to be associated with any other series, terminate the continued membership of a member in the limited liability company, or cause the termination of the series, regardless of whether such member was the last remaining member associated with such series.

(7) An operating agreement may impose restrictions, duties, and obligations on members of the limited liability company or any series thereof as a matter of internal governance, including, without limitation, those with regard to:

(i) Choice of law, forum selection, or consent to personal jurisdiction;

(ii) Capital contributions;

(iii) Restrictions on, or terms and conditions of, the transfer of membership interests;

(iv) Restrictive covenants, including non-competition, non-solicitation, and confidentiality provisions;

(v) Fiduciary duties; and

(vi) Restrictions, duties, or obligations to or for the benefit of the limited liability company, other series thereof, or their affiliates.

6. (1) If a limited liability company with the ability to establish series does not register to do business in a foreign jurisdiction for itself and its series, a series of a limited liability company may itself register to do business as a limited liability company in the foreign jurisdiction in accordance with the laws of the foreign jurisdiction.

(2) If a foreign limited liability company, as permitted in the jurisdiction of its organization, has established a series having separate rights, powers, or duties and has limited the liabilities of such series so that the debts, liabilities, and obligations incurred, contracted for, or otherwise existing with respect to a particular series are enforceable against the assets of such series only, and not against the assets of the limited liability company generally or any other series thereof, or so that the debts, liabilities, obligations, and expenses incurred, contracted for, or otherwise existing with respect to the limited liability company generally or any other series thereof are not enforceable against the assets of such series, then the limited liability company, on behalf of itself or any of its series, or any of its series on its own behalf may register to do business in this state in accordance with this chapter. The limitation of liability shall also be stated on the application for registration. As required under section 347.153, the registration application filed shall identify each series being registered to do business in the state by the limited liability company. Unless otherwise provided in the operating agreement, the debts, liabilities, and obligations incurred, contracted for, or otherwise existing with respect to a particular series of such a foreign limited liability company shall be enforceable against the assets of such series only and not against the assets of the foreign limited liability company generally or any other series thereof, and none of the debts, liabilities, obligations, and expenses incurred, contracted for, or otherwise existing with respect to such a foreign limited liability company generally or any other series thereof shall be enforceable against the assets of such series.

7. Nothing in sections 347.039, 347.153, or 347.186 shall be construed to alter existing Missouri statute or common law providing any cause of action for fraudulent conveyance, including but not limited to Chapter 428, or any relief available under existing law that permits a challenge to limited liability.

Approved July 1, 2013

HB 533 [SCS HB 533]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding firearms

AN ACT to repeal section 571.030, RSMo, and to enact in lieu thereof three new sections relating to firearms, with a penalty provision.

SECTION

A. Enacting clause.
571.030. Unlawful use of weapons — exceptions — penalties.
571.067. Surrendering a firearm to a political subdivision, valuable consideration prohibited, exceptions.
1. Promotion of responsible gun ownership--condemnation of unlawful transfer or use of firearms in criminal or unlawful activity.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Section 571.030, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 571.030, 571.067, and 1, to read as follows:

571.030. UNLAWFUL USE OF WEAPONS — EXCEPTIONS — PENALTIES. — 1. A person commits the crime of unlawful use of weapons if he or she knowingly:

(1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or

(2) Sets a spring gun; or

(3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, or any building or structure used for the assembling of people; or

(4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or

(5) Has a firearm or projectile weapon readily capable of lethal use on his or her person, while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self-defense; **or**

(6) Discharges a firearm within one hundred yards of any occupied schoolhouse, courthouse, or church building; or

(7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or

(8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof; or

(9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or

(10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.

2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the persons described in this subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties except as otherwise provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section shall not apply to or affect any of the following persons, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties, except as otherwise provided in this subsection:

(1) All state, county and municipal peace officers who have completed the training required by the police officer standards and training commission pursuant to sections 590.030 to 590.050 and who possess the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection 11 of this section, and who carry the identification defined in subsection 12 of this section, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(3) Members of the Armed Forces or National Guard while performing their official duty;

(4) Those persons vested by article V, section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;

(5) Any person whose bona fide duty is to execute process, civil or criminal;

(6) Any federal probation officer or federal flight deck officer as defined under the federal flight deck officer program, 49 U.S.C. Section 44921 regardless of whether such officers are on duty, or within the law enforcement agency's jurisdiction;

(7) Any state probation or parole officer, including supervisors and members of the board of probation and parole;

(8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the board of police commissioners under section 84.340;

(9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;

(10) Any prosecuting attorney or assistant prosecuting attorney or any circuit attorney or assistant circuit attorney who has completed the firearms safety training course required under subsection 2 of section 571.111; **[**and**]**

(11) Any member of a fire department or fire protection district who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement under section 571.111 when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties**; and**

(12) Upon the written approval of the governing body of a fire department or fire protection district, any paid fire department or fire protection district chief who is employed on a full-time basis and who has a valid concealed carry endorsement, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.

3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply to any person twenty-one years of age or older or eighteen years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.

4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any person who has a valid concealed carry endorsement issued pursuant to sections 571.101 to 571.121 or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state.

5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031.

6. **Notwithstanding any provision of this section to the contrary, the state shall not prohibit any state employee from having a firearm in the employee's vehicle on the state's property provided that the vehicle is locked and the firearm is not visible. This subsection shall only apply to the state as an employer when the state employee's vehicle is on property owned or leased by the state and the state employee is conducting activities within the scope of his or her employment. For the purposes of this subsection, "state employee" means an employee of the executive, legislative, or judicial branch of the government of the state of Missouri.**

7. Nothing in this section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored or club-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

[7.**]** **8.** Unlawful use of weapons is a class D felony unless committed pursuant to subdivision (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of subsection 1 of this section, in which case it is a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.

[8.**]** **9.** Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

(1) For the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony;

(2) For any violation by a prior offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation or conditional release for a term of ten years;

(3) For any violation by a persistent offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release;

(4) For any violation which results in injury or death to another person, a person shall be sentenced to an authorized disposition for a class A felony.

[9.**]** **10.** Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons.

[10.**]** **11.** Notwithstanding any other provision of law, no person who pleads guilty to or is found guilty of a felony violation of subsection 1 of this section shall receive a suspended imposition of sentence if such person has previously received a suspended imposition of sentence for any other firearms- or weapons-related felony offense.

[11.**]** **12.** As used in this section "qualified retired peace officer" means an individual who:

(1) Retired in good standing from service with a public agency as a peace officer, other than for reasons of mental instability;

(2) Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

(3) Before such retirement, was regularly employed as a peace officer for an aggregate of fifteen years or more, or retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

(4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such a plan is available;

(5) During the most recent twelve-month period, has met, at the expense of the individual, the standards for training and qualification for active peace officers to carry firearms;

(6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(7) Is not prohibited by federal law from receiving a firearm.

[12.**]** **13.** The identification required by subdivision (1) of subsection 2 of this section is:

(1) A photographic identification issued by the agency from which the individual retired from service as a peace officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm; or

(2) A photographic identification issued by the agency from which the individual retired from service as a peace officer; and

(3) A certification issued by the state in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the state to meet the standards established by the state for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm.

571.067. SURRENDERING A FIREARM TO A POLITICAL SUBDIVISION, VALUABLE CONSIDERATION PROHIBITED, EXCEPTIONS. — No county, municipality, or other governmental body, or an agent of a county, municipality, or other governmental body, may participate in any program in which individuals are given a thing of value in exchange for surrendering a firearm to the county, municipality, or other governmental body unless:

(1) The county, municipality, or governmental body has adopted a resolution, ordinance, or rule authorizing the participation of the county, municipality, or governmental body, or participation by an agent of the county, municipality, or governmental body, in such a program; and

(2) The resolution, ordinance, or rule enacted pursuant to this section provides that any firearm received shall be offered for sale or trade to a licensed firearms dealer. The proceeds from any sale or gains from trade shall be the property of the county, municipality, or governmental body. Any proceeds collected under this subdivision shall be deposited with the municipality, county, or governmental body unless the proceeds are collected by a sheriff, in which case the proceeds shall be deposited in the county sheriff's revolving fund under section 50.535. Any firearm remaining in the possession of the county, municipality, or governmental body after the firearm has been offered for sale or trade to at least two licensed firearms dealers may be destroyed.

SECTION 1. PROMOTION OF RESPONSIBLE GUN OWNERSHIP—CONDEMNATION OF UNLAWFUL TRANSFER OR USE OF FIREARMS IN CRIMINAL OR UNLAWFUL ACTIVITY. — The general assembly of the state of Missouri strongly promotes responsible gun ownership, including parental supervision of minors in the proper use, storage, and ownership of all firearms, the prompt reporting of stolen firearms, and the proper enforcement of all state gun laws. The general assembly of the state of Missouri hereby condemns any unlawful transfer of firearms and the use of any firearm in any criminal or unlawful activity.

Approved July 5, 2013

HB 542 [SS SCS HB 542]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding agriculture

AN ACT to repeal sections 64.196, 178.550, 196.311, 267.655, 323.100, 348.521, 413.225, 640.725, and 644.052, RSMo, and to enact in lieu thereof eleven new sections relating to agriculture.

SECTION
A. Enacting clause.
64.196. Nationally recognized building code adopted, when.

178.550. Career and technical education student protection act — council established, members, terms, meetings, duties.
196.311. Definitions.
262.598. Extension districts authorized — powers and duties — tax authorized, ballot language — withdrawal, ballot language — increase in tax, ballot language.
262.900. Definitions — application, requirements — board established, members, duties — public hearing — ordinance — property exempt from taxation — sales tax revenues, deposit of — fund created — rulemaking authority.
267.655. Civil penalties.
323.100. Inspection of liquid meters — inaccurate meters condemned — fee — report — fee schedule to be published.
348.521. Authority to issue certificates of guaranty — eligible lender defined — fee authorized — limit on outstanding guaranteed loans.
413.225. Fees — rates — due at time of registration, inspection or calibration, failure to pay fee, effect, penalty.
640.725. Inspection of facility, when, records retention period — automatic shutoff system required.
644.052. Permit types, fees, amounts — requests for permit modifications — requests for federal clean water certifications.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 64.196, 178.550, 196.311, 267.655, 323.100, 348.521, 413.225, 640.725, and 644.052, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 64.196, 178.550, 196.311, 262.598, 262.900, 267.655, 323.100, 348.521, 413.225, 640.725, and 644.052, to read as follows:

64.196. NATIONALLY RECOGNIZED BUILDING CODE ADOPTED, WHEN. — 1. After August 28, 2001, any county seeking to adopt a building code in a manner set forth in section 64.180 shall, in creating or amending such code, adopt a current, calendar year 1999 or later edition, nationally recognized building code, as amended.

2. No county building ordinance so adopted shall conflict with liquefied petroleum gas installations governed by section 323.020.

178.550. CAREER AND TECHNICAL EDUCATION STUDENT PROTECTION ACT — COUNCIL ESTABLISHED, MEMBERS, TERMS, MEETINGS, DUTIES. — [The president of the state board of education shall annually appoint a committee of five members to be known as the "State Advisory Committee for Vocational Education". The state advisory committee shall consist of one person of experience in agriculture; one employer; one representative of labor; one person of experience in home economics; one person of experience in commerce. The state commissioner of education is ex officio a member and the chairman of the advisory committee. The state board of education shall formulate general principles and policies for the administration of sections 178.420 to 178.580, which, when they have been approved by the state advisory committee, shall be put into effect. Joint conferences between the state board of education and advisory committee shall be held at least four times each year. All members of the state advisory committee shall be reimbursed for their actual expenses in attending the conferences.**] 1. This section shall be known and may be cited as the career and technical education student protection act. There is hereby established the "Career and Technical Education Advisory Council" within the department of elementary and secondary education.**

2. The advisory council shall be composed of eleven members who shall be Missouri residents, appointed by the governor with the advice and consent of the senate:

(1) A director or administrator of a career and technical education center;

(2) An individual from the business community with a background in commerce;

(3) A representative from Linn State Technical College;

(4) Three current or retired career and technical education teachers who also serve or served as an advisor to any of the nationally-recognized career and technical education student organizations of:

(a) DECA;

(b) Future Business Leaders of America (FBLA);
(c) FFA;
(d) Family, Career and Community Leaders of America (FCCLA);
(e) Health Occupations Students of America (HOSA);
(f) SkillsUSA; or
(g) Technology Student Association (TSA);
(5) A representative from a business organization, association of businesses, or a business coalition;
(6) A representative from a Missouri community college;
(7) A representative from Southeast Missouri State University or the University of Central Missouri;
(8) An individual participating in an apprenticeship recognized by the department of labor and industrial relations or approved by the United States Department of Labor's Office of Apprenticeship;
(9) A school administrator or school superintendent of a school that offers career and technical education.
3. Members shall serve a term of five years except for the initial appointments, which shall be for the following lengths:
(1) One member shall be appointed for a term of one year;
(2) Two members shall be appointed for a term of two years;
(3) Two members shall be appointed for a term of three years;
(4) Three members shall be appointed for a term of four years;
(5) Three members shall be appointed for a term of five years.
4. The advisory council shall have three nonvoting ex-officio members:
(1) A director of guidance and counseling services at the department of elementary and secondary education, or a similar position if such position ceases to exist;
(2) The director of the division of workforce development; and
(3) A member of the coordinating board for higher education, as selected by the coordinating board.
5. The assistant commissioner for the office of college and career readiness of the department of elementary and secondary education shall provide staff assistance to the advisory council.
6. The advisory council shall meet at least four times annually. The advisory council may make all rules it deems necessary to enable it to conduct its meetings, elect its officers, and set the terms and duties of its officers. The advisory council shall elect from among its members a chairperson, vice chairperson, a secretary-reporter, and such other officers as it deems necessary. Members of the advisory council shall serve without compensation but may be reimbursed for actual expenses necessary to the performance of their official duties for the advisory council.
7. Any business to come before the advisory council shall be available on the advisory council's internet website at least seven business days prior to the start of each meeting. All records of any decisions, votes, exhibits, or outcomes shall be available on the advisory council's internet website within forty-eight hours following the conclusion of every meeting. Any materials prepared for the members shall be delivered to the members at least five days before the meeting, and to the extent such materials are public records as defined in section 610.010 and are not permitted to be closed under section 610.021, shall be made available on the advisory council's internet website at least five business days in advance of the meeting.
8. The advisory council shall make an annual written report to the state board of education and the commissioner of education regarding the development, implementation, and administration of the state budget for career and technical education.

9. The advisory council shall annually submit written recommendations to the state board of education and the commissioner of education regarding the oversight and procedures for the handling of funds for student career and technical education organizations.

10. The advisory council shall:

(1) Develop a comprehensive statewide short- and long-range strategic plan for career and technical education;

(2) Identify service gaps and provide advice on methods to close such gaps as they relate to youth and adult employees, workforce development, and employers on training needs;

(3) Confer with public and private entities for the purpose of promoting and improving career and technical education;

(4) Identify legislative recommendations to improve career and technical education;

(5) Promote coordination of existing career and technical education programs;

(6) Adopt, alter, or repeal by its own bylaws, rules, and regulations governing the manner in which its business may be transacted.

11. For purposes of this section, the department of elementary and secondary education shall provide such documentation and information as to allow the advisory council to be effective.

12. For purposes of this section, "advisory council" shall mean the career and technical education advisory council.

196.311. DEFINITIONS. — Unless otherwise indicated by the context, when used in sections 196.311 to 196.361:

(1) "Consumer" means any person who purchases eggs for his or her own family use or consumption; or any restaurant, hotel, boardinghouse, bakery, or other institution or concern which purchases eggs for serving to guests or patrons thereof, or for its own use in cooking, baking, or manufacturing their products;

(2) "Container" means any box, case, basket, carton, sack, bag, or other receptacle. "Subcontainer" means any container when being used within another container;

(3) "Dealer" means any person who purchases eggs from the producers thereof, or another dealer, for the purpose of selling such eggs to another dealer, a processor, or retailer;

(4) "Denatured" means eggs (a) made unfit for human food by treatment or the addition of a foreign substance, or (b) with one-half or more of the shell's surface covered by a permanent black, dark purple or dark blue dye;

(5) "Director" means the director of the department of agriculture;

(6) "Eggs" means **[**eggs in the shell from chickens**]** **the shell eggs of a domesticated chicken, turkey, duck, goose, or guinea that are intended for human consumption**;

(7) "Inedible eggs" means eggs which are defined as such in the rules and regulations of the director adopted under sections 196.311 to 196.361, which definition shall conform to the specifications adopted therefor by the United States Department of Agriculture;

(8) "Person" means and includes any individual, firm, partnership, exchange, association, trustee, receiver, corporation or any other business organization, and any member, officer or employee thereof;

(9) "Processor" means any person engaged in breaking eggs or manufacturing or processing egg liquids, whole egg meats, yolks, whites, or any mixture of yolks and whites, with or without the addition of other ingredients, whether chilled, frozen, condensed, concentrated, dried, powdered or desiccated;

(10) "Retailer" means any person who sells eggs to a consumer;

(11) "Sell" means offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade.

262.598. EXTENSION DISTRICTS AUTHORIZED — POWERS AND DUTIES — TAX AUTHORIZED, BALLOT LANGUAGE — WITHDRAWAL, BALLOT LANGUAGE — INCREASE IN TAX, BALLOT LANGUAGE. — 1. As used in this section, the following terms shall mean:

(1) "Consolidated district", a district formed jointly by two or more councils;

(2) "Council", a University of Missouri extension council authorized under section 262.563;

(3) "District" or "extension district", a political subdivision formed by one or more councils;

(4) "Single-council district", a district formed by one council;

(5) "Governing body", the group of individuals who govern a district.

2. University of Missouri extension councils, except for any council located in a county with a charter form of government and with more than nine hundred fifty thousand inhabitants, are hereby authorized to form extension districts made up of cooperating counties for the purpose of funding extension programming. An extension district may be a single-council district or a consolidated district. A single-council district shall be formed upon a majority vote of the full council. A consolidated district shall be formed upon a majority vote of each participating council.

3. In a single-council district, the council shall serve as the district's governing body. In addition to any other powers and duties granted to the council under sections 262.550 to 262.620, the council shall also have the powers and duties provided under subsection 5 of this section.

4. In a consolidated district, the governing body of the district shall consist of at least three, but no more than five, representatives appointed by each participating council. The term of office shall be two years. Representatives may be reappointed. The governing body shall elect officers, who shall serve as officers for two years, and establish a regular meeting schedule which shall not be less than once every three months.

5. The governing body of a district shall have the following powers and duties:

(1) Review the activities and annual budgets of each participating council;

(2) Determine, by September first of each year, the tax rate necessary to generate sufficient revenue to fund the extension programming in the district, which includes annual funding for each participating council for the costs of personnel and the acquisition, supply, and maintenance of each council's property, work, and equipment;

(3) Oversee the collection of any tax authorized under this section by ensuring the revenue is deposited into a special fund and monitoring the use of the funds to ensure they are used solely for extension programming in the district;

(4) Approve payments from the special fund in which the tax revenue is deposited; and

(5) Work cooperatively with each participating council to plan and facilitate the programs, equipment, and activities in the district.

6. The governing body of a district may submit a question to the voters of the district to institute a property tax levy in the county or counties that compose the district. Questions may be submitted to the voters of the district at any general municipal election. Any such proposed tax shall not exceed thirty cents per one hundred dollars of assessed valuation. The costs of submitting the question to the voters at the general municipal election shall be paid as provided in section 115.063. Such question shall be submitted in substantially the following form:

"Shall the Extension District in ..... County (insert name of county) be authorized to levy an annual tax of ..... (insert amount not to exceed thirty) cents per one hundred dollars of assessed valuation for the purpose of funding the University of Missouri Extension District programs, equipment, and services in the district?"

In a single-council district, if a majority of the voters in the county approve the question, then the district shall impose the tax. If a majority of the voters in a single-council district

do not approve the question, then no tax shall be imposed. In a consolidated district, if a majority of voters in each county in the district approve the question, then the district shall impose the tax. If a majority of the voters in a consolidated district do not approve the question, then no tax shall be imposed in any county of the district. In a consolidated district, if a majority of voters in a county do not approve the question, the council in the county that did not approve the question may withdraw from the district. Upon such withdrawal, the district shall be made up of the remaining counties and the tax shall be imposed in those counties. However, if the county that did not approve the question does not withdraw from the district, the tax shall not be imposed. Revenues collected from the imposition of a tax authorized under this section shall be deposited into a special fund dedicated only for use by the local district for programming purposes.

7. The county commission of any county in which the tax authorized under this section is levied and collected:

(1) Shall be exempt from the funding requirements under section 262.597 if revenue derived from the tax authorized under this section is in excess of an amount equal to two hundred percent of the average funding received under section 262.597 for the immediately preceding three years; or

(2) May reduce the current year's funding amount under section 262.597 by thirty-three percent of the amount of tax revenues derived from the tax authorized under this section which exceed the average amount of funding received under section 262.597 for the immediately preceding three years.

8. Any county that collects tax revenues authorized under this section shall transfer all attributable revenue plus monthly interest for deposit into the district's special fund. The governing body of the district shall comply with the prudent investor standard for investment fiduciaries as provided in section 105.688.

9. In any county in which a single-council district is established, and for which a tax has not been levied, the district may be dissolved in the same manner in which it was formed.

10. A county may withdraw from a consolidated district at any time by the filing of a petition with the circuit court having jurisdiction over the district. The petition shall be signed by not fewer than ten percent of those who voted in the most recent presidential election in the county seeking to withdraw that is part of a consolidated district stating that further operation of the district is contrary to the best interest of the inhabitants of the county in which the district is located and that the county seeks to withdraw from the district. The circuit court shall hear evidence on the petition. If the court finds that it is in the best interest of the inhabitants of the county in which the district is located for the county to withdraw from the district, the court shall make an order reciting the same and submit the question to the voters. The costs of submitting the question to the voters at the general municipal election shall be paid as provided in section 115.063. The question shall be submitted in substantially the following format:

"Shall the County of ..... (insert name of county) being part of ..... (insert name of district) Extension District withdraw from the district?"

The question shall be submitted at the next general municipal election date. The election returns shall be certified to the court. If the court finds that two-thirds of the voters voting on the question voted in favor of withdrawing from the district, the court shall issue an order withdrawing the county from the district, which shall contain a proviso that the district shall remain intact for the sole purposes of paying all outstanding and lawful obligations and disposing of the district's property. No additional costs or obligations for the withdrawing county shall be created except as necessary. The withdrawal shall occur on the first day of the following January after the vote. If the court finds that two-thirds of the voters voting on the question shall not have voted favorably on the question to

withdraw from the district, the court shall issue an order dismissing the petition and the district shall continue to operate.

11. The governing body of any district may seek voter approval to increase its current tax rate authorized under this section, provided such increase shall not cause the total tax to exceed thirty cents per one hundred dollars of assessed valuation. To propose such an increase, the governing body shall submit the question to the voters at the general municipal election in the county in which the district is located. The costs of submitting the question to the voters at the general municipal election shall be paid as provided in section 115.063. The question shall be submitted in substantially the following form:

"Shall the Extension District in ..... (insert name of county or counties) be authorized to increase the tax rate from ..... (insert current amount of tax) cents to ..... (insert proposed amount of tax not to exceed thirty) cents per one hundred dollars of assessed valuation for the purpose of funding the University of Missouri Extension District programs, equipment, and services in the district?"

In a single-council district, if a majority of the voters in the county approve the question, then the district shall impose the tax. If a majority of the voters in a single-council district do not approve the question, then the tax shall not be imposed. In a consolidated district, if a majority of voters in the district approve the question, then the district shall impose the new tax rate. If a majority of the voters in a consolidated district do not approve the question, then the tax shall not be imposed in any county of the district. Revenues collected from the imposition of the tax authorized under this section shall be deposited into the special fund dedicated only for use by the district.

262.900. DEFINITIONS — APPLICATION, REQUIREMENTS — BOARD ESTABLISHED, MEMBERS, DUTIES — PUBLIC HEARING — ORDINANCE — PROPERTY EXEMPT FROM TAXATION — SALES TAX REVENUES, DEPOSIT OF — FUND CREATED — RULEMAKING AUTHORITY.— 1. As used in this section, the following terms mean:

(1) "Agricultural products", an agricultural, horticultural, viticultural, or vegetable product, growing of grapes that will be processed into wine, bees, honey, fish or other aquacultural product, planting seed, livestock, a livestock product, a forestry product, poultry or a poultry product, either in its natural or processed state, that has been produced, processed, or otherwise had value added to it in this state;

(2) "Blighted area", that portion of the city within which the legislative authority of such city determines that by reason of age, obsolescence, inadequate, or outmoded design or physical deterioration have become economic and social liabilities, and that such conditions are conducive to ill health, transmission of disease, crime or inability to pay reasonable taxes;

(3) "Department", the department of agriculture;

(4) "Domesticated animal", cattle, calves, sheep, swine, ratite birds including but not limited to ostrich and emu, llamas, alpaca, buffalo, elk documented as obtained from a legal source and not from the wild, goats, or horses, other equines, or rabbits raised in confinement for human consumption;

(5) "Grower UAZ", a type of UAZ:

(a) That can either grow produce, raise livestock, or produce other value added agricultural products;

(b) That does not exceed fifty laying hens, six hundred fifty broiler chickens, or thirty domesticated animals;

(6) "Livestock", cattle, calves, sheep, swine, ratite birds including but not limited to ostrich and emu, aquatic products as defined in section 277.024, llamas, alpaca, buffalo, elk documented as obtained from a legal source and not from the wild, goats, or horses, other equines, or rabbits raised in confinement for human consumption;

(7) "Locally grown", a product that was grown or raised in the same county or city not within a county in which the UAZ is located or in an adjoining county or city not within a county. For a product raised or sold in a city not within a county, locally grown also includes an adjoining county with a charter form of government with more than nine hundred fifty thousand inhabitants and those adjoining said county;

(8) "Processing UAZ", a type of UAZ:

(a) That processes livestock or poultry for human consumption;

(b) That meets federal and state processing laws and standards;

(c) Is a qualifying small business approved by the department;

(9) "Meat", any edible portion of livestock or poultry carcass or part thereof;

(10) "Meat product", anything containing meat intended for or capable of use for human consumption, which is derived, in whole or in part, from livestock or poultry;

(11) "Poultry", any domesticated bird intended for human consumption;

(12) "Qualifying small business", those enterprises which are established within an Urban Agricultural Zone subsequent to its creation, and which meet the definition established for the Small Business Administration and set forth in Section 121.301 of Part 121 of Title 13 of the Code of Federal Regulations;

(13) "Value added agricultural products", any product or products that are the result of:

(a) Using an agricultural product grown in this state to produce a meat or dairy product in this state;

(b) A change in the physical state or form of the original agricultural product;

(c) An agricultural product grown in this state which has had its value enhanced by special production methods such as organically grown products; or

(d) A physical segregation of a commodity or agricultural product grown in this state that enhances its value such as identity preserved marketing systems;

(14) "Urban agricultural zone" or "UAZ", a zone within a metropolitan statistical area as defined by the United States Office of Budget and Management that has one or more of the following entities that is a qualifying small businesses, and approved by the department, as follows:

(a) Any organization or person who grows produce or other agricultural products;

(b) Any organization or person that raises livestock or poultry;

(c) Any organization or person who processes livestock or poultry;

(d) Any organization that sells at a minimum seventy-five percent locally grown food;

(15) "Vending UAZ", a type of UAZ:

(a) That sells produce, meat, or value added locally grown agricultural goods;

(b) That is able to accept food stamps under the provisions of the Supplemental Nutrition Assistance Program as a form of payment; and

(c) Is a qualifying small business that is approved by the department for an UAZ vendor license.

2. (1) A person or organization shall submit to any incorporated municipality an application to develop an UAZ on a blighted area of land. Such application shall demonstrate or identify on the application:

(a) If the person or organization is a grower UAZ, processing UAZ, vending UAZ, or a combination of all three types of UAZs provided in this paragraph, in which case the person or organization shall meet the requirements of each type of UAZ in order to qualify;

(b) The number of jobs to be created;

(c) The types of products to be produced; and

(d) If applying for a vending UAZ, the ability to accept food stamps under the provisions of the Supplemental Nutrition Assistance Program if selling products to consumers.

(2) A municipality shall review and modify the application as necessary before either approving or denying the request to establish an UAZ.

(3) Approval of the UAZ by such municipality shall be reviewed five and ten years after the development of the UAZ. After twenty-five years, the UAZ shall dissolve. If the municipality finds during its review that the UAZ is not meeting the requirements set out in this section, the municipality may dissolve the UAZ.

3. The governing body of any municipality planning to seek designation of an urban agricultural zone shall establish an urban agricultural zone board. The number of members on the board shall be seven. One member of the board shall be appointed by the school district or districts located within the area proposed for designation of an urban agricultural zone. Two members of the board shall be appointed by other affected taxing districts. The remaining four members shall be chosen by the chief elected officer of the municipality. The four members chosen by the chief elected officer of the municipality shall all be residents of the county or city not within a county in which the UAZ is to be located, and at least one of such four members shall have experience in or represent organizations associated with sustainable agriculture, urban farming, community gardening, or any of the activities or products authorized by this section for UAZs.

4. The school district member and the two affected taxing district members shall each have initial terms of five years. Of the four members appointed by the chief elected official, two shall have initial terms of four years, and two shall have initial terms of three years. Thereafter, members shall serve terms of five years. Each member shall hold office until a successor has been appointed. All vacancies shall be filled in the same manner as the original appointment. For inefficiency or neglect of duty or misconduct in office, a member of the board may be removed by the applicable appointing authority.

5. A majority of the members shall constitute a quorum of such board for the purpose of conducting business and exercising the powers of the board and for all other purposes. Action may be taken by the board upon a vote of a majority of the members present.

6. The members of the board annually shall elect a chair from among the members.

7. The role of the board shall be to conduct the activities necessary to advise the governing body on the designation of an urban agricultural zone and any other advisory duties as determined by the governing body. The role of the board after the designation of an urban agricultural zone shall be review and assessment of zone activities.

8. Prior to the adoption of an ordinance proposing the designation of an urban agricultural zone, the urban agricultural board shall fix a time and place for a public hearing and notify each taxing district located wholly or partially within the boundaries of the proposed urban agricultural zone. The board shall send, by certified mail, a notice of such hearing to all taxing districts and political subdivisions in the area to be affected and shall publish notice of such hearing in a newspaper of general circulation in the area to be affected by the designation at least twenty days prior to the hearing but not more than thirty days prior to the hearing. Such notice shall state the time, location, date, and purpose of the hearing. At the public hearing any interested person or affected taxing district may file with the board written objections to, or comments on, and may be heard orally in respect to, any issues embodied in the notice. The board shall hear and consider all protests, objections, comments, and other evidence presented at the hearing. The hearing may be continued to another date without further notice other than a motion to be entered upon the minutes fixing the time and place of the subsequent hearing.

9. Following the conclusion of the public hearing required under subsection 8 of this section, the governing authority of the municipality may adopt an ordinance designating an urban agricultural zone.

10. The real property of the UAZ shall not be subject to assessment or payment of ad valorem taxes on real property imposed by the cities affected by this section, or by the state or any political subdivision thereof, for a period of up to twenty-five years as specified by ordinance under subsection 9 of this section, except to such extent and in such amount as may be imposed upon such real property during such period, as was determined by the assessor of the county in which such real property is locate, or, if not located within a county, then by the assessor of such city, in an amount not greater than the amount of taxes due and payable thereon during the calendar year preceding the calendar year during which the urban agricultural zone was designated. The amounts of such tax assessments shall not be increased during such period so long as the real property is used in furtherance of the activities provided under the provisions of subdivision (13) of subsection 1 of this section. At the conclusion of the period of abatement provided by the ordinance, the property shall then be reassessed. If only a portion of real property is used as an UAZ, then only that portion of real property shall be exempt from assessment or payment of ad valorem taxes on such property, as provided by this section.

11. If the water services for the UAZ are provided by the municipality, the municipality may authorize a grower UAZ to pay wholesale water rates. If available, for the cost of water consumed on the UAZ and pay fifty percent of the standard cost to hook onto the water source.

12. (1) Any local sales tax revenues received from the sale of agricultural products sold in the UAZ shall be deposited in the urban agricultural zone fund established in subdivision (2) of this subsection. An amount equal to one percent shall be retained by the director of revenue for deposit in the general revenue fund to offset the costs of collection.

(2) There is hereby created in the state treasury the "Urban Agricultural Zone Fund", which shall consist of money collected under subdivision (1) of this subsection. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, shall be used for the purposes authorized by this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. School districts may apply to the department for money in the fund to be used for the development of curriculum on or the implementation of urban farming practices under the guidance of the University of Missouri extension service and a certified vocational agricultural instructor. The funds are to be distributed on a competitive basis within the school district or districts in which the UAZ is located pursuant to rules to be promulgated by the department, with special consideration given to the relative number of students eligible for free and reduced-price lunches attending the schools within such district or districts.

13. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

14. The provisions of this section shall not apply to any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants.

267.655. CIVIL PENALTIES. — In addition to the remedies provided for in sections 267.560 to 267.660 by law, **the following civil penalties may be imposed:**

(1) If the department director determines, after inquiry and opportunity for a hearing, that any individual is in violation of any provision of sections 267.560 to 267.660, or any regulations issued thereunder, the director shall have the authority to assess a civil penalty of not more than one thousand dollars per incident. In the event that a person penalized or ordered to pay restitution under this section fails to pay the penalty or restitution, the director may apply to the circuit court of Cole County for, and the court is authorized to enter, an order enforcing the assessed penalty or restitution;

(2) The prosecuting attorney of any county in which a violation of any provisions of sections 267.560 to 267.660 occurs or the attorney general of the state, is hereby authorized to apply to any court of competent jurisdiction for, and such court shall have jurisdiction upon hearing and for cause shown to grant a temporary or permanent injunction to restrain any person from violating any provisions of sections 267.560 to 267.660.

323.100. INSPECTION OF LIQUID METERS — INACCURATE METERS CONDEMNED — FEE — REPORT — FEE SCHEDULE TO BE PUBLISHED. — **1.** The director of the department of agriculture shall annually inspect and test all liquid meters used for the measurement and retail sale of liquefied petroleum gas and shall condemn all meters which are found to be inaccurate. All meters shall meet the tolerances and specifications of the National Institute of Standards and Technology Handbook 44, 1994 edition and supplements thereto. It is unlawful to use a meter for retail measurement and sale which has been condemned. All condemned meters shall be conspicuously marked "inaccurate", and the mark shall not be removed or defaced except upon authorization of the director of the department of agriculture or his authorized representative. It is the duty of each person owning or in possession of a meter to pay to the director of the department of agriculture at the time of each test a testing fee of ten dollars**[**, except that the testing fee herein provided for shall not be applied more than once in a calendar year to each meter tested**]**. **On January 1, 2014, the testing fee shall be twenty-five dollars. On January 1, 2015, the testing fee shall be set at fifty dollars. On January 1, 2016, and annually thereafter, the director shall ascertain the total expenses for administering this section and shall set the testing fee at a rate to cover the expenses for the ensuing year but not to exceed seventy-five dollars.**

2. On the first day of October 2014, and each year thereafter, the director of the department of agriculture shall submit a report to the general assembly that states the current testing fee, the expenses for administering this section for the previous calendar year, any proposed change to the testing fee, and estimated expenses for administering this section during the ensuing year. The proposed change to the testing fee shall not yield revenue greater than the total cost of administering this section during the ensuing year.

3. Beginning August 28, 2013, and each year thereafter, the director of the department of agriculture shall publish the testing fee schedule on the departmental website. The website shall be updated within thirty days of a change in the testing fee schedule set forth in this section.

348.521. AUTHORITY TO ISSUE CERTIFICATES OF GUARANTY — ELIGIBLE LENDER DEFINED — FEE AUTHORIZED — LIMIT ON OUTSTANDING GUARANTEED LOANS. — 1. The authority may issue certificates of guaranty covering a first loss guarantee up to but not more than fifty percent of the loan on a declining principal basis for loans to individuals executing a note or other evidence of a loan made for livestock feed and crop input, but not to exceed the amount

of [forty] **one hundred** thousand dollars for any one individual and to pay from the livestock feed and crop input loan guarantee fund to an eligible lender up to fifty percent of the amount on a declining principal basis of any loss on any guaranteed loan made under the provisions of sections 348.515 to 348.533, in the event of default on the loan. Upon payment of the loan, the authority shall be subrogated to all the rights of the eligible lender.

2. As used in sections 348.515 to 348.533, the term "eligible lender" means those entities defined as lenders under subdivision (8) of section 348.015.

3. The authority shall charge for each guaranteed loan a one-time participation fee of fifty dollars which shall be collected by the lender at the time of closing and paid to the authority. In addition, the authority may charge a special loan guarantee fee of up to one percent per annum of the outstanding principal which shall be collected from the borrower by the lender and paid to the authority. Amounts so collected shall be deposited in the livestock feed and crop input loan program fund and used, upon appropriation, to pay the costs of administering the program.

4. All moneys paid to satisfy a defaulted guaranteed loan shall only be paid out of the livestock feed and crop input loan guarantee fund established by sections 348.515 to 348.533.

5. The total outstanding guaranteed loans shall at no time exceed an amount which, according to sound actuarial judgment, would allow immediate redemption of twenty percent of the outstanding loans guaranteed by the fund at any one time.

413.225. FEES — RATES — DUE AT TIME OF REGISTRATION, INSPECTION OR CALIBRATION, FAILURE TO PAY FEE, EFFECT, PENALTY. — 1. There is established a fee for registration, inspection and calibration services performed by the division of weights and measures. The fees are due at the time the service is rendered and shall be paid to the director by the person receiving the service. The director shall collect fees according to the following schedule and shall deposit them with the state treasurer into [general revenue for the use of the state of Missouri] **the agriculture protection fund as set forth in section 261.200**:

(1) From August 28, [1994] **2013**, until the next January first, laboratory fees for metrology calibrations shall be at the rate of [twenty-five] **sixty** dollars per hour for tolerance testing [and thirty-five dollars per hour for] **or** precision calibration. Time periods over one hour shall be computed to the nearest **one quarter** hour. On the first day of January, [1995] **2014**, and each year thereafter, the director of agriculture shall ascertain the total receipts and expenses for the metrology calibrations during the preceding year and shall fix a fee schedule for the ensuing year at a rate per hour [which shall not exceed sixty dollars per hour for either method but shall not be less than twenty-five dollars per hour for tolerance testing and thirty-five dollars per hour for precision calibration,] as will yield revenue not more than the total cost of operating the metrology laboratory during the ensuing year**, but not to exceed one hundred and twenty-five dollars**;

(2) [From August 28, 1994, until the next January first,] All [scale] **device** test fees [shall be] charged [as follows] **shall include, but not be limited to, the following devices**:

(a) Small scales [shall be five dollars for each counter scale, ten dollars for platform scales up to one thousand-pound capacity, and twenty dollars for each platform scale over one thousand-pound capacity];

(b) Vehicle scales [shall be fifty dollars each for the initial test and seventy-five dollars for each subsequent test within the same calendar year];

(c) Livestock scales [shall be seventy-five dollars each for the initial test, and one hundred dollars for each subsequent test within the same calendar year];

(d) Hopper scales [with a capacity of one thousand pounds or less shall be ten dollars each; for each hopper scale with a capacity of more than one thousand pounds up to and including two thousand pounds, the fee shall be twenty dollars; for each hopper scale with a capacity of more than two thousand pounds up to and including ten thousand pounds, the fee shall be fifty dollars; and for those hopper scales with a capacity of more than ten thousand pounds, the test fee shall be seventy-five dollars each];

(e) Railroad scales **[**shall be fifty dollars each**]**;

(f) Monorail scales **[**shall be twenty-five dollars each for the initial test and fifty dollars for each subsequent test in the same calendar year**]**;

(g) **[**Participation in on-site field evaluations of devices for National Type Evaluation Program certification and all tests of**]** In-motion scales including but not limited to vehicle, railroad and belt conveyor scales **[**will be charged at the rate of thirty dollars per hour, plus mileage from the inspector's official domicile to and from the inspection site. The time shall begin when the state inspector performing the inspection arrives at the site to be inspected and shall end when the final report is signed by the owner/operator and the inspector departs**]**;

[(3) From August 28, 1994, until the next January first, certification of**]**

(h) Taximeters **[**shall be five dollars per meter**]**;

(i) Timing devices**[**, five dollars per device**]**;

(j) Fabric-measuring devices**[**,**]** **;**

(k) Wire- and cordage-measuring devices**[**, five dollars per device**]**;

(l) Milk for quantity determination**[**, twenty-five dollars per plant inspected**]**; **and**

[(4) From August 28, 1994, until the next January first, certification of**]**

(m) Vehicle tank meters **[**shall be twenty-five dollars each for the initial test and fifty dollars for each subsequent test in the same calendar year**]**;

(3) Devices that require participation in on-site field evaluations for National Type Evaluation Program Certification and all tests of in-motion scales shall be charged a fee, plus mileage from the inspector's official domicile to and from the inspection site. The time shall begin when the state inspector performing the inspection arrives at the site to be inspected and shall end when the final report is signed by the owner/operator and the inspector departs;

[(5)**] (4)** Every person shall register each location of such person's place of business where devices or instruments are used to ascertain the moisture content of grains and seeds offered for sale, processing or storage in this state with the director and shall pay a registration fee **[**of ten dollars**]** for each location so registered and a fee **[**of five dollars**]** for each additional device or instrument at such location. Thereafter, by January thirty-first of each year, each person who is required to register pursuant to this subdivision shall pay an annual fee **[**of ten dollars**]** for each location so registered and an additional **[**five dollars**]** **fee** for each additional machine at each location. The fee on newly purchased devices shall be paid within thirty days after the date of purchase. Application for registration of a place of business shall be made on forms provided by the director and shall require information concerning the make, model and serial number of the device and such other information as the director shall deem necessary. Provided, however, this subsection shall not apply to moisture-measuring devices used exclusively for the purpose of obtaining information necessary to manufacturing processes involving plant products. In addition to fees required by this subdivision, a fee **[**of ten dollars**]** shall be charged for each device subject to retest.

2. On the first day of January, 1995, and each year thereafter, the director of agriculture shall ascertain the total receipts and expenses for the testing of weighing and measuring devices referred to in subdivisions (2), (3), **and** (4) **[**and (5)**]** of subsection 1 of this section and shall fix the fees or rate per hour for such weighing and measuring devices to derive revenue not more than the total cost of the operation**[**, but such fees shall not be fixed in amounts less than the amounts contained in subdivisions (2), (3), (4) and (5) of subsection 1 of this section**]**.

3. **[**Except as indicated in paragraphs (b), (c), and (f) of subdivision (2) and subdivisions (4) and (5) of subsection 1,**]** **On the first day of October 2014, and each year thereafter, the director of the department of agriculture shall submit a report to the general assembly that states the current laboratory fees for metrology calibration, the expenses for administering this section for the previous calendar year, any proposed change to the laboratory fee structure, and estimated expenses for administering this section during the**

ensuing year. The proposed change to the laboratory fee structure shall not yield revenue greater than the total cost of administering this section during the ensuing year.

4. Beginning August 28, 2013, and each year thereafter, the director of the department of agriculture shall publish the laboratory fee schedule on the departmental website. The website shall be updated within thirty days of a change in the laboratory fee schedule set forth in this section.

5. Retests for any device within the same calendar year will be charged at the same rate as the initial test. Devices being retested in the same calendar year as a result of rejection and repair are exempt from the requirements of this subsection.

[4.**]** **6.** All device inspection fees shall be paid within thirty days of the issuance of the original invoice. Any fee not paid within ninety days after the date of the original invoice will be cause for the director to deem the device as incorrect and it may be condemned and taken out of service, and may be seized by the director until all fees are paid.

[5.**]** **7.** No fee provided for by this section shall be required of any person owning or operating a moisture-measuring device or instrument who uses such device or instrument solely in agricultural or horticultural operations on such person's own land, and not in performing services, whether with or without compensation, for another person.

640.725. INSPECTION OF FACILITY, WHEN, RECORDS RETENTION PERIOD — AUTOMATIC SHUTOFF SYSTEM REQUIRED. — 1. The owner or operator of any flush system animal waste wet handling facility shall employ one or more persons who shall **once per week** visually inspect the **[**animal waste wet handling facility and lagoons for unauthorized discharge and structural integrity at least every twelve hours with a deviation of not to exceed three hours**]** **gravity outfall lines, recycle pump stations, recycle force mains, and appurtenances for any release to any containment structure required by section 640.730. The owner or operator shall also visually inspect once per day any lagoon whose water level is less than twelve inches from the emergency spillway**. The owner or operator of the facility shall keep records of each inspection. Such records shall be retained for three years. The department shall provide or approve a form provided by the owner or operator for each facility for such inspections.

2. All new construction permits for flush system animal waste wet handling facilities shall have an electronic or mechanical shutoff of the system in the event of pipe stoppage. As of July 1, 1997, all existing flush system animal waste wet handling facilities shall have, at a minimum, an electronic or mechanical shutoff of the system in the event of pipe stoppage or backflow.

644.052. PERMIT TYPES, FEES, AMOUNTS — REQUESTS FOR PERMIT MODIFICATIONS — REQUESTS FOR FEDERAL CLEAN WATER CERTIFICATIONS. — 1. Persons with operating permits or permits by rule issued pursuant to this chapter shall pay fees pursuant to subsections 2 to 8 and 12 to 13 of this section. Persons with a sewer service connection to public sewer systems owned or operated by a city, public sewer district, public water district or other publicly owned treatment works shall pay a permit fee pursuant to subsections 10 and 11 of this section.

2. A privately owned treatment works or an industry which treats only human sewage shall annually pay a fee based upon the design flow of the facility as follows:

(1) One hundred dollars if the design flow is less than five thousand gallons per day;

(2) One hundred fifty dollars if the design flow is equal to or greater than five thousand gallons per day but less than six thousand gallons per day;

(3) One hundred seventy-five dollars if the design flow is equal to or greater than six thousand gallons per day but less than seven thousand gallons per day;

(4) Two hundred dollars if the design flow is equal to or greater than seven thousand gallons per day but less than eight thousand gallons per day;

(5) Two hundred twenty-five dollars if the design flow is equal to or greater than eight thousand gallons per day but less than nine thousand gallons per day;

(6) Two hundred fifty dollars if the design flow is equal to or greater than nine thousand gallons per day but less than ten thousand gallons per day;

(7) Three hundred seventy-five dollars if the design flow is equal to or greater than ten thousand gallons per day but less than eleven thousand gallons per day;

(8) Four hundred dollars if the design flow is equal to or greater than eleven thousand gallons per day but less than twelve thousand gallons per day;

(9) Four hundred fifty dollars if the design flow is equal to or greater than twelve thousand gallons per day but less than thirteen thousand gallons per day;

(10) Five hundred dollars if the design flow is equal to or greater than thirteen thousand gallons per day but less than fourteen thousand gallons per day;

(11) Five hundred fifty dollars if the design flow is equal to or greater than fourteen thousand gallons per day but less than fifteen thousand gallons per day;

(12) Six hundred dollars if the design flow is equal to or greater than fifteen thousand gallons per day but less than sixteen thousand gallons per day;

(13) Six hundred fifty dollars if the design flow is equal to or greater than sixteen thousand gallons per day but less than seventeen thousand gallons per day;

(14) Eight hundred dollars if the design flow is equal to or greater than seventeen thousand gallons per day but less than twenty thousand gallons per day;

(15) One thousand dollars if the design flow is equal to or greater than twenty thousand gallons per day but less than twenty-three thousand gallons per day;

(16) Two thousand dollars if the design flow is equal to or greater than twenty-three thousand gallons per day but less than twenty-five thousand gallons per day;

(17) Two thousand five hundred dollars if the design flow is equal to or greater than twenty-five thousand gallons per day but less than thirty thousand gallons per day;

(18) Three thousand dollars if the design flow is equal to or greater than thirty thousand gallons per day but less than one million gallons per day; or

(19) Three thousand five hundred dollars if the design flow is equal to or greater than one million gallons per day.

3. Persons who produce industrial process wastewater which requires treatment and who apply for or possess a site-specific permit shall annually pay:

(1) Five thousand dollars if the industry is a class IA animal feeding operation as defined by the commission; or

(2) For facilities issued operating permits based upon categorical standards pursuant to the Federal Clean Water Act and regulations implementing such act:

(a) Three thousand five hundred dollars if the design flow is less than one million gallons per day; or

(b) Five thousand dollars if the design flow is equal to or greater than one million gallons per day.

4. Persons who apply for or possess a site-specific permit solely for industrial storm water shall pay an annual fee of:

(1) One thousand three hundred fifty dollars if the design flow is less than one million gallons per day; or

(2) Two thousand three hundred fifty dollars if the design flow is equal to or greater than one million gallons per day.

5. Persons who produce industrial process wastewater who are not included in subsection 2 or 3 of this section shall annually pay:

(1) One thousand five hundred dollars if the design flow is less than one million gallons per day; or

(2) Two thousand five hundred dollars if the design flow is equal to or greater than one million gallons per day.

6. Persons who apply for or possess a general permit shall pay:

(1) Three hundred dollars for the discharge of storm water from a land disturbance site;

(2) Fifty dollars annually for the operation of a chemical fertilizer or pesticide facility;

(3) One hundred fifty dollars for the operation of an animal feeding operation or a concentrated animal feeding operation;

(4) One hundred fifty dollars annually for new permits for the discharge of process water or storm water potentially contaminated by activities not included in subdivisions (1) to (3) of this subsection. Persons paying fees pursuant to this subdivision with existing general permits on August 27, 2000, and persons paying fees pursuant to this subdivision who receive renewed general permits on the same facility after August 27, 2000, shall pay sixty dollars annually;

(5) Up to two hundred fifty dollars annually for the operation of an aquaculture facility.

7. Requests for modifications to state operating permits on entities that charge a service connection fee pursuant to subsection 10 of this section shall be accompanied by a two hundred dollar fee. The department may waive the fee if it is determined that the necessary modification was either initiated by the department or caused by an error made by the department.

8. Requests for state operating permit modifications other than those described in subsection 7 of this section shall be accompanied by a fee equal to twenty-five percent of the annual operating fee assessed for the facility pursuant to this section. **However, requests for modifications for such operating permits that seek name changes, address changes, or other nonsubstantive changes to the operating permit shall be accompanied by a fee of one hundred dollars.** The department may waive the fee if it is determined that the necessary modification was either initiated by the department or caused by an error made by the department.

9. Persons requesting water quality certifications in accordance with Section 401 of the Federal Clean Water Act shall pay a fee of seventy-five dollars and shall submit the standard application form for a Section 404 permit as administered by the U.S. Army Corps of Engineers or similar information required for other federal licenses and permits, except that the fee is waived for water quality certifications issued and accepted for activities authorized pursuant to a general permit or nationwide permit by the U.S. Army Corps of Engineers.

10. Persons with a direct or indirect sewer service connection to a public sewer system owned or operated by a city, public sewer district, public water district, or other publicly owned treatment works shall pay an annual fee per water service connection as provided in this subsection. Customers served by multiple water service connections shall pay such fee for each water service connection, except that no single facility served by multiple connections shall pay more than a total of seven hundred dollars per year. The fees provided for in this subsection shall be collected by the agency billing such customer for sewer service and remitted to the department. The fees may be collected in monthly, quarterly or annual increments, and shall be remitted to the department no less frequently than annually. The fees collected shall not exceed the amounts specified in this subsection and, except as provided in subsection 11 of this section, shall be collected at the specified amounts unless adjusted by the commission in rules. The annual fees shall not exceed:

(1) For sewer systems that serve more than thirty-five thousand customers, forty cents per residential customer as defined by the provider of said sewer service until such time as the commission promulgates rules defining the billing procedure;

(2) For sewer systems that serve equal to or less than thirty-five thousand but more than twenty thousand customers, fifty cents per residential customer as defined by the provider of said sewer service until such time as the commission promulgates rules defining the billing procedure;

(3) For sewer systems that serve equal to or less than twenty thousand but more than seven thousand customers, sixty cents per residential customer as defined by the provider of said sewer service until such time as the commission promulgates rules defining the billing procedure;

(4) For sewer systems that serve equal to or less than seven thousand but more than one thousand customers, seventy cents per residential customer as defined by the provider of said

sewer service until such time as the commission promulgates rules defining the billing procedure;

(5) For sewer systems that serve equal to or less than one thousand customers, eighty cents per residential customer as defined by the provider of said sewer service until such time as the commission promulgates rules defining the billing procedure;

(6) Three dollars for commercial or industrial customers not served by a public water system as defined in chapter 640;

(7) Three dollars per water service connection for all other customers with water service connections of less than or equal to one inch excluding taps for fire suppression and irrigation systems;

(8) Ten dollars per water service connection for all other customers with water service connections of more than one inch but less than or equal to four inches, excluding taps for fire suppression and irrigation systems;

(9) Twenty-five dollars per water service connection for all other customers with water service connections of more than four inches, excluding taps for fire suppression and irrigation systems.

11. Customers served by any district formed pursuant to the provisions of section 30(a) of article VI of the Missouri Constitution shall pay the fees set forth in subsection 10 of this section according to the following schedule:

(1) From August 28, 2000, through September 30, 2001, customers of any such district shall pay fifty percent of such fees; and

(2) Beginning October 1, 2001, customers of any such districts shall pay one hundred percent of such fees.

12. Persons submitting a notice of intent to operate pursuant to a permit by rule shall pay a filing fee of twenty-five dollars.

13. For any general permit issued to a state agency for highway construction pursuant to subdivision (1) of subsection 6 of this section, a single fee may cover all sites subject to the permit.

Approved July 2, 2013

HB 656 [HCS HB 656]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Combines the parking enforcement division and parking meter division in the City of St. Louis into a parking division

AN ACT to repeal section 82.485, RSMo, and to enact in lieu thereof one new section relating to powers of the supervisor of parking meters in certain cities.

SECTION

A. Enacting clause.

82.485. City treasurer supervisor of parking meters — powers and duties — parking meter fund — parking commission.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Section 82.485, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 82.485, to read as follows:

82.485. CITY TREASURER SUPERVISOR OF PARKING METERS — POWERS AND DUTIES — PARKING METER FUND — PARKING COMMISSION. — 1. The treasurer of any city not within a county is hereby made and constituted supervisor of parking meters.

2. It shall be the duty of the supervisor of parking meters to install parking meters, collect all parking meter fees, supervise the expenditures for repairs and maintenance, establish and supervise a parking **[**enforcement division and a parking meter**]** division to enforce any statute or ordinances now or hereafter established pertaining to the parking of motor vehicles, including automated zone parking and all other parking functions, and to make all disbursements on any parking contracts, including employment, consulting, legal services, capital improvement and purchase of equipment and real property which may hereafter be made by such cities, subject to audit in the manner provided by state statute.

3. The supervisor of parking meters shall establish and maintain a parking meter fund and any other funds therein which the supervisor of parking meters determines to be necessary, including debt service funds and capital improvement funds for purposes including, but not restricted to, the construction of off-street parking facilities and supervising and directing the financing of such projects. The supervisor of parking meters of such city may issue revenue bonds and pledge parking division and other revenues and assets, including real property and future income, for the purpose of capital improvements and debt service. The parking meter fund shall be the sole depository for all parking revenue derived from parking fees, fines, penalties, administrative costs and booting or any other revenues derived from the **[**efforts of the employees of the supervisor of parking, including the parking meter division or parking violation enforcement**]** **parking** division.

4. The supervisor of the parking meters shall each year submit for approval to the board of aldermen, having first been reviewed by the parking commission, an operating budget projecting revenues and expenses for the fiscal year beginning July 1, 1990, and for each fiscal year thereafter. The parking commission, which shall consist of the supervisor of parking meters as chairperson, the chairperson of the aldermanic traffic committee, the director of streets, the comptroller and the director of the parking **[**meter**]** operations, shall approve parking policy as necessary to control public parking, shall set rates and fees to ensure the successful operation of the parking division, and require a detailed accounting of parking division revenues from any agent or agency, public or private, involved in the collection of parking revenues. The supervisor of parking meters shall draw upon the parking meter fund annually a portion of such fund according to the parking **[**meter**]** division's operating budget to pay any debt obligations, salaries, contracts, expenditures for repairs and maintenance, and make any capital improvements, and a portion of such fund shall at the end of each fiscal year then be transferred to the general fund of the city. The transfer to the general fund shall be no more than forty percent of the parking meter fund's net change in the fund's balance after all payments for capital improvements and debt service have been made.

Approved June 12, 2013

HB 673 [HB 673]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the name of Linn State Technical College to the State Technical College of Missouri

AN ACT to repeal sections 173.005, 173.1105, 174.020, 176.010, 178.420, 178.530, 178.560, 178.585, 178.631, 178.632, 178.634, 178.635, 178.636, 178.637, 178.638, 178.639, and

178.640, RSMo, and to enact in lieu thereof seventeen new sections relating to the renaming of Linn State Technical College, with an effective date.

SECTION
A. Enacting clause.
173.005. Department of higher education created — agencies, divisions, transferred to department — coordinating board, appointment qualifications, terms, compensation, duties, advisory committee, members.
173.1105. Award amounts, minimums and maximums — adjustment in awards, when.
174.020. Names of state colleges and universities.
176.010. Definitions.
178.420. Definitions.
178.530. State board to establish standards, inspect and approve schools — local boards to report — allocation of money — standards for agricultural education.
178.560. Advisory committee to be appointed in each district offering vocational subjects — no compensation.
178.585. Upgrade of vocational and technical education — advisory committees — listing of demand occupations — use of funds.
178.631. State Technical College of Missouri established by gift to state of the Osage R-II school district.
178.632. Board of regents to be governing board — members, appointment, qualifications, residency requirements.
178.634. Board's expenses, to be paid — vacancies, resignations, removals, how filled.
178.635. Board organization, powers and duties — limitations — bonded indebtedness deemed to be debt of board — bonds retired through tuition revenue.
178.636. State Technical College of Missouri, purpose and mission — certificates, diplomas and applied science associate degrees, limitations.
178.637. State Technical College of Missouri deemed qualified for student loans or scholarship program, when.
178.638. Oversight of college by coordinating board and state board of education — state to provide funds, exception vocational technical education reimbursement to continue through state board of education.
178.639. Employees of college eligible for Missouri state employees' retirement system.
178.640. Retirement system options for employees of the college, effective when — election by employee, time limitation — failure of employee to make election, effect — service credit, limitation.
B. Delayed effective date.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 173.005, 173.1105, 174.020, 176.010, 178.420, 178.530, 178.560, 178.585, 178.631, 178.632, 178.634, 178.635, 178.636, 178.637, 178.638, 178.639, and 178.640, RSMo, are repealed and seventeen new sections enacted in lieu thereof, to be known as sections 173.005, 173.1105, 174.020, 176.010, 178.420, 178.530, 178.560, 178.585, 178.631, 178.632, 178.634, 178.635, 178.636, 178.637, 178.638, 178.639, and 178.640, to read as follows:

173.005. DEPARTMENT OF HIGHER EDUCATION CREATED — AGENCIES, DIVISIONS, TRANSFERRED TO DEPARTMENT — COORDINATING BOARD, APPOINTMENT QUALIFICATIONS, TERMS, COMPENSATION, DUTIES, ADVISORY COMMITTEE, MEMBERS. — 1. There is hereby created a "Department of Higher Education", and the division of higher education of the department of education is abolished and all its powers, duties, functions, personnel and property are transferred as provided by the Reorganization Act of 1974, Appendix B, RSMo.

2. The commission on higher education is abolished and all its powers, duties, personnel and property are transferred by type I transfer to the "Coordinating Board for Higher Education", which is hereby created, and the coordinating board shall be the head of the department. The coordinating board shall consist of nine members appointed by the governor with the advice and consent of the senate, and not more than five of its members shall be of the same political party. None of the members shall be engaged professionally as an educator or educational administrator with a public or private institution of higher education at the time appointed or during his term. Moreover, no person shall be appointed to the coordinating board who shall not be a citizen of the United States, and who shall not have been a resident of the

state of Missouri two years next prior to appointment, and at least one but not more than two persons shall be appointed to said board from each congressional district. The term of service of a member of the coordinating board shall be six years and said members, while attending the meetings of the board, shall be reimbursed for their actual expenses. Notwithstanding any provision of law to the contrary, nothing in this section relating to a change in the composition and configuration of congressional districts in this state shall prohibit a member who is serving a term on August 28, 2011, from completing his or her term. The coordinating board may, in order to carry out the duties prescribed for it in subsections 1, 2, 3, 7, and 8 of this section, employ such professional, clerical and research personnel as may be necessary to assist it in performing those duties, but this staff shall not, in any fiscal year, exceed twenty-five full-time equivalent employees regardless of the source of funding. In addition to all other powers, duties and functions transferred to it, the coordinating board for higher education shall have the following duties and responsibilities:

(1) The coordinating board for higher education shall have approval of proposed new degree programs to be offered by the state institutions of higher education;

(2) The coordinating board for higher education may promote and encourage the development of cooperative agreements between Missouri public four-year institutions of higher education which do not offer graduate degrees and Missouri public four-year institutions of higher education which do offer graduate degrees for the purpose of offering graduate degree programs on campuses of those public four-year institutions of higher education which do not otherwise offer graduate degrees. Such agreements shall identify the obligations and duties of the parties, including assignment of administrative responsibility. Any diploma awarded for graduate degrees under such a cooperative agreement shall include the names of both institutions inscribed thereon. Any cooperative agreement in place as of August 28, 2003, shall require no further approval from the coordinating board for higher education. Any costs incurred with respect to the administrative provisions of this subdivision may be paid from state funds allocated to the institution assigned the administrative authority for the program. The provisions of this subdivision shall not be construed to invalidate the provisions of subdivision (1) of this subsection;

(3) In consultation with the heads of the institutions of higher education affected and against a background of carefully collected data on enrollment, physical facilities, manpower needs, institutional missions, the coordinating board for higher education shall establish guidelines for appropriation requests by those institutions of higher education; however, other provisions of the Reorganization Act of 1974 notwithstanding, all funds shall be appropriated by the general assembly to the governing board of each public four-year institution of higher education which shall prepare expenditure budgets for the institution;

(4) No new state-supported senior colleges or residence centers shall be established except as provided by law and with approval of the coordinating board for higher education;

(5) The coordinating board for higher education shall establish admission guidelines consistent with institutional missions;

(6) The coordinating board for higher education shall require all public two-year and four-year higher education institutions to replicate best practices in remediation identified by the coordinating board and institutions from research undertaken by regional educational laboratories, higher education research organizations, and similar organizations with expertise in the subject, and identify and reduce methods that have been found to be ineffective in preparing or retaining students or that delay students from enrollment in college-level courses;

(7) The coordinating board shall establish policies and procedures for institutional decisions relating to the residence status of students;

(8) The coordinating board shall establish guidelines to promote and facilitate the transfer of students between institutions of higher education within the state and, with the assistance of the committee on transfer and articulation, shall require all public two-year and four-year higher education institutions to create by July 1, 2014, a statewide core transfer library of at least twenty-

five lower division courses across all institutions that are transferable among all public higher education institutions. The coordinating board shall establish policies and procedures to ensure such courses are accepted in transfer among public institutions and treated as equivalent to similar courses at the receiving institutions. The coordinating board shall develop a policy to foster reverse transfer for any student who has accumulated enough hours in combination with at least one public higher education institution in Missouri that offers an associate degree and one public four-year higher education institution in the prescribed courses sufficient to meet the public higher education institution's requirements to be awarded an associate degree. The department of elementary and secondary education shall maintain the alignment of the assessments found in section 160.518 and successor assessments with the competencies previously established under this subdivision for entry-level collegiate courses in English, mathematics, foreign language, sciences, and social sciences associated with an institution's general education core;

(9) The coordinating board shall collect the necessary information and develop comparable data for all institutions of higher education in the state. The coordinating board shall use this information to delineate the areas of competence of each of these institutions and for any other purposes deemed appropriate by the coordinating board;

(10) Compliance with requests from the coordinating board for institutional information and the other powers, duties and responsibilities, herein assigned to the coordinating board, shall be a prerequisite to the receipt of any funds which the coordinating board is responsible for administering;

(11) If any institution of higher education in this state, public or private, willfully fails or refuses to follow any lawful guideline, policy or procedure established or prescribed by the coordinating board, or knowingly deviates from any such guideline, or knowingly acts without coordinating board approval where such approval is required, or willfully fails to comply with any other lawful order of the coordinating board, the coordinating board may, after a public hearing, withhold or direct to be withheld from that institution any funds the disbursement of which is subject to the control of the coordinating board, or may remove the approval of the institution as an approved institution within the meaning of section 173.1102. If any such public institution willfully disregards board policy, the commissioner of higher education may order such institution to remit a fine in an amount not to exceed one percent of the institution's current fiscal year state operating appropriation to the board. The board shall hold such funds until such time that the institution, as determined by the commissioner of higher education, corrects the violation, at which time the board shall refund such amount to the institution. If the commissioner determines that the institution has not redressed the violation within one year, the fine amount shall be deposited into the general revenue fund, unless the institution appeals such decision to the full coordinating board, which shall have the authority to make a binding and final decision, by means of a majority vote, regarding the matter. However, nothing in this section shall prevent any institution of higher education in this state from presenting additional budget requests or from explaining or further clarifying its budget requests to the governor or the general assembly; and

(12) (a) As used in this subdivision, the term "out-of-state public institution of higher education" shall mean an education institution located outside of Missouri that:

a. Is controlled or administered directly by a public agency or political subdivision or is classified as a public institution by the state;

b. Receives appropriations for operating expenses directly or indirectly from a state other than Missouri;

c. Provides a postsecondary course of instruction at least six months in length leading to or directly creditable toward a degree or certificate;

d. Meets the standards for accreditation by an accrediting body recognized by the United States Department of Education or any successor agency; and

e. Permits faculty members to select textbooks without influence or pressure by any religious or sectarian source.

(b) No later than July 1, 2008, the coordinating board shall promulgate rules regarding:

a. The board's approval process of proposed new degree programs and course offerings by any out-of-state public institution of higher education seeking to offer degree programs or course work within the state of Missouri; and

b. The board's approval process of degree programs and courses offered by any out-of-state public institutions of higher education that, prior to July 1, 2008, were approved by the board to operate a school in compliance with the provisions of sections 173.600 to 173.618. The rules shall ensure that, as of July 1, 2008, all out-of-state public institutions seeking to offer degrees and courses within the state of Missouri are evaluated in a manner similar to Missouri public higher education institutions. Such out-of-state public institutions shall be held to standards no lower than the standards established by the coordinating board for program approval and the policy guidelines of the coordinating board for data collection, cooperation, and resolution of disputes between Missouri institutions of higher education under this section. Any such out-of-state public institutions of higher education wishing to continue operating within this state must be approved by the board under the rules promulgated under this subdivision. The coordinating board may charge and collect fees from out-of-state public institutions to cover the costs of reviewing and assuring the quality of programs offered by out-of-state public institutions. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

(c) Nothing in this subdivision or in section 173.616 shall be construed or interpreted so that students attending an out-of-state public institution are considered to be attending a Missouri public institution of higher education for purposes of obtaining student financial assistance.

3. The coordinating board shall meet at least four times annually with an advisory committee who shall be notified in advance of such meetings. The coordinating board shall have exclusive voting privileges. The advisory committee shall consist of thirty-two members, who shall be the president or other chief administrative officer of the University of Missouri; the chancellor of each campus of the University of Missouri; the president of each state-supported four-year college or university, including Harris-Stowe State University, Missouri Southern State University, Missouri Western State University, and Lincoln University; the president of **[**Linn State Technical College**]** **State Technical College of Missouri**; the president or chancellor of each public community college district; and representatives of each of five accredited private institutions selected biennially, under the supervision of the coordinating board, by the presidents of all of the state's privately supported institutions; but always to include at least one representative from one privately supported community college, one privately supported four-year college, and one privately supported university. The conferences shall enable the committee to advise the coordinating board of the views of the institutions on matters within the purview of the coordinating board.

4. The University of Missouri, Lincoln University, and all other state-governed colleges and universities, chapters 172, 174, 175, and others, are transferred by type III transfers to the department of higher education subject to the provisions of subsection 2 of this section.

5. The state historical society, chapter 183, is transferred by type III transfer to the University of Missouri.

6. The state anatomical board, chapter 194, is transferred by type II transfer to the department of higher education.

7. All the powers, duties and functions vested in the division of public schools and state board of education relating to community college state aid and the supervision, formation of districts and all matters otherwise related to the state's relations with community college districts and matters pertaining to community colleges in public school districts, chapters 163, 178, and others, are transferred to the coordinating board for higher education by type I transfer. Provided, however, that all responsibility for administering the federal-state programs of vocational-technical education, except for the 1202a postsecondary educational amendments of 1972 program, shall remain with the department of elementary and secondary education. The department of elementary and secondary education and the coordinating board for higher education shall cooperate in developing the various plans for vocational-technical education; however, the ultimate responsibility will remain with the state board of education.

8. All the powers, duties, functions, and properties of the state poultry experiment station, chapter 262, are transferred by type I transfer to the University of Missouri, and the state poultry association and state poultry board are abolished. In the event the University of Missouri shall cease to use the real estate of the poultry experiment station for the purposes of research or shall declare the same surplus, all real estate shall revert to the governor of the state of Missouri and shall not be disposed of without legislative approval.

173.1105. AWARD AMOUNTS, MINIMUMS AND MAXIMUMS — ADJUSTMENT IN AWARDS, WHEN. — 1. An applicant who is an undergraduate postsecondary student at an approved private or public institution and who meets the other eligibility criteria shall be eligible for financial assistance, with a minimum and maximum award amount as follows:

(1) For academic years 2010-11, 2011-12, 2012-13, and 2013-14:

(a) One thousand dollars maximum and three hundred dollars minimum for students attending institutions classified as part of the public two-year sector;

(b) Two thousand one hundred fifty dollars maximum and one thousand dollars minimum for students attending institutions classified as part of the public four-year sector, including **[**Linn State Technical College**]** **State Technical College of Missouri**; and

(c) Four thousand six hundred dollars maximum and two thousand dollars minimum for students attending approved private institutions;

(2) For the 2014-15 academic year and subsequent years:

(a) One thousand three hundred dollars maximum and three hundred dollars minimum for students attending institutions classified as part of the public two-year sector; and

(b) Two thousand eight hundred fifty dollars maximum and one thousand five hundred dollars minimum for students attending institutions classified as part of the public four-year sector, including **[**Linn State Technical College**]** **State Technical College of Missouri**, or approved private institutions.

2. All students with an expected family contribution of twelve thousand dollars or less shall receive at least the minimum award amount for his or her institution. Maximum award amounts for an eligible student with an expected family contribution above seven thousand dollars shall be reduced by ten percent of the maximum expected family contribution for his or her increment group. Any award amount shall be reduced by the amount of a student's payment from the A+ schools program or any successor program to it. For purposes of this subsection, the term "increment group" shall mean a group organized by expected family contribution in five hundred dollar increments into which all eligible students shall be placed.

3. If appropriated funds are insufficient to fund the program as described, the maximum award shall be reduced across all sectors by the percentage of the shortfall. If appropriated funds exceed the amount necessary to fund the program, the additional funds shall be used to increase the number of recipients by raising the cutoff for the expected family contribution rather than by increasing the size of the award.

4. Every three years, beginning with academic year 2009-10, the award amount may be adjusted to increase no more than the Consumer Price Index for All Urban Consumers (CPI-U),

1982-1984 = 100, not seasonally adjusted, as defined and officially recorded by the United States Department of Labor, or its successor agency, for the previous academic year. The coordinating board shall prepare a report prior to the legislative session for use of the general assembly and the governor in determining budget requests which shall include the amount of funds necessary to maintain full funding of the program based on the baseline established for the program upon the effective date of sections 173.1101 to 173.1107. Any increase in the award amount shall not become effective unless an increase in the amount of money appropriated to the program necessary to cover the increase in award amount is passed by the general assembly.

174.020. NAMES OF STATE COLLEGES AND UNIVERSITIES. — 1. **[**Except as provided in subsection 5 of this section,**]** State institutions of higher education governed by sections 174.020 to 174.500 shall be named and known as follows: the institution at Warrensburg, Johnson County, shall hereafter be known as the "Central Missouri State University"; the institution at Cape Girardeau, Cape Girardeau County, shall hereafter be known as the "Southeast Missouri State University"; the institution at Springfield, Greene County, shall hereafter be known as the "Missouri State University"; the institution at Maryville, Nodaway County, shall hereafter be known as the "Northwest Missouri State University"; the institution at St. Joseph, Buchanan County, shall hereafter be known as the "Missouri Western State University"; the institution at Joplin, Jasper County, shall hereafter be known as the "Missouri Southern State University"; and the college in the city of St. Louis shall be known as "Harris-Stowe State University".

2. References in the statutes in this state to such institutions whether denominated colleges or universities in such statutes or whether said institutions are renamed in subsection 1 of this section shall continue to apply to the applicable institution.

3. Any costs incurred with respect to modifications of the names of the state colleges and universities specified in subsection 1 of this section shall not be paid from state funds.

4. When the conditions set forth in section 178.631 are met, the technical college located in Osage County, commonly known as the East Campus of Linn Technical College, shall be known as **[**"Linn State Technical College"**]** **"State Technical College of Missouri"**.

176.010. DEFINITIONS. — The following words and phrases as used in sections 176.010 to 176.080, unless a different meaning is plainly required by the context, shall have the following meanings:

(1) "Governing body" shall mean:

(a) The board of curators of the University of the State of Missouri;

(b) The board of curators of Lincoln University of Missouri;

(c) The board of governors for the Truman State University;

(d) The board of governors for the Central Missouri State University;

(e) The board of regents for the Southeast Missouri State University;

(f) The board of governors for the Missouri State University;

(g) The board of regents for the Northwest Missouri State University;

(h) The board of governors for the Missouri Western State University;

(i) The board of governors for the Missouri Southern State University;

(j) The board of regents for Harris-Stowe State University;

(k) The board of trustees of any community college district formed under sections 178.770 to 178.890;

(l) The board of regents of **[**Linn State Technical College**]** **State Technical College of Missouri**, provided the conditions of section 178.631 are met;

(2) "Net income and revenues" shall mean the income arising from the operation of a project remaining after providing for the costs of operation of such project and the costs of maintenance thereof;

(3) "Project" shall mean one or more dormitory buildings with or without dining room facilities as an integral part thereof, or dining room facilities alone, or one or more social and

recreational buildings, or any other revenue-producing facilities of state educational institutions, or any combination of such facilities;

(4) "Revenue bonds" shall mean bonds issued hereunder for the purposes herein authorized and payable, both as to principal and interest, solely and only out of the net income and revenues arising from the operation of the project for which such bonds are issued after providing for the costs of operation and maintenance of such project, and, in addition thereto, in the discretion of the governing body, out of either one or both of the following sources:

(a) The proceeds of any grant in aid of such project which may be received from any source; and

(b) The net income and revenues arising from the operation of another project, as herein defined, already owned and operated by any such state educational institution. Such bonds shall not be deemed to be an indebtedness of the state of Missouri, the educational institution issuing them, the governing body of such educational institution, or the individual members of such governing body;

(5) "State educational institutions" shall mean and shall include:

(a) The State University of Missouri, incorporated as a body politic under the name of "The Curators of the University of Missouri", together with the departments of said state university especially established by law as the "College of Agriculture at Columbia" and the "University of Missouri-Rolla";

(b) "Lincoln University" at Jefferson City;

(c) "Truman State University" at Kirksville, Missouri;

(d) "Missouri State University" at Springfield;

(e) The several regional universities, to wit:

"Central Missouri State University" at Warrensburg, Missouri;

"Southeast Missouri State University" at Cape Girardeau, Missouri;

"Northwest Missouri State University" at Maryville, Missouri;

"Missouri Western State University" at St. Joseph, Missouri;

"Missouri Southern State University" at Joplin, Missouri;

"Harris-Stowe State University" at St. Louis, Missouri;

(f) Community college districts formed under sections 178.770 to 178.890;

(g) The several state colleges, to wit:

["Linn State Technical College"**] "State Technical College of Missouri"** in Osage County, Missouri, provided the conditions of section 178.631 are met.

178.420. DEFINITIONS. — Unless a different meaning is clearly required by the context, the following words and phrases as used in sections 178.420 to 178.580 mean:

(1) "Prevocational education", education of less than college grade which gives children an elementary acquaintance with different vocational activities, arts or occupations and better prepares them to make an intelligent choice of a vocation;

(2) **[**"Linn State Technical College"**] "State Technical College of Missouri"**, a public institution with an independent governing board, appointed by the governor and confirmed by the senate, that has been designated by the general assembly to provide only postsecondary vocational and technical education programs leading to the granting of certificates, diplomas, associate of applied science degrees or a combination thereof, but not including associate of the arts or baccalaureate or higher degrees, the controlling purpose of which is to prepare students for profitable employment;

(3) "Vocational education", education of less than college grade, the controlling purpose of which is to fit for profitable employment.

178.530. STATE BOARD TO ESTABLISH STANDARDS, INSPECT AND APPROVE SCHOOLS — LOCAL BOARDS TO REPORT — ALLOCATION OF MONEY — STANDARDS FOR AGRICULTURAL EDUCATION. — 1. The state board of education shall establish standards and

annually inspect, as a basis for approval, all public prevocational, vocational schools, **[**Linn State Technical College**]** **State Technical College of Missouri**, departments and classes receiving state or federal moneys for giving training in agriculture, industrial, home economics and commercial subjects and all schools, departments and classes receiving state or federal moneys for the preparation of teachers and supervisors of such subjects. The public prevocational and vocational schools, **[**Linn State Technical College**]** **State Technical College of Missouri**, departments, and classes, and the training schools, departments and classes are entitled to the state or federal moneys so long as they are approved by the state board of education, as to site, plant, equipment, qualifications of teachers, admission of pupils, courses of study and methods of instruction. All disbursements of state or federal moneys for the benefit of the approved prevocational and vocational schools, **[**Linn State Technical College**]** **State Technical College of Missouri**, departments and classes shall be made semiannually. The school board of each approved school or the governing body of **[**Linn State Technical College**]** **State Technical College of Missouri** shall file a report with the state board of education at the times and in the form that the state board requires. Upon receipt of a satisfactory report, the state board of education shall certify to the commissioner of administration for his approval the amount of the state and federal moneys due the school district or **[**Linn State Technical College**]** **State Technical College of Missouri**. The amount due the school district shall be certified by the commissioner of administration and proper warrant therefor shall be issued to the district treasurer or **[**Linn State Technical College**]** **State Technical College of Missouri**.

2. Notwithstanding the provisions of subsection 1 of this section, the state board of education shall establish standards for agricultural education that may be adopted by a private school accredited by an agency recognized by the United States Department of Education as an accreditor of private schools that wishes to provide quality vocational programming outside the requirements of, but consistent with, the federal Vocational Education Act. Such standards shall be sufficient to qualify a private school to apply to the state chapter for approval of a local chapter of a federally chartered national agricultural education association on a form developed for that purpose by the department of elementary and secondary education without eligibility to receive state or federal funding for agricultural vocational education. The provisions of this subsection shall not be construed to create eligibility for a private school to receive state or federal funding for agricultural vocational education, but shall not prohibit a private school from receiving state or federal funds for which such private school would otherwise be eligible for agricultural vocational education. Any such private school shall reimburse the department annually for the cost of oversight and maintenance of the program.

178.560. ADVISORY COMMITTEE TO BE APPOINTED IN EACH DISTRICT OFFERING VOCATIONAL SUBJECTS — NO COMPENSATION. — The school board of any school district or the governing board of **[**Linn State Technical College**]** **State Technical College of Missouri** maintaining a prevocational or vocational school, **[**Linn State Technical College**]** **State Technical College of Missouri**, department or class receiving the benefit of state or federal moneys under the provisions of sections 178.420 to 178.580, as a condition of approval by the state board of education and the state commissioner of education, shall appoint persons of experience in agriculture, industry, home economics and commerce to give advice and assistance to the school board or governing board in the establishment and maintenance of the schools, departments and classes. The persons of experience shall serve without compensation.

178.585. UPGRADE OF VOCATIONAL AND TECHNICAL EDUCATION — ADVISORY COMMITTEES — LISTING OF DEMAND OCCUPATIONS — USE OF FUNDS. — 1. Under rules and regulations of the state board of education, the commissioner of education, in cooperation with the director of the division of workforce development of the department of economic development, shall establish procedures to provide grants to public high schools, vocational-technical schools, **[**Linn State Technical College**]** **State Technical College of Missouri**, and

community colleges solely for the purpose of new programs, curriculum enhancement, equipment and facilities so as to upgrade vocational and technical education in the state.

2. Each vocational-technical school, community college, **[**Linn State Technical College**]** **State Technical College of Missouri**, and school district of any public high school receiving a grant authorized by this section shall have an advisory committee composed of local business persons, labor leaders, parents, senior citizens, community leaders and teachers to establish a plan to ensure that students who graduate from the vocational-technical school, community college, **[**Linn State Technical College**]** **State Technical College of Missouri**, or public high school proceed to a four-year college or high-wage job with workplace-skill development opportunities.

3. The director of the department of economic development shall provide annually to the commissioner of education a listing of demand occupations in the state including substate projections. The listing shall include those occupations for which, in the judgment of the director of the department of economic development, there is a critical shortage to meet present or future employment needs necessary to the economic growth and competitiveness of the state.

4. In any fiscal year, at least seventy-five percent of all moneys for the grant awards authorized by this section shall be to public high schools, vocational-technical schools, **[**Linn State Technical College**]** **State Technical College of Missouri**, or community colleges for new programs, curriculum enhancement or equipment necessary to address demand occupations identified pursuant to subsection 3 of this section.

178.631. STATE TECHNICAL COLLEGE OF MISSOURI ESTABLISHED BY GIFT TO STATE OF THE OSAGE R-II SCHOOL DISTRICT. — If the facilities, equipment, and adjoining grounds of Linn Technical College located in Osage County and commonly known as the East Campus of Linn Technical College, as well as the cash reserves of Linn Technical College are made available to the state of Missouri as a gift by the Osage R-II school district, there shall be established at that site a state technical college, to be known as **[**"Linn State Technical College"**]** **"State Technical College of Missouri"**.

178.632. BOARD OF REGENTS TO BE GOVERNING BOARD — MEMBERS, APPOINTMENT, QUALIFICATIONS, RESIDENCY REQUIREMENTS. — The governing board of **[**Linn State Technical College**]** **State Technical College of Missouri** shall be a board of regents composed of seven voting members and one nonvoting student member. Such members shall be appointed by the governor with the advice and consent of the senate after August 28, 1995, and after the conditions of section 178.631 are satisfied. No person shall be appointed to the board who is not a citizen of the United States and who has not been a resident of the state of Missouri for at least two years immediately prior to his appointment. Not less than three voting members shall belong to one of the two major political parties and not less than three shall belong to the other major political party. Not more than two voting members shall reside in Osage County or other immediately contiguous counties.

178.634. BOARD'S EXPENSES, TO BE PAID — VACANCIES, RESIGNATIONS, REMOVALS, HOW FILLED. — The board of regents of **[**Linn State Technical College**]** **State Technical College of Missouri**, while attending the meetings of the board, shall receive their actual and necessary expenses, which shall be paid out of the ordinary revenues of the institution. Vacancies in terms of office caused by death, resignation or removal shall be filled in the manner provided by law for such vacancies on the board of curators of the University of Missouri.

178.635. BOARD ORGANIZATION, POWERS AND DUTIES — LIMITATIONS — BONDED INDEBTEDNESS DEEMED TO BE DEBT OF BOARD — BONDS RETIRED THROUGH TUITION REVENUE. — 1. The board of regents of **[**Linn State Technical College**]** **State Technical College of Missouri** shall organize in the manner provided by law for the board of curators of the University of Missouri. The powers, duties, authority, responsibilities, privileges,

immunities, liabilities and compensation of the board of **[**Linn State Technical College**]** **State Technical College of Missouri** in regard to **[**Linn State Technical College**]** **State Technical College of Missouri** shall be the same as those prescribed by statute for the board of curators of the University of Missouri in regard to the University of Missouri, except that **[**Linn State Technical College**]** **State Technical College of Missouri** shall be operated only as a state technical college. Nothing in this section shall be construed to authorize **[**Linn State Technical College**]** **State Technical College of Missouri** to become a community college or a university offering four-year or graduate degrees.

2. All lawful bonded indebtedness incurred by the issuance of revenue bonds, as defined in section 176.010, by **[**Linn Technical College**]** **State Technical College of Missouri**, shall be deemed to be an indebtedness of the board of regents of **[**Linn State Technical College**]** **State Technical College of Missouri** after the date upon which the conditions of section 178.631 are met. Such indebtedness shall be retired through tuition revenues.

178.636. STATE TECHNICAL COLLEGE OF MISSOURI, PURPOSE AND MISSION — CERTIFICATES, DIPLOMAS AND APPLIED SCIENCE ASSOCIATE DEGREES, LIMITATIONS. — 1. **[**Linn State Technical College**]** **State Technical College of Missouri** shall be a special purpose institution that shall make available to students from all areas of the state exceptional educational opportunities through highly specialized and advanced technical education and training at the certificate and associate degree level in both emerging and traditional technologies with particular emphasis on technical and vocational programs not commonly offered by community colleges or area vocational technical schools. Primary consideration shall be placed on the industrial and technological manpower needs of the state. In addition, **[**Linn State Technical College**]** **State Technical College of Missouri** is authorized to assist the state in economic development initiatives and to facilitate the transfer of technology to Missouri business and industry directly through the graduation of technicians in advanced and emerging disciplines and through technical assistance provided to business and industry. **[**Linn State Technical College**]** **State Technical College of Missouri** is authorized to provide technical assistance to area vocational technical schools and community colleges through supplemental on-site instruction and distance learning as such area vocational technical schools and community colleges deem appropriate.

2. Consistent with the mission statement provided in subsection 1 of this section, **[**Linn State Technical College**]** **State Technical College of Missouri** shall offer vocational and technical programs leading to the granting of certificates, diplomas, and applied science associate degrees, or a combination thereof, but not including associate of arts or baccalaureate or higher degrees. **[**Linn State Technical College**]** **State Technical College of Missouri** shall also continue its role as a recognized area vocational technical school as provided by policies and procedures of the state board of education.

178.637. STATE TECHNICAL COLLEGE OF MISSOURI DEEMED QUALIFIED FOR STUDENT LOANS OR SCHOLARSHIP PROGRAM, WHEN. — **[**Linn State Technical College**]** **State Technical College of Missouri** shall be deemed to be a qualified college, university, or educational institution for the purposes of any higher education student loan, grant, or scholarship program established pursuant to state law. Tuition and fees for this institution shall be comparable to public four-year institutions rather than public two-year institutions.

178.638. OVERSIGHT OF COLLEGE BY COORDINATING BOARD AND STATE BOARD OF EDUCATION — STATE TO PROVIDE FUNDS, EXCEPTION VOCATIONAL TECHNICAL EDUCATION REIMBURSEMENT TO CONTINUE THROUGH STATE BOARD OF EDUCATION. — **[**Linn State Technical College**]** **State Technical College of Missouri** shall be under the oversight of the coordinating board for higher education. The institution shall also be subject to oversight by the state board of education to the extent it serves as an area vocational technical

school. Beginning in the first full state fiscal year subsequent to the approval of **[**Linn State Technical College's**]** **State Technical College of Missouri's** plan by the coordinating board submitted pursuant to section 178.637, the state of Missouri shall, subject to appropriation, provide the funds necessary to provide the staff, cost of operation, and payment of all new capital improvements commencing with that fiscal year. All funds designated for the institution shall be included in the coordinating board's budget request as provided in chapter 173, except that vocational technical education reimbursements shall continue to be requested through the state board of education.

178.639. EMPLOYEES OF COLLEGE ELIGIBLE FOR MISSOURI STATE EMPLOYEES' RETIREMENT SYSTEM. — Any person who becomes an employee of the **[**Linn State Technical College**]** **State Technical College of Missouri** after the conditions of section 178.631 are met, shall become a member of the Missouri state employees' retirement system, if the person otherwise meets the requirements for membership in that system.

178.640. RETIREMENT SYSTEM OPTIONS FOR EMPLOYEES OF THE COLLEGE, EFFECTIVE WHEN — ELECTION BY EMPLOYEE, TIME LIMITATION — FAILURE OF EMPLOYEE TO MAKE ELECTION, EFFECT — SERVICE CREDIT, LIMITATION. — 1. Employees of the technical college commonly known as the **[**Linn Technical College**]** **State Technical College of Missouri**, who become employees of the **[**Linn State Technical College**]** **State Technical College of Missouri** on the date the conditions of section 178.631 are met, shall, on that date, become members of the Missouri state employees' retirement system if they otherwise meet the requirements for membership in that system.

(1) Any such employee who had been contributing to a retirement system established by sections 169.010 to 169.141 or 169.600 to 169.715 may elect one of the following:

(a) All creditable service with the public school retirement system of Missouri or the public education employee retirement system of Missouri resulting from employment with the **[**Linn Technical College**]** **State Technical College of Missouri** shall be forfeited and an equal amount of service shall be transferred to and recognized as prior creditable service by the Missouri state employees' retirement system, and the member, upon application, shall receive a refund of accumulated contributions associated with such transferred service from the system to which member contributions had been made; or

(b) All creditable service with the public school retirement system of Missouri or the public education employee retirement system, regardless of the source of such creditable service, shall be recognized by the applicable system and the person, notwithstanding any of the provisions of chapter 169, shall immediately vest in the applicable system and, upon attainment of the minimum retirement age of the applicable system, be entitled to a monthly benefit based on such creditable service and the law in effect at the time of retirement, provided the person does not withdraw accumulated contributions associated with such creditable service.

(2) With respect to those persons electing to receive a refund under paragraph (a) of subdivision (1) of this section, the public school retirement system of Missouri or the public education employee retirement system of Missouri, whichever is applicable, shall transfer to the Missouri state employees' retirement system an amount equal to the actuarial accrued liability for the forfeited creditable service, determined as if the person were going to continue to be an active member of the public school retirement system of Missouri or the public education employee retirement system as applicable, less the amount of any refunds of member contributions. In addition, notwithstanding any of the provisions of chapter 169, any person who elects to receive a refund under paragraph (a) of subdivision (1) of this section and has creditable service with the public school retirement system of Missouri or the public education employee retirement system of Missouri resulting from employment with any employer other than the **[**Linn Technical College**]** **State Technical College of Missouri** shall, with respect to such service, immediately vest in the applicable system and, upon attainment of the minimum retirement age of the

applicable system, be entitled to a monthly benefit based on such creditable service and the law in effect at the time of retirement, provided the person does not withdraw accumulated contributions associated with such creditable service.

(3) The election under subdivision (1) of this section shall be made within ninety days after the conditions of section 178.631 are met. Any person who fails to make an election within that period shall be deemed to have elected to be governed by paragraph (a) of subdivision (1) of this section.

2. In no event shall any person receive service credit for the same period of service under more than one retirement system as a result of the provisions of this act.

SECTION B. DELAYED EFFECTIVE DATE. — This act shall become effective on July 1, 2014.

Approved July 11, 2013

HB 675 [HCS HB 675]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Establishes Cade's Law, requires the training of school employees in the care needed for students with diabetes, and establishes curriculum and certification requirements for school resource officers

AN ACT to amend chapters 161 and 167, RSMo, by adding thereto ten new sections relating to the management of diabetes in elementary and secondary schools.

SECTION
A. Enacting clause.
161.450. Physical fitness challenge for students, department to adopt rules — rulemaking authority.
167.800. Definitions
167.803. Training of school employees, content, requirements.
167.806. Plan to be submitted by parent or guardian of student with diabetes — review by school.
167.809. Diabetic care may be provided to students, when, trained personnel to be on site.
167.812. Diabetic care not practice of nursing, when — health care professionals may provide training.
167.818. Student may perform certain diabetic care for self, when.
167.821. Immunity from liability, when
167.824. Rulemaking authority.
1. Officer training, Missouri state training center to develop curriculum and certification requirements.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Chapters 161 and 167, RSMo, are amended by adding thereto ten new sections, to be known as sections 161.450, 167.800, 167.803, 167.806, 167.809, 167.812, 167.818, 167.821, 167.824, and 1, to read as follows:

161.450. PHYSICAL FITNESS CHALLENGE FOR STUDENTS, DEPARTMENT TO ADOPT RULES — RULEMAKING AUTHORITY. — 1. This section shall be known as "Cade's Law".

2. The department of elementary and secondary education shall develop and adopt rules relating to a physical fitness challenge for elementary, middle, and high school level students. The challenge shall include, but not be limited to, elements that address physical conditioning, flexibility, strength, and aerobic capacity and shall recognize individual, team, and school-wide performance.

3. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

167.800. DEFINITIONS — For purposes of sections 167.800 to 167.824, the following terms shall mean:

(1) "Department", the department of elementary and secondary education;

(2) "Diabetes medical management plan", a document developed by the student's personal health care team that sets out the health services needed by the student at school and is signed by the student's personal health care team and parent or guardian;

(3) "District" or "school district", shall have the same meaning as used in subdivision (1) of section 160.011;

(4) "School", shall include any elementary or secondary public school or charter school located within the state of Missouri;

(5) "School employee", shall include any person employed by a school district or charter school, any person employed by a local health department who is assigned to a school district or charter school, or any subcontractor designated for this function;

(6) "Trained diabetes care personnel", a school employee who volunteers to be trained in accordance with section 167.803. Such employee need not be a health care professional.

167.803. TRAINING OF SCHOOL EMPLOYEES, CONTENT, REQUIREMENTS. — 1. By January 15, 2014, the department of elementary and secondary education shall develop guidelines for the training of school employees in the care needed for students with diabetes. These training guidelines shall be developed in consultation with: the department of health and senior services, the American Diabetes Association, American Association of Diabetes Educators, School Nurses Association, Diabetes Control Program, and the state board of nursing. The school board of each school district and the governing body of each charter school may adopt and implement the training guidelines and annual diabetes training programs for all school nurses and diabetes care personnel. The training guidelines developed by the department shall address, but not be limited to, the following:

(1) Recognition and treatment of hypoglycemia and hyperglycemia;

(2) Understanding the appropriate actions to take when blood glucose levels are outside of the target ranges indicated by a student's diabetes medical management plan;

(3) Understanding physician instructions concerning diabetes medication drug dosage, frequency, and the manner of administration;

(4) Performance of finger-stick blood glucose checking, ketone checking, and recording the results;

(5) The administration of glucagon and insulin and the recording of results;

(6) Understanding how to perform basic insulin pump functions;

(7) Recognizing complications that require emergency assistance; and

(8) Understanding recommended schedules and food intake for meals and snacks, the effect of physical activity upon blood glucose levels, and actions to be implemented in the case of schedule disruption.

2. If the school board of a school district or the governing body of a charter school adopts and implements the training guidelines developed by the department, it shall insure that the training outlined in subsection 1 of this section is provided to a minimum

of three school employees at each school attended by a student with diabetes. If at any time fewer than three school employees are available to be trained at such a school, the principal or other school administrator shall distribute to all staff members a written notice seeking volunteers to serve as diabetes care personnel. The notice shall inform staff of the following:

(1) The school shall provide diabetes care to one or more students with diabetes and is seeking personnel willing to be trained to provide that care;

(2) The tasks to be performed;

(3) Participation is voluntary and the school district or school shall take no action against any staff member who does not volunteer to be designated;

(4) Training shall be provided to employees who volunteer to provide care;

(5) Trained personnel are protected from liability under section 167.821; and

(6) The identity and contact information of the individual who should be contacted to volunteer.

3. School employees shall not be subject to any penalty or disciplinary action for refusing to serve as trained diabetes care personnel nor shall a school or school district discourage employees from volunteering for training.

4. If a charter school or school district adopts and implements the training guidelines outlined in subsection 1 of this section, it shall be coordinated by a school nurse, if the school district or charter school has a school nurse, and provided by a school nurse or another health care professional with expertise in diabetes. Such training shall take place prior to the commencement of each school year, or as needed when a student with diabetes is newly enrolled at a school or a student is newly diagnosed with diabetes, but in no event more than thirty days following such enrollment or diagnosis. The school nurse or another health care professional with expertise in diabetes shall promptly provide follow-up training and supervision as needed. Coordination, delegation, and supervision of care shall be performed by a school nurse or other qualified health care professional.

5. Each school district and charter school may provide training in the recognition of hypoglycemia and hyperglycemia and actions to take in response to emergency situations to all school personnel who have primary responsibility for supervising a child with diabetes during some portion of the school day and to bus drivers responsible for the transportation of a student with diabetes.

167.806. PLAN TO BE SUBMITTED BY PARENT OR GUARDIAN OF STUDENT WITH DIABETES — REVIEW BY SCHOOL. — The parent or guardian of each student with diabetes who seeks diabetes care while at school should submit to the school a diabetes medical management plan, which upon receipt shall be reviewed by the school.

167.809. DIABETIC CARE MAY BE PROVIDED TO STUDENTS, WHEN, TRAINED PERSONNEL TO BE ON SITE. — 1. The school board of each school district and the governing body of each charter school may provide all students with diabetes in the school or district appropriate and needed diabetes care as specified in their diabetes medical management plan. In accordance with the request of the parent or guardian of a student with diabetes and the student's diabetes medical management plan, the school nurse or, in the absence of the school nurse, trained diabetes care personnel, may perform diabetes care functions including, but not limited to:

(1) Checking and recording blood glucose levels and ketone levels or assisting a student with such checking and recording;

(2) Responding to blood glucose levels that are outside of the student's target range;

(3) Administering glucagon and other emergency treatments as prescribed;

(4) Administering insulin or assisting a student in administering insulin through the insulin delivery system the student uses;

(5) Providing oral diabetes medications; and

(6) Following instructions regarding meals, snacks, and physical activity.

2. The school nurse or at least one of the trained diabetes care personnel may be on site and available to provide care to each student with diabetes as set forth in subsection 1 of this section during regular school hours and during all school sponsored activities, including school-sponsored before school and after school care programs, field trips, extended off-site excursions, extracurricular activities, and on buses when the bus driver has not completed the necessary training.

167.812. DIABETIC CARE NOT PRACTICE OF NURSING, WHEN — HEALTH CARE PROFESSIONALS MAY PROVIDE TRAINING. — 1. Notwithstanding any provision of law to the contrary, the activities set forth in subsection 1 of section 167.809 shall not constitute the practice of nursing and shall be exempted from all applicable statutory and regulatory provisions that restrict what activities can be delegated to or performed by a person who is not a licensed health care professional.

2. Notwithstanding any provision of law to the contrary, it shall be lawful for a licensed health care professional to provide training to school employees in the activities set forth in subsection 1 of section 167.809 or to supervise such school personnel in performing these tasks.

3. Nothing in this act shall exceed the rights of eligible students or the obligations of school districts under the Individuals with Disabilities Education Act, 20 U.S.C. Section 1400 et seq., Section 504 of the Rehabilitation Act, 29 U.S.C. Section 794, or the Americans with Disabilities Act, 42 U.S.C. Section 12101 et seq.

167.818. STUDENT MAY PERFORM CERTAIN DIABETIC CARE FOR SELF, WHEN. — Upon written request of the parent or guardian and authorization by the student's diabetes medical management plan, a student with diabetes shall be permitted to perform blood glucose checks, administer insulin through the insulin delivery system the student uses, treat hypoglycemia and hyperglycemia, and otherwise attend to the care and management of his or her diabetes in the classroom, in any area of the school or school grounds, and at any school-related activity, and to possess on his or her person at all times all necessary supplies and equipment to perform these monitoring and treatment functions. If the parent or student so requests, the student shall have access to a private area for performing diabetes care tasks.

167.821. IMMUNITY FROM LIABILITY, WHEN — No physician, nurse, school employee, charter school or school district shall be liable for civil damages or subject to disciplinary action under professional licensing regulations or school disciplinary policies as a result of the activities authorized by sections 167.800 to 167.824 when such acts are committed as an ordinarily reasonably prudent person would have acted under the same or similar circumstances.

167.824. RULEMAKING AUTHORITY. — 1. By January 15, 2014, the department of elementary and secondary education shall promulgate rules and regulations to implement the provisions of sections 167.800 to 167.824.

2. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the

grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

SECTION 1. OFFICER TRAINING, MISSOURI STATE TRAINING CENTER TO DEVELOP CURRICULUM AND CERTIFICATION REQUIREMENTS. — The Missouri state training center for the D.A.R.E. program shall develop the curriculum and certification requirements for school resource officers. At a minimum, school resource officers must complete forty hours of basic school resource officer training to include legal operations within an educational environment, intruder training and planning, juvenile law, and any other relevant topics relating to the job and functions of a school resource officer.

Approved July 3, 2013

HB 702 [HB 702]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Allows the State Treasurer to make certain information available to the public in order to facilitate the identification of the original owner of military medals deemed to be abandoned property

AN ACT to repeal sections 447.559 and 447.560, RSMo, and to enact in lieu thereof two new sections relating to the sale of unclaimed military medals, with a penalty provision.

SECTION
A. Enacting clause.
447.559. Historical review of items by state historical society, when — fee, how determined.
447.560. Record of property, content — retained for public inspection — information not public record, when — public record, when — penalty for disclosure — military medals, procedure.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 447.559 and 447.560, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 447.559 and 447.560, to read as follows:

447.559. HISTORICAL REVIEW OF ITEMS BY STATE HISTORICAL SOCIETY, WHEN — FEE, HOW DETERMINED. — All abandoned tangible personal property delivered to the treasurer pursuant to subdivision (4) of section 447.505 that has possible historical significance shall be reviewed as follows:

(1) The treasurer at the treasurer's discretion shall screen such property to determine if the property indicates a need for further review;

(2) In the event it is determined that such property needs further review, the treasurer shall make available such property to the state historical society of Missouri for historical review. The state historical society shall issue to the treasurer its report and recommend to the treasurer the appropriate state department or agency to act as custodian of any property deemed to be of such historical significance as to be retained;

(3) The state historical society shall receive a reasonable fee for its services. If the treasurer and the state historical society cannot agree on the amount of the fee, the commissioner of administration shall determine the fee. The fee shall be paid out of appropriations made from the abandoned fund account;

(4) The [state treasurer's office] **treasurer** upon receiving military medals shall hold and maintain such military medals until the original owner or [their] **such owner's** respective heirs or beneficiaries can be identified and the military medal returned. **The treasurer is authorized to make the information described in subsection 4 of section 447.560 available to the public in order to facilitate the identification of the original owner or such owner's respective heirs or beneficiaries.** The [state] treasurer may designate a [veteran's] **veterans'** organization or other appropriate organization as custodian of **military** medals until the original owner or their respective heirs or beneficiaries are located **and to assist the treasurer in identifying the original owner or such owner's respective heirs or beneficiaries; except that, no person or entity entering into an agreement under section 447.581 shall be designated by the treasurer as custodian or military medals, and any agreement to pay compensation to recover or assist in the recovery of military medals delivered to the treasurer is unenforceable**.

447.560. RECORD OF PROPERTY, CONTENT — RETAINED FOR PUBLIC INSPECTION — INFORMATION NOT PUBLIC RECORD, WHEN — PUBLIC RECORD, WHEN — PENALTY FOR DISCLOSURE — MILITARY MEDALS, PROCEDURE. — 1. The treasurer shall retain a record of the name and last known address of each person appearing from the holders' reports to be entitled to the abandoned moneys and property and of the name and last known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of a life insurance corporation, its number, the name of the corporation, and the amount due. The record shall be available for public inspection at all reasonable business hours.

2. Except as specifically provided by this section, no information furnished to the treasurer in the holder reports, including Social Security numbers or other identifying information, shall be open to public inspection or made public. Any officer, employee or agent of the treasurer who, in violation of the provisions of this section, divulges, discloses or permits the inspection of such information shall be guilty of a misdemeanor.

3. If an amount is turned over to the state that is less than fifty dollars, the amount reported may be made available as public information, along with the name and last known address of the person appearing from the holder report to be entitled to the abandoned moneys; except that, no additional information other than provided for in this section may be released, and any individual other than the person appearing from the holder report to be entitled to the abandoned moneys shall be governed by sections 447.500 to 447.595 and other applicable Missouri law in his or her use or dissemination of such information.

4. If the abandoned property is a military medal, the treasurer is authorized to make any information, other than Social Security numbers, contained in the holder report and record under subsection 1 of this section, and any photograph or other visual depiction of the military medal available to the public in order to facilitate the identification of the original owner or such owner's respective heirs or beneficiaries as described under subdivision (4) of section 447.559.

Approved July 10, 2013

HB 715 [HB 715]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Authorizes motorcycles to be equipped with a means of varying the brightness of the vehicle's brake light for up to five seconds upon application of the vehicle's brakes

AN ACT to repeal section 307.075, RSMo, and to enact in lieu thereof one new section relating to motorcycle brake lights.

SECTION
A. Enacting clause.
307.075. Taillamps, reflectors — violations, penalty.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Section 307.075, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 307.075, to read as follows:

307.075. TAILLAMPS, REFLECTORS — VIOLATIONS, PENALTY. — 1. Every motor vehicle and every motor-drawn vehicle shall be equipped with at least two rear lamps, not less than fifteen inches or more than seventy-two inches above the ground upon which the vehicle stands, which when lighted will exhibit a red light plainly visible from a distance of five hundred feet to the rear. Either such rear lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration marker and render it clearly legible from a distance of fifty feet to the rear. When the rear registration marker is illuminated by an electric lamp other than the required rear lamps, all such lamps shall be turned on or off only by the same control switch at all times.

2. Every motorcycle registered in this state, when operated on a highway, shall also carry at the rear, either as part of the rear lamp or separately, at least one approved red reflector, which shall be of such size and characteristics and so maintained as to be visible during the times when lighted lamps are required from all distances within three hundred feet to fifty feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps. **A motorcycle may be equipped with a means of varying the brightness of the vehicle's brake light for a duration of not more than five seconds upon application of the vehicle's brakes.**

3. Every new passenger car, new commercial motor vehicle, motor-drawn vehicle and omnibus with a capacity of more than six passengers registered in this state after January 1, 1966, when operated on a highway, shall also carry at the rear at least two approved red reflectors, at least one at each side, so designed, mounted on the vehicle and maintained as to be visible during the times when lighted lamps are required from all distances within five hundred to fifty feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps. Every such reflector shall meet the requirements of this chapter and shall be mounted upon the vehicle at a height not to exceed sixty inches nor less than fifteen inches above the surface upon which the vehicle stands.

4. Any person who knowingly operates a motor vehicle without the lamps required in this section in operable condition is guilty of an infraction.

Approved June 26, 2013

HB 722 [SCS HCS HB 722]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding the Police Retirement System of St. Louis

AN ACT to repeal sections 86.200, 86.257, and 86.263, RSMo, and to enact in lieu thereof three new sections relating to police retirement.

SECTION
A. Enacting clause.
86.200. Definitions.
86.257. Disability retirement allowance granted, when — periodic medical examinations required, when — cessation of disability benefit, when.
86.263. Service-connected accidental disability retirement for active service members, requirements — periodic examinations required, when — cessation of benefits, when.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 86.200, 86.257, and 86.263, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 86.200, 86.257, and 86.263, to read as follows:

86.200. DEFINITIONS. — The following words and phrases as used in sections 86.200 to 86.366, unless a different meaning is plainly required by the context, shall have the following meanings:

(1) "Accumulated contributions", the sum of all mandatory contributions deducted from the compensation of a member and credited to the member's individual account, together with members' interest thereon;

(2) "Actuarial equivalent", a benefit of equal value when computed upon the basis of mortality tables and interest assumptions adopted by the board of trustees;

(3) "Average final compensation":

(a) With respect to a member who earns no creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last three years of creditable service as a police officer, or if the member has had less than three years of creditable service, the average earnable compensation of the member's entire period of creditable service;

(b) With respect to a member who is not participating in the DROP pursuant to section 86.251 on October 1, 2001, who did not participate in the DROP at any time before such date, and who earns any creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last two years of creditable service as a policeman, or if the member has had less than two years of creditable service, then the average earnable compensation of the member's entire period of creditable service;

(c) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and who terminates employment as a police officer for reasons other than death or disability before earning at least two years of creditable service after such return, the portion of the member's benefit attributable to creditable service earned before DROP entry shall be determined using average final compensation as defined in paragraph (a) of this subdivision; and the portion of the member's benefit attributable to creditable service earned after return to active participation in the system shall be determined using average final compensation as defined in paragraph (b) of this subdivision;

(d) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in the DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and who terminates employment as a police officer after earning at least two years of creditable service after such return, the member's benefit attributable to all of such member's creditable service shall be determined using the member's average final compensation as defined in paragraph (b) of this subdivision;

(e) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and whose employment as a police officer terminates due to death or disability after such return, the member's benefit attributable to all of such member's creditable service shall be determined using the member's average final compensation as defined in paragraph (b) of this subdivision; and

(f) With respect to the surviving spouse or surviving dependent child of a member who earns any creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last two years of creditable service as a police officer or, if the member has had less than two years of creditable service, the average earnable compensation of the member's entire period of creditable service;

(4) "Beneficiary", any person in receipt of a retirement allowance or other benefit;

(5) "Board of police commissioners", any board of police commissioners, police commissioners and any other officials or boards now or hereafter authorized by law to employ and manage a permanent police force in such cities;

(6) "Board of trustees", the board provided in sections 86.200 to 86.366 to administer the retirement system;

(7) "Creditable service", prior service plus membership service as provided in sections 86.200 to 86.366;

(8) "DROP", the deferred retirement option plan provided for in section 86.251;

(9) "Earnable compensation", the annual salary **established under section 84.160** which a member would earn during one year on the basis of the member's rank or position **[**as specified in the applicable salary matrix**]** plus any additional compensation for academic work and shift differential that may be provided by any official or board now or hereafter authorized by law to employ and manage a permanent police force in such cities. Such amount shall include the member's deferrals to a deferred compensation plan pursuant to Section 457 of the Internal Revenue Code or to a cafeteria plan pursuant to Section 125 of the Internal Revenue Code or, effective October 1, 2001, to a transportation fringe benefit program pursuant to Section 132(f)(4) of the Internal Revenue Code. Earnable compensation shall not include a member's additional compensation for overtime, standby time, court time, nonuniform time or unused vacation time. Notwithstanding the foregoing, the earnable compensation taken into account under the plan established pursuant to sections 86.200 to 86.366 with respect to a member who is a noneligible participant, as defined in this subdivision, for any plan year beginning on or after October 1, 1996, shall not exceed the amount of compensation that may be taken into account under Section 401(a)(17) of the Internal Revenue Code, as adjusted for increases in the cost of living, for such plan year. For purposes of this subdivision, a "noneligible participant" is an individual who first becomes a member on or after the first day of the first plan year beginning after the earlier of:

(a) The last day of the plan year that includes August 28, 1995; or

(b) December 31, 1995;

(10) "Internal Revenue Code", the federal Internal Revenue Code of 1986, as amended;

(11) "Mandatory contributions", the contributions required to be deducted from the salary of each member who is not participating in DROP in accordance with section 86.320;

(12) **"Medical board", the board of three physicians of different disciplines appointed by the trustees of the police retirement board and responsible for arranging and passing upon all medical examinations required under the provisions of sections 86.200 to 86.366, which board shall investigate all essential statements and certificates made by or on behalf of a member in connection with an application for disability retirement and shall report in writing to the board of trustees its conclusions and recommendations, which can be based upon the opinion of a single member or that of an outside specialist if one is appointed, upon all the matters referred to such medical board;**

(13) "Member", a member of the retirement system as defined by sections 86.200 to 86.366;

[(13)**] (14)** "Members' interest", interest on accumulated contributions at such rate as may be set from time to time by the board of trustees;

[(14)**] (15)** "Membership service", service as a policeman rendered since last becoming a member, except in the case of a member who has served in the armed forces of the United States and has subsequently been reinstated as a policeman, in which case "membership

service" means service as a policeman rendered since last becoming a member prior to entering such armed service;

[(15)**] (16)** "Plan year" or "limitation year", the twelve consecutive-month period beginning each October first and ending each September thirtieth;

[(16)**] (17)** "Policeman" or "police officer", any member of the police force of such cities who holds a rank in such police force;

[(17)**] (18)** "Prior service", all service as a policeman rendered prior to the date the system becomes operative or prior to membership service which is creditable in accordance with the provisions of sections 86.200 to 86.366;

[(18)**] (19)** "Reserve officer", any member of the police reserve force of such cities, armed or unarmed, who works less than full time, without compensation, and who, by his or her assigned function or as implied by his or her uniform, performs duties associated with those of a police officer and who currently receives a service retirement as provided by sections 86.200 to 86.366;

[(19)**] (20)** "Retirement allowance", annual payments for life as provided by sections 86.200 to 86.366 which shall be payable in equal monthly installments or any benefits in lieu thereof granted to a member upon termination of employment as a police officer and actual retirement;

[(20)**] (21)** "Retirement system", the police retirement system of the cities as defined in sections 86.200 to 86.366;

[(21)**] (22)** "Surviving spouse", the surviving spouse of a member who was the member's spouse at the time of the member's death.

86.257. DISABILITY RETIREMENT ALLOWANCE GRANTED, WHEN — PERIODIC MEDICAL EXAMINATIONS REQUIRED, WHEN — CESSATION OF DISABILITY BENEFIT, WHEN. — 1. Upon the application of **[**a member in service or of**]** the board of police commissioners **or any successor body**, any member who has completed ten or more years of creditable service **or upon the police retirement system created by sections 86.200 to 86.366 first attaining, after the effective date of this act, a funded ratio, as defined in section 105.660 and as determined by the system's annual actuarial valuation, of at least eighty percent, a member who has completed five or more years of creditable service** and who has become permanently unable to perform the duties of a police officer as the result of an injury or illness not exclusively caused or induced by the actual performance of his or her official duties or by his or her own negligence shall be retired by the board of **[**trustees of the police retirement system**] police commissioners or any successor body** upon certification by the medical **[**director**] board** of the police retirement system and approval by the board of trustees of the police retirement system that the member is mentally or physically unable to perform the duties of a police officer, that the inability is permanent or likely to become permanent, and that the member should be retired.

2. Once each year during the first five years following such member's retirement, and at least once in every three-year period thereafter, the board of trustees may, and upon the member's application shall, require any nonduty disability beneficiary who has not yet attained sixty years of age to undergo a medical examination at a place designated by the medical **[**director**] board** or such physicians as the medical **[**director**] board** appoints. If any nonduty disability beneficiary who has not attained sixty years of age refuses to submit to a medical examination, his or her nonduty disability pension may be discontinued until his or her withdrawal of such refusal, and if his or her refusal continues for one year, all rights in and to such pension may be revoked by the board of trustees.

3. If the medical **[**director**] board** certifies to the board of trustees that a nonduty disability beneficiary is able to perform the duties of a police officer, and if the board of trustees concurs on the report, then such beneficiary's nonduty disability pension shall cease.

4. If upon cessation of a disability pension under subsection 3 of this section, the former disability beneficiary is restored to active service, he or she shall again become a member, and he or she shall contribute thereafter at the same rate as other members. Upon his or her subsequent retirement, he or she shall be credited with all of his or her active retirement, but not including any time during which the former disability beneficiary received a disability pension under this section.

86.263. SERVICE-CONNECTED ACCIDENTAL DISABILITY RETIREMENT FOR ACTIVE SERVICE MEMBERS, REQUIREMENTS — PERIODIC EXAMINATIONS REQUIRED, WHEN — CESSATION OF BENEFITS, WHEN. — 1. Any member **in active service** who is permanently unable to perform the **full and unrestricted** duties of a police officer as the natural, proximate, and exclusive result of an accident occurring within the actual performance of duty at some definite time and place, through no negligence on the member's part, shall**[**, upon application,**]** be retired **by the board of police commissioners or any successor body** upon certification by **[**the medical director of the police retirement system and approval by the board of trustees of the police retirement system**]** **one or more physicians of the medical board** that the member is mentally or physically unable to perform the **full and unrestricted** duties of a police officer **[**and**] ,** that the inability is permanent or **[**reasonably**]** likely to become permanent**, and that the member should be retired. The inability to perform the "full and unrestricted duties of a police officer" means the member is unable to perform all the essential job functions for the position of police officer as established by the board of police commissioners or any successor body**.

2. No member shall be approved for retirement under the provisions of subsection 1 of this section unless the application was made and submitted to the board of **[**trustees of the police retirement system**]** **police commissioners or any successor body** no later than five years following the date of accident, provided, that if the accident was reported within five years of the date of the accident and an examination made of the member within thirty days of the date of accident by a health care provider whose services were provided through the board of police commissioners with subsequent examinations made as requested, then an application made more than five years following the date of the accident shall be considered timely.

3. Once each year during the first five years following a member's retirement, and at least once in every three-year period thereafter, the board of trustees may require any disability beneficiary who has not yet attained sixty years of age to undergo a medical examination or medical examinations at a place designated by the medical **[**director**]** **board** or such physicians as the medical **[**director**]** **board** appoints. If any disability beneficiary who has not attained sixty years of age refuses to submit to a medical examination, his or her disability pension may be discontinued **by the board of trustees of the police retirement system** until his or her withdrawal of such refusal, and if his or her refusal continues for one year, all rights in and to such pension may be revoked by the board of trustees.

4. If the medical **[**director**]** **board** certifies to the board of trustees that a disability beneficiary is able to perform the duties of a police officer, **[**and if the board of trustees concurs with the medical director's determination,**]** then such beneficiary's disability pension shall cease.

5. If upon cessation of a disability pension under subsection 4 of this section, the former disability beneficiary is restored to active service, he or she shall again become a member, and he or she shall contribute thereafter at the same rate as other members. Upon his or her subsequent retirement, he or she shall be credited with all of his or her active service time as a member including the service time prior to receiving disability retirement, but not including any time during which the former disability beneficiary received a disability pension under this section.

6. If upon cessation of a disability pension under subsection 4 of this section, the former disability beneficiary is not restored to active service, such former disability beneficiary shall be entitled to the retirement benefit to which such former disability beneficiary would have been

entitled if such former disability beneficiary had terminated service for any reason other than dishonesty or being convicted of a felony at the time of such cessation of such former disability beneficiary's disability pension. For purposes of such retirement benefits, such former disability beneficiary shall be credited with all of the former disability beneficiary's active service time as a member, but not including any time during which the former disability beneficiary received a disability beneficiary pension under this section.

Approved June 27, 2013

HB 986 [SCS HCS HB 986]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding health care services

AN ACT to repeal sections 191.237, 208.053, and 208.146, RSMo, and to enact in lieu thereof six new sections relating to health care services, with an emergency clause for a certain section and an effective date for a certain section.

SECTION
A. Enacting clause.
191.237. Failure to participate in health information organization, no fine or penalty may be imposed — no exchange of data, when — definitions.
208.053. Low-wage trap elimination act — hand-up pilot program, transitioning of persons receiving child care subsidies — premiums — report — fund created, purpose — rulemaking — sunset provision.
208.146. Ticket-to-work health assurance program — eligibility — expiration date.
208.993. Joint committee on Medicaid transformation established — duties — members — expiration date.
208.1050. Fund created, use of moneys.
376.1900. Definitions — reimbursement for telehealth services, when.
B. Emergency clause.
C. Delayed effective date.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 191.237, 208.053, and 208.146, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 191.237, 208.053, 208.146, 208.993, 208.1050, and 376.1900, to read as follows:

191.237. FAILURE TO PARTICIPATE IN HEALTH INFORMATION ORGANIZATION, NO FINE OR PENALTY MAY BE IMPOSED — NO EXCHANGE OF DATA, WHEN — DEFINITIONS. — 1. No law or rule promulgated by an agency of the state of Missouri may impose a fine or penalty against a health care provider, hospital, or health care system for failing to participate in any particular health information organization.

2. **No health information organization may impose connection fees or recurring connection fees on another health information organization for the purpose of exchanging standards-based clinical summaries for patients or for sharing information of an agency of the state of Missouri.**

3. As used in this section, the following terms shall mean:

(1) "Fine or penalty", any civil or criminal penalty or fine, tax, salary or wage withholding, or surcharge established by law or by rule promulgated by a state agency pursuant to chapter 536;

(2) "Health care system", any public or private entity whose function or purpose is the management of, processing of, or enrollment of individuals for or payment for, in full or in part, health care services or health care data or health care information for its participants;

(3) "Health information organization", an organization that oversees and governs the exchange of health-related information among organizations according to nationally recognized standards.

208.053. LOW-WAGE TRAP ELIMINATION ACT — HAND-UP PILOT PROGRAM, TRANSITIONING OF PERSONS RECEIVING CHILD CARE SUBSIDIES — PREMIUMS — REPORT — FUND CREATED, PURPOSE — RULEMAKING — SUNSET PROVISION. — 1. The provisions of this section shall be known as the "Low-Wage Trap Elimination Act". In order to more effectively transition persons receiving state-funded child care subsidy benefits under this chapter, the children's division, in conjunction with the department of revenue, shall, subject to appropriations, by January 1, 2013, implement a pilot program in at least one rural county and in at least one urban child care center that serves at least three hundred families, to be called the "Hand-up Program", to allow willing recipients who wish to participate in the program to continue to receive such child care subsidy benefits while sharing in the cost of such benefits through the payment of a premium, as follows:

(1) For purposes of this section, "full child care benefits" shall be the full benefits awarded to a recipient based on the income eligibility amount established by the division through the annual appropriations process as of August 28, 2012, to qualify for the benefits and shall not include the transitional child care benefits that are awarded to recipients whose income surpasses the eligibility level for full benefits to continue. The hand-up program shall be voluntary and shall be designed such that a participating recipient will not be faced with a sudden loss of child care benefits should the recipient's income rise above the maximum allowable monthly income for persons to receive full child care benefits as of August 28, 2012. In such instance, the recipient shall be permitted to continue to receive such benefits if the recipient pays a premium, to be paid via a payroll deduction if possible, to be applied only to that portion of the recipient's income above such maximum allowable monthly income for the receipt of full child care benefits as follows:

(a) The premium shall be forty-four percent of the recipient's excess adjusted gross income over the maximum allowable monthly income for the applicable family size for the receipt of child care benefits;

(b) The premium shall be paid on a monthly basis by the participating recipient, or may be paid on a different periodic basis if through a payroll deduction consistent with the payroll period of the person's employer;

(c) The division shall develop a payroll deduction program in conjunction with the department of revenue, and shall promulgate rules for the payment of premiums, through such payroll deduction program or through an alternate method to be determined by the division, owed under the hand-up program; and

(d) Participating recipients who fail to pay the premium owed shall be removed permanently from the program after sixty days of nonpayment;

(2) Subject to the receipt of federal waivers if necessary, participating recipients shall be eligible to receive child care service benefits at income levels all the way up to the level at which a person's premium equals the value of the child care service benefits received by the recipient;

(3) Only those recipients who currently receive full child care benefits as of joining the program and who had been receiving full child care service benefits **[**continuously since on or before August 28, 2012**]** **for a period of at least four months prior to implementation by the division of this program**, shall be eligible to participate in the program. Only those recipients who agree to the terms of the hand-up program during a ninety-day sign-up period shall be allowed to participate in the program, pursuant to rules to be promulgated by the division; and

(4) A participating recipient shall be allowed to opt out of the program at any time, but such person shall not be allowed to participate in the program a second time.

2. The division shall track the number of participants in the hand-up program, premiums and taxes paid by each participant in the program and the aggregate of such premiums and taxes, as well as the aggregate of those taxes paid on income exceeding the maximum allowable income for receiving full child care benefits outside the hand-up program, and shall issue an annual report to the general assembly by January 1, 2014, and annually on January first thereafter, detailing the effectiveness of the pilot program in encouraging recipients to increase their income levels above the income maximum applicable to each recipient. The report shall also detail the costs of administration and the increased amount of state income tax paid and premiums paid as a result of the program, as well as an analysis of whether the pilot program could be expanded to include other types of benefits including but not limited to food stamps, temporary assistance for needy families, low-income heating assistance, women, infants and children supplemental nutrition program, the state children's health insurance program, and MO HealthNet benefits.

3. The division shall pursue all necessary waivers from the federal government to implement the hand-up program with the goal of allowing participating recipients to receive child care service benefits at income levels all the way up to the level at which a person's premium equals the value of the child care service benefits received by the recipient. If the division is unable to obtain such waivers, the division shall implement the program to the degree possible without such waivers.

4. (1) There is hereby created in the state treasury the "Hand-Up Program Premium Fund" which shall consist of premiums collected under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(2) All premiums received under the program shall be deposited in the fund, out of which the cost of administering the hand-up program shall be paid, as well as the necessary payments to the federal government and to the state general revenue fund. Child care benefits provided under the hand-up program shall continue to be paid for as under the existing state child care assistance program.

5. After the first year of the program, or sooner if feasible, the cost of administering the program shall be paid out of the premiums received. Any premiums collected exceeding the cost of administering the program shall, if required by federal law, be shared with the federal government and the state general revenue fund in the same proportion that the federal government shares in the cost of funding the child care assistance program with the state.

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated under this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

7. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall sunset automatically three years after August 28, **[**2012**]** **2014**, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall sunset automatically six years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

208.146. TICKET-TO-WORK HEALTH ASSURANCE PROGRAM — ELIGIBILITY — EXPIRATION DATE. — 1. The program established under this section shall be known as the "Ticket to Work Health Assurance Program". Subject to appropriations and in accordance with the federal Ticket to Work and Work Incentives Improvement Act of 1999 (TWWIIA), Public Law 106-170, the medical assistance provided for in section 208.151 may be paid for a person who is employed and who:

(1) Except for earnings, meets the definition of disabled under the Supplemental Security Income Program or meets the definition of an employed individual with a medically improved disability under TWWIIA;

(2) Has earned income, as defined in subsection 2 of this section;

(3) Meets the asset limits in subsection 3 of this section;

(4) Has net income, as defined in subsection 3 of this section, that does not exceed the limit for permanent and totally disabled individuals to receive nonspenddown MO HealthNet under subdivision (24) of subsection 1 of section 208.151; and

(5) Has a gross income of two hundred fifty percent or less of the federal poverty level, excluding any earned income of the worker with a disability between two hundred fifty and three hundred percent of the federal poverty level. For purposes of this subdivision, "gross income" includes all income of the person and the person's spouse that would be considered in determining MO HealthNet eligibility for permanent and totally disabled individuals under subdivision (24) of subsection 1 of section 208.151. Individuals with gross incomes in excess of one hundred percent of the federal poverty level shall pay a premium for participation in accordance with subsection 4 of this section.

2. For income to be considered earned income for purposes of this section, the department of social services shall document that Medicare and Social Security taxes are withheld from such income. Self-employed persons shall provide proof of payment of Medicare and Social Security taxes for income to be considered earned.

3. (1) For purposes of determining eligibility under this section, the available asset limit and the definition of available assets shall be the same as those used to determine MO HealthNet eligibility for permanent and totally disabled individuals under subdivision (24) of subsection 1 of section 208.151 except for:

(a) Medical savings accounts limited to deposits of earned income and earnings on such income while a participant in the program created under this section with a value not to exceed five thousand dollars per year; and

(b) Independent living accounts limited to deposits of earned income and earnings on such income while a participant in the program created under this section with a value not to exceed five thousand dollars per year. For purposes of this section, an "independent living account" means an account established and maintained to provide savings for transportation, housing, home modification, and personal care services and assistive devices associated with such person's disability.

(2) To determine net income, the following shall be disregarded:

(a) All earned income of the disabled worker;

(b) The first sixty-five dollars and one-half of the remaining earned income of a nondisabled spouse's earned income;

(c) A twenty dollar standard deduction;

(d) Health insurance premiums;

(e) A seventy-five dollar a month standard deduction for the disabled worker's dental and optical insurance when the total dental and optical insurance premiums are less than seventy-five dollars;

(f) All Supplemental Security Income payments, and the first fifty dollars of SSDI payments;

(g) A standard deduction for impairment-related employment expenses equal to one-half of the disabled worker's earned income.

4. Any person whose gross income exceeds one hundred percent of the federal poverty level shall pay a premium for participation in the medical assistance provided in this section. Such premium shall be:

(1) For a person whose gross income is more than one hundred percent but less than one hundred fifty percent of the federal poverty level, four percent of income at one hundred percent of the federal poverty level;

(2) For a person whose gross income equals or exceeds one hundred fifty percent but is less than two hundred percent of the federal poverty level, four percent of income at one hundred fifty percent of the federal poverty level;

(3) For a person whose gross income equals or exceeds two hundred percent but less than two hundred fifty percent of the federal poverty level, five percent of income at two hundred percent of the federal poverty level;

(4) For a person whose gross income equals or exceeds two hundred fifty percent up to and including three hundred percent of the federal poverty level, six percent of income at two hundred fifty percent of the federal poverty level.

5. Recipients of services through this program shall report any change in income or household size within ten days of the occurrence of such change. An increase in premiums resulting from a reported change in income or household size shall be effective with the next premium invoice that is mailed to a person after due process requirements have been met. A decrease in premiums shall be effective the first day of the month immediately following the month in which the change is reported.

6. If an eligible person's employer offers employer-sponsored health insurance and the department of social services determines that it is more cost effective, such person shall participate in the employer-sponsored insurance. The department shall pay such person's portion of the premiums, co-payments, and any other costs associated with participation in the employer-sponsored health insurance.

7. The provisions of this section shall expire **[**six years after**]** August 28, **[**2007**]** **2019**.

208.993. JOINT COMMITTEE ON MEDICAID TRANSFORMATION ESTABLISHED — DUTIES — MEMBERS — EXPIRATION DATE. — 1. The president pro tempore of the senate and the speaker of the house of representatives may jointly establish a committee to be known as the "Joint Committee on Medicaid Transformation".

2. The committee may study the following:

(1) Development of methods to prevent fraud and abuse in the MO HealthNet system;

(2) Advice on more efficient and cost-effective ways to provide coverage for MO HealthNet participants;

(3) An evaluation of how coverage for MO HealthNet participants can resemble that of commercially available health plans while complying with federal Medicaid requirements;

(4) Possibilities for promoting healthy behavior by encouraging patients to take ownership of their health care and seek early preventative care;

(5) Advice on the best manner in which to provide incentives, including a shared risk and savings to health plans and providers to encourage cost-effective delivery of care; and

(6) Ways that individuals who currently receive medical care coverage through the MO HealthNet program can transition to obtaining their health coverage through the private sector.

3. If established, the joint committee shall be composed of twelve members. Six members shall be from the senate, with four members appointed by the president pro tempore of the senate, and two members of the minority party appointed by the president pro tempore of the senate with the advice of the minority leader of the senate. Six members shall be from the house of representatives, with four members appointed by the speaker of the house of representatives, and two members of the minority party appointed by the speaker of the house of representatives with the advice of the minority leader of the house of representatives.

4. The provisions of this section shall expire on January 1, 2014.

208.1050. FUND CREATED, USE OF MONEYS. — 1. There is hereby created in the state treasury the "Missouri Senior Services Protection Fund", which shall consist of money collected under subsection 2 of this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the fund shall be used solely for the administration of subsection 2 of this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

2. The state treasurer shall deposit from moneys that otherwise would have been deposited into the general revenue fund an amount equal to fifty-five million one hundred thousand dollars into the Missouri senior services protection fund. At least one-quarter of such amount shall be deposited on or before July 15, 2013, an additional one-quarter by October 15, 2013, and an additional one-quarter by January 15, 2014. The remaining amount shall be deposited by March 15, 2014. Moneys in the fund shall be allocated for services for low-income seniors and people with disabilities.

376.1900. DEFINITIONS — REIMBURSEMENT FOR TELEHEALTH SERVICES, WHEN. — 1. As used in this section, the following terms shall mean:

(1) "Electronic visit", or "e-Visit", an online electronic medical evaluation and management service completed using a secured web-based or similar electronic-based communications network for a single patient encounter. An electronic visit shall be initiated by a patient or by the guardian of a patient with the health care provider, be completed using a federal Health Insurance Portability and Accountability Act (HIPAA) compliant online connection, and include a permanent record of the electronic visit;

(2) "Health benefit plan" shall have the same meaning ascribed to it in section 376.1350;

(3) "Health care provider" shall have the same meaning ascribed to it in section 376.1350;

(4) "Health care service", a service for the diagnosis, prevention, treatment, cure or relief of a physical or mental health condition, illness, injury or disease;

(5) "Health carrier" shall have the same meaning ascribed to it in section 376.1350;

(6) "Telehealth" shall have the same meaning ascribed to it in section 208.670.

2. Each health carrier or health benefit plan that offers or issues health benefit plans which are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2014, shall not deny coverage for a health care service on the basis that the health care service is provided through telehealth if the same service would be covered if provided through face-to-face diagnosis, consultation, or treatment.

3. A health carrier may not exclude an otherwise covered health care service from coverage solely because the service is provided through telehealth rather than face-to-face consultation or contact between a health care provider and a patient.

4. A health carrier shall not be required to reimburse a telehealth provider or a consulting provider for site origination fees or costs for the provision of telehealth services; however, subject to correct coding, a health carrier shall reimburse a health care provider for the diagnosis, consultation, or treatment of an insured or enrollee when the health care service is delivered through telehealth on the same basis that the health carrier covers the service when it is delivered in person.

5. A health care service provided through telehealth shall not be subject to any greater deductible, copayment, or coinsurance amount than would be applicable if the same health care service was provided through face-to-face diagnosis, consultation, or treatment.

6. A health carrier shall not impose upon any person receiving benefits under this section any copayment, coinsurance, or deductible amount, or any policy year, calendar year, lifetime, or other durational benefit limitation or maximum for benefits or services, that is not equally imposed upon all terms and services covered under the policy, contract, or health benefit plan.

7. Nothing in this section shall preclude a health carrier from undertaking utilization review to determine the appropriateness of telehealth as a means of delivering a health care service, provided that the determinations shall be made in the same manner as those regarding the same service when it is delivered in person.

8. A health carrier or health benefit plan may limit coverage for health care services that are provided through telehealth to health care providers that are in a network approved by the plan or the health carrier.

9. Nothing in this section shall be construed to require a health care provider to be physically present with a patient where the patient is located unless the health care provider who is providing health care services by means of telehealth determines that the presence of a health care provider is necessary.

10. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months' or less duration, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

SECTION B. EMERGENCY CLAUSE. — Because immediate action is necessary to protect low-income seniors and disabled persons, the enactment of section 208.1050 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 208.1050 of this act shall be in full force and effect upon its passage and approval.

SECTION C. DELAYED EFFECTIVE DATE. — The enactment of section 376.1900 of this act shall become effective January 1, 2014.

Approved July 8, 2013

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SB 1 [CCS HCS SS#2 SCS SB 1]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Modifies the law relating to workers' compensation

AN ACT to repeal sections 287.020, 287.067, 287.120, 287.140, 287.150, 287.200, 287.210, 287.220, 287.280, 287.610, 287.715, 287.745, and 287.955, RSMo, and to enact in lieu thereof fourteen new sections relating to workers' compensation, with an existing penalty provision and an effective date.

SECTION

A. Enacting clause.
287.020. Definitions — intent to abrogate earlier case law.
287.067. Occupational disease defined — repetitive motion, loss of hearing, radiation injury, communicable disease, others.
287.120. Liability of employer set out — compensation increased or reduced, when — use of alcohol or controlled substances or voluntary recreational activities, injury from — effect on compensation — mental injuries, requirements, firefighter stress not affected.
287.140. Employer to provide medical and other services, transportation, artificial devices, reactivation of claim — duties of health care providers — refusal of treatment, effect — medical evidence — division, commission responsibilities — notice to health care provider of workers' compensation claim, contents, effect — use of employee leave time.
287.150. Subrogation to rights of employee or dependents against third person, effect of recovery — construction design professional, immunity from liability, when, exception — waiver of subrogation rights on certain contracts void, employer's lien on subrogation recovery, when — third party liability, subrogation, effect on.
287.200. Permanent total disability, amount to be paid — suspension of payments, when — toxic exposure, treatment of claims.
287.210. Physical examination of employee — exchange of medical records — admissibility of physician's, coroner's records — autopsy may be ordered.
287.220. Compensation and payment of compensation for disability — second injury fund created, services covered, actuarial studies required — failure of employer to insure, penalty — records open to public, when — concurrent employers, effect — priority of payment of liabilities of fund.
287.223. Missouri mesothelioma risk management fund created — definitions — issuance of payments, when — board of trustees, appointment, meetings, duties.
287.280. Employer's entire liability to be covered, self-insurer or approved carrier — exception — group of employers may qualify as self-insurers — uniform experience rating plan — failure to insure, effect — rules — confidential records.
287.610. Additional administrative law judges, appointment and qualification, limit on number — annual evaluations — review committee, retention vote — jurisdiction, powers — continuing training required — performance audits required — rules.
287.715. Annual surcharge required for second injury fund, amount, how computed, collection — violation, penalty — supplemental surcharge, amount.
287.745. Delinquent taxes, interest, rate — overpayment of taxes, credit.
287.955. Insurers to adhere to uniform classification system, plan — director to designate advisory organization, purpose, duties.
B. Effective date.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 287.020, 287.067, 287.120, 287.140, 287.150, 287.200, 287.210, 287.220, 287.280, 287.610, 287.715, 287.745, and 287.955, RSMo, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 287.020, 287.067, 287.120, 287.140, 287.150, 287.200, 287.210, 287.220, 287.223, 287.280, 287.610, 287.715, 287.745, and 287.955, to read as follows:

287.020. DEFINITIONS — INTENT TO ABROGATE EARLIER CASE LAW. — 1. The word "employee" as used in this chapter shall be construed to mean every person in the service of any

employer, as defined in this chapter, under any contract of hire, express or implied, oral or written, or under any appointment or election, including executive officers of corporations. Except as otherwise provided in section 287.200, any reference to any employee who has been injured shall, when the employee is dead, also include his dependents, and other persons to whom compensation may be payable. The word "employee" shall also include all minors who work for an employer, whether or not such minors are employed in violation of law, and all such minors are hereby made of full age for all purposes under, in connection with, or arising out of this chapter. The word "employee" shall not include an individual who is the owner, as defined in subsection 43 of section 301.010, and operator of a motor vehicle which is leased or contracted with a driver to a for-hire motor carrier operating within a commercial zone as defined in section 390.020 or 390.041, or operating under a certificate issued by the Missouri department of transportation or by the United States Department of Transportation, or any of its subagencies. **The word "employee" also shall not include any person performing services for board, lodging, aid, or sustenance received from any religious, charitable, or relief organization.**

2. The word "accident" as used in this chapter shall mean an unexpected traumatic event or unusual strain identifiable by time and place of occurrence and producing at the time objective symptoms of an injury caused by a specific event during a single work shift. An injury is not compensable because work was a triggering or precipitating factor.

3. (1) In this chapter the term "injury" is hereby defined to be an injury which has arisen out of and in the course of employment. An injury by accident is compensable only if the accident was the prevailing factor in causing both the resulting medical condition and disability. "The prevailing factor" is defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition and disability.

(2) An injury shall be deemed to arise out of and in the course of the employment only if:

(a) It is reasonably apparent, upon consideration of all the circumstances, that the accident is the prevailing factor in causing the injury; and

(b) It does not come from a hazard or risk unrelated to the employment to which workers would have been equally exposed outside of and unrelated to the employment in normal nonemployment life.

(3) An injury resulting directly or indirectly from idiopathic causes is not compensable.

(4) A cardiovascular, pulmonary, respiratory, or other disease, or cerebrovascular accident or myocardial infarction suffered by a worker is an injury only if the accident is the prevailing factor in causing the resulting medical condition.

(5) The terms "injury" and "personal injuries" shall mean violence to the physical structure of the body and to the personal property which is used to make up the physical structure of the body, such as artificial dentures, artificial limbs, glass eyes, eyeglasses, and other prostheses which are placed in or on the body to replace the physical structure and such disease or infection as naturally results therefrom. These terms shall in no case except as specifically provided in this chapter be construed to include occupational disease in any form, nor shall they be construed to include any contagious or infectious disease contracted during the course of the employment, nor shall they include death due to natural causes occurring while the worker is at work.

4. "Death" when mentioned as a basis for the right to compensation means only death resulting from such violence and its resultant effects occurring within three hundred weeks after the accident; except that in cases of occupational disease, the limitation of three hundred weeks shall not be applicable.

5. Injuries sustained in company-owned or subsidized automobiles in accidents that occur while traveling from the employee's home to the employer's principal place of business or from the employer's principal place of business to the employee's home are not compensable. The extension of premises doctrine is abrogated to the extent it extends liability for accidents that occur on property not owned or controlled by the employer even if the accident occurs on

customary, approved, permitted, usual or accepted routes used by the employee to get to and from their place of employment.

6. The term "total disability" as used in this chapter shall mean inability to return to any employment and not merely mean inability to return to the employment in which the employee was engaged at the time of the accident.

7. As used in this chapter and all acts amendatory thereof, the term "commission" shall hereafter be construed as meaning and referring exclusively to the labor and industrial relations commission of Missouri, and the term "director" shall hereafter be construed as meaning the director of the department of insurance, financial institutions and professional registration of the state of Missouri or such agency of government as shall exercise the powers and duties now conferred and imposed upon the department of insurance, financial institutions and professional registration of the state of Missouri.

8. The term "division" as used in this chapter means the division of workers' compensation of the department of labor and industrial relations of the state of Missouri.

9. For the purposes of this chapter, the term "minor" means a person who has not attained the age of eighteen years; except that, for the purpose of computing the compensation provided for in this chapter, the provisions of section 287.250 shall control.

10. In applying the provisions of this chapter, it is the intent of the legislature to reject and abrogate earlier case law interpretations on the meaning of or definition of "accident", "occupational disease", "arising out of", and "in the course of the employment" to include, but not be limited to, holdings in: Bennett v. Columbia Health Care and Rehabilitation, 80 S.W.3d 524 (Mo.App. W.D. 2002); Kasl v. Bristol Care, Inc., 984 S.W.2d 852 (Mo.banc 1999); and Drewes v. TWA, 984 S.W.2d 512 (Mo.banc 1999) and all cases citing, interpreting, applying, or following those cases.

11. For the purposes of this chapter, "occupational diseases due to toxic exposure" shall only include the following: mesothelioma, asbestosis, berylliosis, coal worker's pneumoconiosis, brochiolitis obliterans, silicosis, silicotuberculosis, manganism, acute myelogenous leukemia, and myelodysplastic syndrome.

287.067. OCCUPATIONAL DISEASE DEFINED — REPETITIVE MOTION, LOSS OF HEARING, RADIATION INJURY, COMMUNICABLE DISEASE, OTHERS. — 1. In this chapter the term "occupational disease" is hereby defined to mean, unless a different meaning is clearly indicated by the context, an identifiable disease arising with or without human fault out of and in the course of the employment. Ordinary diseases of life to which the general public is exposed outside of the employment shall not be compensable, except where the diseases follow as an incident of an occupational disease as defined in this section. The disease need not to have been foreseen or expected but after its contraction it must appear to have had its origin in a risk connected with the employment and to have flowed from that source as a rational consequence.

2. An injury **or death** by occupational disease is compensable only if the occupational exposure was the prevailing factor in causing both the resulting medical condition and disability. The "prevailing factor" is defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition and disability. Ordinary, gradual deterioration, or progressive degeneration of the body caused by aging or by the normal activities of day-to-day living shall not be compensable.

3. An injury due to repetitive motion is recognized as an occupational disease for purposes of this chapter. An occupational disease due to repetitive motion is compensable only if the occupational exposure was the prevailing factor in causing both the resulting medical condition and disability. The "prevailing factor" is defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition and disability. Ordinary, gradual deterioration, or progressive degeneration of the body caused by aging or by the normal activities of day-to-day living shall not be compensable.

4. "Loss of hearing due to industrial noise" is recognized as an occupational disease for purposes of this chapter and is hereby defined to be a loss of hearing in one or both ears due to prolonged exposure to harmful noise in employment. "Harmful noise" means sound capable of producing occupational deafness.

5. "Radiation disability" is recognized as an occupational disease for purposes of this chapter and is hereby defined to be that disability due to radioactive properties or substances or to Roentgen rays (X-rays) or exposure to ionizing radiation caused by any process involving the use of or direct contact with radium or radioactive properties or substances or the use of or direct exposure to Roentgen rays (X-rays) or ionizing radiation.

6. Disease of the lungs or respiratory tract, hypotension, hypertension, or disease of the heart or cardiovascular system, including carcinoma, may be recognized as occupational diseases for the purposes of this chapter and are defined to be disability due to exposure to smoke, gases, carcinogens, inadequate oxygen, of paid firefighters of a paid fire department or paid police officers of a paid police department certified under chapter 590 if a direct causal relationship is established, or psychological stress of firefighters of a paid fire department **or paid peace officers of a police department who are certified under chapter 590** if a direct causal relationship is established.

7. Any employee who is exposed to and contracts any contagious or communicable disease arising out of and in the course of his or her employment shall be eligible for benefits under this chapter as an occupational disease.

8. With regard to occupational disease due to repetitive motion, if the exposure to the repetitive motion which is found to be the cause of the injury is for a period of less than three months and the evidence demonstrates that the exposure to the repetitive motion with the immediate prior employer was the prevailing factor in causing the injury, the prior employer shall be liable for such occupational disease.

287.120. LIABILITY OF EMPLOYER SET OUT — COMPENSATION INCREASED OR REDUCED, WHEN — USE OF ALCOHOL OR CONTROLLED SUBSTANCES OR VOLUNTARY RECREATIONAL ACTIVITIES, INJURY FROM — EFFECT ON COMPENSATION — MENTAL INJURIES, REQUIREMENTS, FIREFIGHTER STRESS NOT AFFECTED. — 1. Every employer subject to the provisions of this chapter shall be liable, irrespective of negligence, to furnish compensation under the provisions of this chapter for personal injury or death of the employee by accident **or occupational disease** arising out of and in the course of the employee's employment. Any employee of such employer shall not be liable for any injury or death for which compensation is recoverable under this chapter and every employer and employees of such employer shall be released from all other liability whatsoever, whether to the employee or any other person, except that an employee shall not be released from liability for injury or death if the employee engaged in an affirmative negligent act that purposefully and dangerously caused or increased the risk of injury. The term "accident" as used in this section shall include, but not be limited to, injury or death of the employee caused by the unprovoked violence or assault against the employee by any person.

2. The rights and remedies herein granted to an employee shall exclude all other rights and remedies of the employee, his wife, her husband, parents, personal representatives, dependents, heirs or next kin, at common law or otherwise, on account of such injury or death **by accident or occupational disease**, except such rights and remedies as are not provided for by this chapter.

3. No compensation shall be allowed under this chapter for the injury or death due to the employee's intentional self-inflicted injury, but the burden of proof of intentional self-inflicted injury shall be on the employer or the person contesting the claim for allowance.

4. Where the injury is caused by the failure of the employer to comply with any statute in this state or any lawful order of the division or the commission, the compensation and death benefit provided for under this chapter shall be increased fifteen percent.

5. Where the injury is caused by the failure of the employee to use safety devices where provided by the employer, or from the employee's failure to obey any reasonable rule adopted by the employer for the safety of employees, the compensation and death benefit provided for herein shall be reduced at least twenty-five but not more than fifty percent; provided, that it is shown that the employee had actual knowledge of the rule so adopted by the employer; and provided, further, that the employer had, prior to the injury, made a reasonable effort to cause his or her employees to use the safety device or devices and to obey or follow the rule so adopted for the safety of the employees.

6. (1) Where the employee fails to obey any rule or policy adopted by the employer relating to a drug-free workplace or the use of alcohol or nonprescribed controlled drugs in the workplace, the compensation and death benefit provided for herein shall be reduced fifty percent if the injury was sustained in conjunction with the use of alcohol or nonprescribed controlled drugs.

(2) If, however, the use of alcohol or nonprescribed controlled drugs in violation of the employer's rule or policy is the proximate cause of the injury, then the benefits or compensation otherwise payable under this chapter for death or disability shall be forfeited.

(3) The voluntary use of alcohol to the percentage of blood alcohol sufficient under Missouri law to constitute legal intoxication shall give rise to a rebuttable presumption that the voluntary use of alcohol under such circumstances was the proximate cause of the injury. A preponderance of the evidence standard shall apply to rebut such presumption. An employee's refusal to take a test for alcohol or a nonprescribed controlled substance, as defined by section 195.010, at the request of the employer shall result in the forfeiture of benefits under this chapter if the employer had sufficient cause to suspect use of alcohol or a nonprescribed controlled substance by the claimant or if the employer's policy clearly authorizes post-injury testing.

7. Where the employee's participation in a recreational activity or program is the prevailing cause of the injury, benefits or compensation otherwise payable under this chapter for death or disability shall be forfeited regardless that the employer may have promoted, sponsored or supported the recreational activity or program, expressly or impliedly, in whole or in part. The forfeiture of benefits or compensation shall not apply when:

(1) The employee was directly ordered by the employer to participate in such recreational activity or program;

(2) The employee was paid wages or travel expenses while participating in such recreational activity or program; or

(3) The injury from such recreational activity or program occurs on the employer's premises due to an unsafe condition and the employer had actual knowledge of the employee's participation in the recreational activity or program and of the unsafe condition of the premises and failed to either curtail the recreational activity or program or cure the unsafe condition.

8. Mental injury resulting from work-related stress does not arise out of and in the course of the employment, unless it is demonstrated that the stress is work related and was extraordinary and unusual. The amount of work stress shall be measured by objective standards and actual events.

9. A mental injury is not considered to arise out of and in the course of the employment if it resulted from any disciplinary action, work evaluation, job transfer, layoff, demotion, termination or any similar action taken in good faith by the employer.

10. The ability of a firefighter to receive benefits for psychological stress under section 287.067 shall not be diminished by the provisions of subsections 8 and 9 of this section.

287.140. EMPLOYER TO PROVIDE MEDICAL AND OTHER SERVICES, TRANSPORTATION, ARTIFICIAL DEVICES, REACTIVATION OF CLAIM — DUTIES OF HEALTH CARE PROVIDERS — REFUSAL OF TREATMENT, EFFECT — MEDICAL EVIDENCE — DIVISION, COMMISSION RESPONSIBILITIES — NOTICE TO HEALTH CARE PROVIDER OF WORKERS' COMPENSATION CLAIM, CONTENTS, EFFECT — USE OF EMPLOYEE LEAVE TIME. — 1. In addition to all other

compensation paid to the employee under this section, the employee shall receive and the employer shall provide such medical, surgical, chiropractic, and hospital treatment, including nursing, custodial, ambulance and medicines, as may reasonably be required after the injury or disability, to cure and relieve from the effects of the injury. If the employee desires, he shall have the right to select his own physician, surgeon, or other such requirement at his own expense. Where the requirements are furnished by a public hospital or other institution, payment therefor shall be made to the proper authorities. Regardless of whether the health care provider is selected by the employer or is selected by the employee at the employee's expense, the health care provider shall have the affirmative duty to communicate fully with the employee regarding the nature of the employee's injury and recommended treatment exclusive of any evaluation for a permanent disability rating. Failure to perform such duty to communicate shall constitute a disciplinary violation by the provider subject to the provisions of chapter 620. When an employee is required to submit to medical examinations or necessary medical treatment at a place outside of the local or metropolitan area from the employee's principal place of employment, the employer or its insurer shall advance or reimburse the employee for all necessary and reasonable expenses; except that an injured employee who resides outside the state of Missouri and who is employed by an employer located in Missouri shall have the option of selecting the location of services provided in this section either at a location within one hundred miles of the injured employee's residence, place of injury or place of hire by the employer. The choice of provider within the location selected shall continue to be made by the employer. In case of a medical examination if a dispute arises as to what expenses shall be paid by the employer, the matter shall be presented to the legal advisor, the administrative law judge or the commission, who shall set the sum to be paid and same shall be paid by the employer prior to the medical examination. In no event, however, shall the employer or its insurer be required to pay transportation costs for a greater distance than two hundred fifty miles each way from place of treatment.

2. If it be shown to the division or the commission that the requirements are being furnished in such manner that there is reasonable ground for believing that the life, health, or recovery of the employee is endangered thereby, the division or the commission may order a change in the physician, surgeon, hospital or other requirement.

3. All fees and charges under this chapter shall be fair and reasonable, shall be subject to regulation by the division or the commission, or the board of rehabilitation in rehabilitation cases. A health care provider shall not charge a fee for treatment and care which is governed by the provisions of this chapter greater than the usual and customary fee the provider receives for the same treatment or service when the payor for such treatment or service is a private individual or a private health insurance carrier. The division or the commission, or the board of rehabilitation in rehabilitation cases, shall also have jurisdiction to hear and determine all disputes as to such charges. A health care provider is bound by the determination upon the reasonableness of health care bills.

4. The division shall, by regulation, establish methods to resolve disputes concerning the reasonableness of medical charges, services, or aids. This regulation shall govern resolution of disputes between employers and medical providers over fees charged, whether or not paid, and shall be in lieu of any other administrative procedure under this chapter. The employee shall not be a party to a dispute over medical charges, nor shall the employee's recovery in any way be jeopardized because of such dispute. **Any application for payment of additional reimbursement, as such term is used in 8 CSR 50-2.030, as amended, shall be filed not later than:**

(1) Two years from the date the first notice of dispute of the medical charge was received by the health care provider if such services were rendered before July 1, 2013; and

(2) One year from the date the first notice of dispute of the medical charge was received by the health care provider if such services were rendered after July 1, 2013.

Notice shall be presumed to occur no later than five business days after transmission by certified United States mail.

5. No compensation shall be payable for the death or disability of an employee, if and insofar as the death or disability may be caused, continued or aggravated by any unreasonable refusal to submit to any medical or surgical treatment or operation, the risk of which is, in the opinion of the division or the commission, inconsiderable in view of the seriousness of the injury. If the employee dies as a result of an operation made necessary by the injury, the death shall be deemed to be caused by the injury.

6. The testimony of any physician or chiropractic physician who treated the employee shall be admissible in evidence in any proceedings for compensation under this chapter, subject to all of the provisions of section 287.210.

7. Every hospital or other person furnishing the employee with medical aid shall permit its record to be copied by and shall furnish full information to the division or the commission, the employer, the employee or his dependents and any other party to any proceedings for compensation under this chapter, and certified copies of the records shall be admissible in evidence in any such proceedings.

8. The employer may be required by the division or the commission to furnish an injured employee with artificial legs, arms, hands, surgical orthopedic joints, or eyes, or braces, as needed, for life whenever the division or the commission shall find that the injured employee may be partially or wholly relieved of the effects of a permanent injury by the use thereof. The director of the division shall establish a procedure whereby a claim for compensation may be reactivated after settlement of such claim is completed. The claim shall be reactivated only after the claimant can show good cause for the reactivation of this claim and the claim shall be made only for the payment of medical procedures involving life-threatening surgical procedures or if the claimant requires the use of a new, or the modification, alteration or exchange of an existing, prosthetic device. For the purpose of this subsection, "life threatening" shall mean a situation or condition which, if not treated immediately, will likely result in the death of the injured worker.

9. Nothing in this chapter shall prevent an employee being provided treatment for his injuries by prayer or spiritual means if the employer does not object to the treatment.

10. The employer shall have the right to select the licensed treating physician, surgeon, chiropractic physician, or other health care provider; provided, however, that such physicians, surgeons or other health care providers shall offer only those services authorized within the scope of their licenses. For the purpose of this subsection, subsection 2 of section 287.030 shall not apply.

11. Any physician or other health care provider who orders, directs or refers a patient for treatment, testing, therapy or rehabilitation at any institution or facility shall, at or prior to the time of the referral, disclose in writing if such health care provider, any of his partners or his employer has a financial interest in the institution or facility to which the patient is being referred, to the following:

(1) The patient;

(2) The employer of the patient with workers' compensation liability for the injury or disease being treated;

(3) The workers' compensation insurer of such employer; and

(4) The workers' compensation adjusting company for such insurer.

12. Violation of subsection 11 of this section is a class A misdemeanor.

13. (1) No hospital, physician or other health care provider, other than a hospital, physician or health care provider selected by the employee at his own expense pursuant to subsection 1 of this section, shall bill or attempt to collect any fee or any portion of a fee for services rendered to an employee due to a work-related injury or report to any credit reporting agency any failure of the employee to make such payment, when an injury covered by this chapter has occurred and such hospital, physician or health care provider has received actual notice given in writing by the employee, the employer or the employer's insurer. Actual notice

shall be deemed received by the hospital, physician or health care provider five days after mailing by certified mail by the employer or insurer to the hospital, physician or health care provider.

(2) The notice shall include:

(a) The name of the employer;

(b) The name of the insurer, if known;

(c) The name of the employee receiving the services;

(d) The general nature of the injury, if known; and

(e) Where a claim has been filed, the claim number, if known.

(3) When an injury is found to be noncompensable under this chapter, the hospital, physician or other health care provider shall be entitled to pursue the employee for any unpaid portion of the fee or other charges for authorized services provided to the employee. Any applicable statute of limitations for an action for such fees or other charges shall be tolled from the time notice is given to the division by a hospital, physician or other health care provider pursuant to subdivision (6) of this subsection, until a determination of noncompensability in regard to the injury which is the basis of such services is made, or in the event there is an appeal to the labor and industrial relations commission, until a decision is rendered by that commission.

(4) If a hospital, physician or other health care provider or a debt collector on behalf of such hospital, physician or other health care provider pursues any action to collect from an employee after such notice is properly given, the employee shall have a cause of action against the hospital, physician or other health care provider for actual damages sustained plus up to one thousand dollars in additional damages, costs and reasonable attorney's fees.

(5) If an employer or insurer fails to make payment for authorized services provided to the employee by a hospital, physician or other health care provider pursuant to this chapter, the hospital, physician or other health care provider may proceed pursuant to subsection 4 of this section with a dispute against the employer or insurer for any fees or other charges for services provided.

(6) A hospital, physician or other health care provider whose services have been authorized in advance by the employer or insurer may give notice to the division of any claim for fees or other charges for services provided for a work-related injury that is covered by this chapter, with copies of the notice to the employee, employer and the employer's insurer. Where such notice has been filed, the administrative law judge may order direct payment from the proceeds of any settlement or award to the hospital, physician or other health care provider for such fees as are determined by the division. The notice shall be on a form prescribed by the division.

14. The employer may allow or require an employee to use any of the employee's accumulated paid leave, personal leave, or medical or sick leave to attend to medical treatment, physical rehabilitation, or medical evaluations during work time. The intent of this subsection is to specifically supercede and abrogate any case law that contradicts the express language of this section.

287.150. SUBROGATION TO RIGHTS OF EMPLOYEE OR DEPENDENTS AGAINST THIRD PERSON, EFFECT OF RECOVERY — CONSTRUCTION DESIGN PROFESSIONAL, IMMUNITY FROM LIABILITY, WHEN, EXCEPTION — WAIVER OF SUBROGATION RIGHTS ON CERTAIN CONTRACTS VOID, EMPLOYER'S LIEN ON SUBROGATION RECOVERY, WHEN — THIRD PARTY LIABILITY, SUBROGATION, EFFECT ON. — 1. Where a third person is liable to the employee or to the dependents, for the injury or death, the employer shall be subrogated to the right of the employee or to the dependents against such third person, and the recovery by such employer shall not be limited to the amount payable as compensation to such employee or dependents, but such employer may recover any amount which such employee or his dependents would have been entitled to recover. Any recovery by the employer against such third person shall be apportioned between the employer and employee or his dependents using the provisions of subsections 2 and 3 of this section.

2. When a third person is liable for the death of an employee and compensation is paid or payable under this chapter, and recovery is had by a dependent under this chapter either by judgment or settlement for the wrongful death of the employee, the employer shall have a subrogation lien on any recovery and shall receive or have credit for sums paid or payable under this chapter to any of the dependents of the deceased employee to the extent of the settlement or recovery by such dependents for the wrongful death. Recovery by the employer and credit for future installments shall be computed using the provisions of subsection 3 of this section relating to comparative fault of the employee.

3. Whenever recovery against the third person is effected by the employee or his dependents, the employer shall pay from his share of the recovery a proportionate share of the expenses of the recovery, including a reasonable attorney fee. After the expenses and attorney fee have been paid, the balance of the recovery shall be apportioned between the employer and the employee or his dependents in the same ratio that the amount due the employer bears to the total amount recovered if there is no finding of comparative fault on the part of the employee, or the total damages determined by the trier of fact if there is a finding of comparative fault on the part of the employee. Notwithstanding the foregoing provision, the balance of the recovery may be divided between the employer and the employee or his dependents as they may otherwise agree. Any part of the recovery found to be due to the employer, the employee or his dependents shall be paid forthwith and any part of the recovery paid to the employee or his dependents under this section shall be treated by them as an advance payment by the employer on account of any future installments of compensation in the following manner:

(1) The total amount paid to the employee or his dependents shall be treated as an advance payment if there is no finding of comparative fault on the part of the employee; or

(2) A percentage of the amount paid to the employee or his dependents equal to the percentage of fault assessed to the third person from whom recovery is made shall be treated as an advance payment if there is a finding of comparative fault on the part of the employee.

4. In any case in which an injured employee has been paid benefits from the second injury fund as provided in subsection 3 of section 287.141, and recovery is had against the third party liable to the employee for the injury, the second injury fund shall be subrogated to the rights of the employee against said third party to the extent of the payments made to him from such fund, subject to provisions of subsections 2 and 3 of this section.

5. No construction design professional who is retained to perform professional services on a construction project or any employee of a construction design professional who is assisting or representing the construction design professional in the performance of professional services on the site of the construction project shall be liable for any injury resulting from the employer's failure to comply with safety standards on a construction project for which compensation is recoverable under the workers' compensation law, unless responsibility for safety practices is specifically assumed by contract. The immunity provided by this subsection to any construction design professional shall not apply to the negligent preparation of design plans or specifications.

6. Any provision in any contract or subcontract, where one party is an employer in the construction group of code classifications, which purports to waive subrogation rights provided under this section in anticipation of a future injury or death is hereby declared against public policy and void. Each contract of insurance for workers' compensation shall require the insurer to diligently pursue all subrogation rights of the employer and shall require the employer to fully cooperate with the insurer in pursuing such recoveries, except that the employer may enter into compromise agreements with an insurer in lieu of the insurer pursuing subrogation against another party. The amount of any subrogation recovery by an insurer shall be credited against the amount of the actual paid losses in the determination of such employer's experience modification factor within forty-five days of the collection of such amount.

7. Notwithstanding any other provision of this section, when a third person or party is liable to the employee, to the dependents of an employee, or to any person eligible to sue

for the employer's wrongful death as provided is section 537.080 in a case where the employee suffers or suffered from an occupational disease due to toxic exposure and the employee, dependents, or persons eligible to sue for wrongful death are compensated under this chapter, in no case shall the employer then be subrogated to the rights of an employee, dependents, or persons eligible to sue for wrongful death against such third person or party when the occupational disease due to toxic exposure arose from the employee's work for employer.

287.200. PERMANENT TOTAL DISABILITY, AMOUNT TO BE PAID — SUSPENSION OF PAYMENTS, WHEN — TOXIC EXPOSURE, TREATMENT OF CLAIMS. — 1. Compensation for permanent total disability shall be paid during the continuance of such disability for the lifetime of the employee at the weekly rate of compensation in effect under this subsection on the date of the injury for which compensation is being made. The word "employee" as used in this section shall not include the injured worker's dependents, estate, or other persons to whom compensation may be payable as provided in subsection 1 of section 287.020. The amount of such compensation shall be computed as follows:

(1) For all injuries occurring on or after September 28, 1983, but before September 28, 1986, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings during the year immediately preceding the injury, as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to seventy percent of the state average weekly wage, as such wage is determined by the division of employment security, as of the July first immediately preceding the date of injury;

(2) For all injuries occurring on or after September 28, 1986, but before August 28, 1990, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings during the year immediately preceding the injury, as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to seventy-five percent of the state average weekly wage, as such wage is determined by the division of employment security, as of the July first immediately preceding the date of injury;

(3) For all injuries occurring on or after August 28, 1990, but before August 28, 1991, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to one hundred percent of the state average weekly wage;

(4) For all injuries occurring on or after August 28, 1991, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to one hundred five percent of the state average weekly wage;

(5) For all injuries occurring on or after September 28, 1981, the weekly compensation shall in no event be less than forty dollars per week.

2. Permanent total disability benefits that have accrued through the date of the injured employee's death are the only permanent total disability benefits that are to be paid in accordance with section 287.230. The right to unaccrued compensation for permanent total disability of an injured employee terminates on the date of the injured employee's death in accordance with section 287.230, and does not survive to the injured employee's dependents, estate, or other persons to whom compensation might otherwise be payable.

3. All claims for permanent total disability shall be determined in accordance with the facts. When an injured employee receives an award for permanent total disability but by the use of glasses, prosthetic appliances, or physical rehabilitation the employee is restored to his regular work or its equivalent, the life payment mentioned in subsection 1 of this section shall be

suspended during the time in which the employee is restored to his regular work or its equivalent. The employer and the division shall keep the file open in the case during the lifetime of any injured employee who has received an award of permanent total disability. In any case where the life payment is suspended under this subsection, the commission may at reasonable times review the case and either the employee or the employer may request an informal conference with the commission relative to the resumption of the employee's weekly life payment in the case.

4. For all claims filed on or after the effective date of this section for occupational diseases due to toxic exposure which result in a permanent total disability or death, benefits in this chapter shall be provided as follows:

(1) Notwithstanding any provision of law to the contrary, such amount as due to the employee during said employee's life as provided for under this chapter for an award of permanent total disability and death, except such amount shall only be paid when benefits under subdivision (2) and (3) of this subsection have been exhausted;

(2) For occupational diseases due to toxic exposure, but not including mesothelioma, an amount equal to two hundred percent of the state's average weekly wage as of the date of diagnosis for one hundred weeks paid by the employer; and

(3) In cases where occupational diseases due to toxic exposure are diagnosed to be mesothelioma:

(a) For employers that have elected to accept mesothelioma liability under this subsection, an additional amount of three hundred percent of the state's average weekly wage for two hundred twelve weeks shall be paid by the employer or group of employers such employer is a member of. Employers that elect to accept mesothelioma liability under this subsection may do so by either insuring their liability, by qualifying as a self-insurer, or by becoming a member of a group insurance pool. A group of employers may enter into an agreement to pool their liabilities under this subsection. If such group is joined, individual members shall not be required to qualify as individual self-insurers. Such group shall comply with section 287.223. In order for an employer to make such an election, the employer shall provide the department with notice of such an election in a manner established by the department. The provisions of this paragraph shall expire on December 31, 2038; or

(b) For employers who reject mesothelioma under this subsection, then the exclusive remedy provisions under section 287.120 shall not apply to such liability. The provisions of this paragraph shall expire on December 31, 2038; and

(4) The provisions of subdivision (2) and paragraph (a) of subdivision (3) of this subsection shall not be subject to suspension of benefits as provided in subsection 3 of this section; and

(5) Notwithstanding any other provision of this chapter to the contrary, should the employee die before the additional benefits provided for in subdivision (2) and paragraph (a) of subdivision (3) of this subsection are paid, the additional benefits are payable to the employee's spouse or children, natural or adopted, legitimate or illegitimate, in addition to benefits provided under section 287.240. If there is no surviving spouse or children and the employee has received less than the additional benefits provided for in subdivision (2) and paragraph (a) of subdivision (3) of this subsection the remainder of such additional benefits shall be paid as a single payment to the estate of the employee;

(6) The provisions of subdivision (1) of this subsection shall not be construed to affect the employee's ability to obtain medical treatment at the employer's expense or any other benefits otherwise available under this chapter.

5. Any employee who obtains benefits under subdivision (2) of subsection 4 of this section for acquiring asbestosis who later obtains an award for mesothelioma, shall not receive more benefits than such employee would receive having only obtained benefits for mesothelioma under this section.

287.210. PHYSICAL EXAMINATION OF EMPLOYEE — EXCHANGE OF MEDICAL RECORDS — ADMISSIBILITY OF PHYSICIAN'S, CORONER'S RECORDS — AUTOPSY MAY BE ORDERED. — 1. After an employee has received an injury he shall from time to time thereafter during disability submit to reasonable medical examination at the request of the employer, **[**his**]** **the employer's** insurer, the commission, the division **[**or**],** an administrative law judge, **or the attorney general on behalf of the second injury fund if the employer has not obtained a medical examination report,** the time and place of which shall be fixed with due regard to the convenience of the employee and his physical condition and ability to attend. The employee may have his own physician present, and if the employee refuses to submit to the examination, or in any way obstructs it, his right to compensation shall be forfeited during such period unless in the opinion of the commission the circumstances justify the refusal or obstruction.

2. The commission, the division or administrative law judge shall, when deemed necessary, appoint a duly qualified impartial physician to examine the injured employee, and any physician so chosen, if he accepts the appointment, shall promptly make the examination requested and make a complete medical report to the commission or the division in such duplication as to provide all parties with copies thereof. The physician's fee shall be fair and reasonable, as provided in subsection 3 of section 287.140, and the fee and other reasonable costs of the impartial examination may be paid as other costs under this chapter. If all the parties shall have had reasonable access thereto, the report of the physician shall be admissible in evidence.

3. The testimony of any physician who treated or examined the injured employee shall be admissible in evidence in any proceedings for compensation under this chapter, but only if the medical report of the physician has been made available to all parties as in this section provided. Immediately upon receipt of notice from the division or the commission setting a date for hearing of a case in which the nature and extent of an employee's disability is to be determined, the parties or their attorneys shall arrange, without charge or costs, each to the other, for an exchange of all medical reports, including those made both by treating and examining physician or physicians, to the end that the parties may be commonly informed of all medical findings and opinions. The exchange of medical reports shall be made at least seven days before the date set for the hearing and failure of any party to comply may be grounds for asking for and receiving a continuance, upon proper showing by the party to whom the medical reports were not furnished. If any party fails or refuses to furnish the opposing party with the medical report of the treating or examining physician at least seven days before such physician's deposition or personal testimony at the hearing, as in this section provided, upon the objection of the party who was not provided with the medical report, the physician shall not be permitted to testify at that hearing or by medical deposition.

4. Upon request, an administrative law judge, the division, or the commission shall be provided with a copy of any medical report.

5. As used in this chapter the terms "physician's report" and "medical report" mean the report of any physician made on any printed form authorized by the division or the commission or any complete medical report. As used in this chapter the term "complete medical report" means the report of a physician giving the physician's qualifications and the patient's history, complaints, details of the findings of any and all laboratory, X-ray and all other technical examinations, diagnosis, prognosis, nature of disability, if any, and an estimate of the percentage of permanent partial disability, if any. An element or elements of a complete medical report may be met by the physician's records.

6. Upon the request of a party, the physician or physicians who treated or are treating the injured employee shall be required to furnish to the parties a rating and complete medical report on the injured employee, at the expense of the party selecting the physician, along with a complete copy of the physician's clinical record including copies of any records and reports received from other health care providers.

7. The testimony of a treating or examining physician may be submitted in evidence on the issues in controversy by a complete medical report and shall be admissible without other

foundational evidence subject to compliance with the following procedures. The party intending to submit a complete medical report in evidence shall give notice at least sixty days prior to the hearing to all parties and shall provide reasonable opportunity to all parties to obtain cross-examination testimony of the physician by deposition. The notice shall include a copy of the report and all the clinical and treatment records of the physician including copies of all records and reports received by the physician from other health care providers. The party offering the report must make the physician available for cross-examination testimony by deposition not later than seven days before the matter is set for hearing, and each cross-examiner shall compensate the physician for the portion of testimony obtained in an amount not to exceed a rate of reasonable compensation taking into consideration the specialty practiced by the physician. Cross-examination testimony shall not bind the cross-examining party. Any testimony obtained by the offering party shall be at that party's expense on a proportional basis, including the deposition fee of the physician. Upon request of any party, the party offering a complete medical report in evidence must also make available copies of X rays or other diagnostic studies obtained by or relied upon by the physician. Within ten days after receipt of such notice a party shall dispute whether a report meets the requirements of a complete medical report by providing written objections to the offering party stating the grounds for the dispute, and at the request of any party, the administrative law judge shall rule upon such objections upon pretrial hearing whether the report meets the requirements of a complete medical report and upon the admissibility of the report or portions thereof. If no objections are filed the report is admissible, and any objections thereto are deemed waived. Nothing herein shall prevent the parties from agreeing to admit medical reports or records by consent. **[**The provisions of this subsection shall not apply to claims against the second injury fund.**]**

8. Certified copies of the proceedings before any coroner holding an inquest over the body of any employee receiving an injury in the course of his employment resulting in death shall be admissible in evidence in any proceedings for compensation under this chapter, and it shall be the duty of the coroner to give notice of the inquest to the employer and the dependents of the deceased employee, who shall have the right to cross-examine the witness.

9. The division or the commission may in its discretion in extraordinary cases order a postmortem examination and for that purpose may also order a body exhumed.

287.220. COMPENSATION AND PAYMENT OF COMPENSATION FOR DISABILITY — SECOND INJURY FUND CREATED, SERVICES COVERED, ACTUARIAL STUDIES REQUIRED — FAILURE OF EMPLOYER TO INSURE, PENALTY — RECORDS OPEN TO PUBLIC, WHEN — CONCURRENT EMPLOYERS, EFFECT — PRIORITY OF PAYMENT OF LIABILITIES OF FUND. — 1. **There is hereby created in the state treasury a special fund to be known as the "Second Injury Fund" created exclusively for the purposes as in this section provided and for special weekly benefits in rehabilitation cases as provided in section 287.141. Maintenance of the second injury fund shall be as provided by section 287.710. The state treasurer shall be the custodian of the second injury fund which shall be deposited the same as are state funds and any interest accruing thereon shall be added thereto. The fund shall be subject to audit the same as state funds and accounts and shall be protected by the general bond given by the state treasurer. Upon the requisition of the director of the division of workers' compensation, warrants on the state treasurer for the payment of all amounts payable for compensation and benefits out of the second injury fund shall be issued.**

2. All cases of permanent disability where there has been previous disability **due to injuries occurring prior to the effective date of this section** shall be compensated as **[**herein**]** provided **in this subsection**. Compensation shall be computed on the basis of the average earnings at the time of the last injury. If any employee who has a preexisting permanent partial disability whether from compensable injury or otherwise, of such seriousness as to constitute a hindrance or obstacle to employment or to obtaining reemployment if the employee becomes unemployed, and the preexisting permanent partial disability, if a body as a whole injury, equals

a minimum of fifty weeks of compensation or, if a major extremity injury only, equals a minimum of fifteen percent permanent partial disability, according to the medical standards that are used in determining such compensation, receives a subsequent compensable injury resulting in additional permanent partial disability so that the degree or percentage of disability, in an amount equal to a minimum of fifty weeks compensation, if a body as a whole injury or, if a major extremity injury only, equals a minimum of fifteen percent permanent partial disability, caused by the combined disabilities is substantially greater than that which would have resulted from the last injury, considered alone and of itself, and if the employee is entitled to receive compensation on the basis of the combined disabilities, the employer at the time of the last injury shall be liable only for the degree or percentage of disability which would have resulted from the last injury had there been no preexisting disability. After the compensation liability of the employer for the last injury, considered alone, has been determined by an administrative law judge or the commission, the degree or percentage of employee's disability that is attributable to all injuries or conditions existing at the time the last injury was sustained shall then be determined by that administrative law judge or by the commission and the degree or percentage of disability which existed prior to the last injury plus the disability resulting from the last injury, if any, considered alone, shall be deducted from the combined disability, and compensation for the balance, if any, shall be paid out of a special fund known as the second injury fund, hereinafter provided for. If the previous disability or disabilities, whether from compensable injury or otherwise, and the last injury together result in total and permanent disability, the minimum standards under this subsection for a body as a whole injury or a major extremity injury shall not apply and the employer at the time of the last injury shall be liable only for the disability resulting from the last injury considered alone and of itself; except that if the compensation for which the employer at the time of the last injury is liable is less than the compensation provided in this chapter for permanent total disability, then in addition to the compensation for which the employer is liable and after the completion of payment of the compensation by the employer, the employee shall be paid the remainder of the compensation that would be due for permanent total disability under section 287.200 out of **[**a special fund known as the "Second Injury Fund" hereby created exclusively for the purposes as in this section provided and for special weekly benefits in rehabilitation cases as provided in section 287.141. Maintenance of the second injury fund shall be as provided by section 287.710. The state treasurer shall be the custodian of the second injury fund which shall be deposited the same as are state funds and any interest accruing thereon shall be added thereto. The fund shall be subject to audit the same as state funds and accounts and shall be protected by the general bond given by the state treasurer. Upon the requisition of the director of the division of workers' compensation, warrants on the state treasurer for the payment of all amounts payable for compensation and benefits out of the second injury fund shall be issued.

2.**]** **the second injury fund.**

3. All claims against the second injury fund for injuries occurring after the effective date of this section and all claims against the second injury fund involving a subsequent compensable injury which is an occupational disease filed after the effective date of this section shall be compensated as provided in this subsection.

(1) No claims for permanent partial disability occurring after the effective date of this section shall be filed against the second injury fund. Claims for permanent total disability under section 287.200 against the second injury fund shall be compensable only when the following conditions are met:

(a) a. An employee has a medically documented preexisting disability equaling a minimum of fifty weeks of permanent partial disability compensation according to the medical standards that are used in determining such compensation which is:

i. A direct result of active military duty in any branch of the United States armed forces; or

ii. A direct result of a compensable injury as defined in section 287.020; or

iii. Not a compensable injury, but such preexisting disability directly and significantly aggravates or accelerates the subsequent work-related injury and shall not include unrelated preexisting injuries or conditions that do not aggravate or accelerate the subsequent work-related injury; or

iv. A preexisting permanent partial disability of an extremity, loss of eyesight in one eye, or loss of hearing in one ear, when there is a subsequent compensable work-related injury as set forth in subparagraph b of the opposite extremity, loss of eyesight in the other eye, or loss of hearing in the other ear; and

b. Such employee thereafter sustains a subsequent compensable work-related injury that, when combined with the preexisting disability, as set forth in items i, ii, iii, or iv of subparagraph a of this paragraph, results in a permanent total disability as defined under this chapter; or

(b) An employee is employed in a sheltered workshop as established in sections 205.968 to 205.972 or sections 178.900 to 178.960 and such employee thereafter sustains a compensable work-related injury that, when combined with the preexisting disability, results in a permanent total disability as defined under this chapter.

(2) When an employee is entitled to compensation as provided in this subsection, the employer at the time of the last work-related injury shall only be liable for the disability resulting from the subsequent work-related injury considered alone and of itself.

(3) Compensation for benefits payable under this subsection shall be based on the employee's compensation rate calculated under section 287.250.

4. In all cases in which a recovery against the second injury fund is sought for permanent partial disability, permanent total disability, or death, the state treasurer as custodian thereof shall be named as a party, and shall be entitled to defend against the claim.

(1) The state treasurer, with the advice and consent of the attorney general of Missouri, may enter into compromise settlements as contemplated by section 287.390, or agreed statements of fact that would affect the second injury fund. All awards for permanent partial disability, permanent total disability, or death affecting the second injury fund shall be subject to the provisions of this chapter governing review and appeal.

(2) For all claims filed against the second injury fund on or after July 1, 1994, the attorney general shall use assistant attorneys general except in circumstances where an actual or potential conflict of interest exists, to provide legal services as may be required in all claims made for recovery against the fund. Any legal expenses incurred by the attorney general's office in the handling of such claims, including, but not limited to, medical examination fees **incurred under sections 287.210 and the expenses provided for under section 287.140**, expert witness fees, court reporter expenses, travel costs, and related legal expenses shall be paid by the fund. Effective July 1, 1993, the payment of such legal expenses shall be contingent upon annual appropriations made by the general assembly, from the fund, to the attorney general's office for this specific purpose.

[3.**]** **5.** If more than one injury in the same employment causes concurrent temporary disabilities, compensation shall be payable only for the longest and largest paying disability.

[4.**]** **6.** If more than one injury in the same employment causes concurrent and consecutive permanent partial disability, compensation payments for each subsequent disability shall not begin until the end of the compensation period of the prior disability.

[5.**]** **7.** If an employer fails to insure or self-insure as required in section 287.280, funds from the second injury fund may be withdrawn to cover the fair, reasonable, and necessary expenses **incurred relating to claims for injuries occurring prior to the effective date of this section,** to cure and relieve the effects of the injury or disability of an injured employee in the employ of an uninsured employer **consistent with subsection 3 of section 287.140**, or in the case of death of an employee in the employ of an uninsured employer, funds from the second injury fund may be withdrawn to cover fair, reasonable, and necessary expenses **incurred relating to a death occurring prior to the effective date of this section,** in the manner

required in sections 287.240 and 287.241. In defense of claims arising under this subsection, the treasurer of the state of Missouri, as custodian of the second injury fund, shall have the same defenses to such claims as would the uninsured employer. Any funds received by the employee or the employee's dependents, through civil or other action, must go towards reimbursement of the second injury fund, for all payments made to the employee, the employee's dependents, or paid on the employee's behalf, from the second injury fund pursuant to this subsection. The office of the attorney general of the state of Missouri shall bring suit in the circuit court of the county in which the accident occurred against any employer not covered by this chapter as required in section 287.280.

[6.**]** **8.** Every **[**three years**]** **year** the second injury fund shall have an actuarial study made to determine the solvency of the fund **taking into consideration any existing balance carried forward from a previous year**, appropriate funding level of the fund, and forecasted expenditures from the fund. The first actuarial study shall be completed prior to July 1, **[**1988**]** **2014**. The expenses of such actuarial studies shall be paid out of the fund for the support of the division of workers' compensation.

[7.**]** **9.** The director of the division of workers' compensation shall maintain the financial data and records concerning the fund for the support of the division of workers' compensation and the second injury fund. The division shall also compile and report data on claims made pursuant to subsection **[**9**]** **11** of this section. The attorney general shall provide all necessary information to the division for this purpose.

[8.**]** **10.** All claims for fees and expenses filed against the second injury fund and all records pertaining thereto shall be open to the public.

[9.**]** **11.** Any employee who at the time a compensable work-related injury is sustained **prior to the effective date of this section** is employed by more than one employer, the employer for whom the employee was working when the injury was sustained shall be responsible for wage loss benefits applicable only to the earnings in that employer's employment and the injured employee shall be entitled to file a claim against the second injury fund for any additional wage loss benefits attributed to loss of earnings from the employment or employments where the injury did not occur, up to the maximum weekly benefit less those benefits paid by the employer in whose employment the employee sustained the injury. The employee shall be entitled to a total benefit based on the total average weekly wage of such employee computed according to subsection 8 of section 287.250. The employee shall not be entitled to a greater rate of compensation than allowed by law on the date of the injury. The employer for whom the employee was working where the injury was sustained shall be responsible for all medical costs incurred in regard to that injury.

12. No compensation shall be payable from the second injury fund if the employee files a claim for compensation under the workers' compensation law of another state with jurisdiction over the employee's injury or accident or occupational disease.

13. Notwithstanding the requirements of section 287.470, the life payments to an injured employee made from the fund shall be suspended when the employee is able to obtain suitable gainful employment or be self-employed in view of the nature and severity of the injury. The division shall promulgate rules setting forth a reasonable standard means test to determine if such employment warrants the suspension of benefits.

14. All awards issued under this chapter affecting the second injury fund shall be subject to the provisions of this chapter governing review and appeal.

15. The division shall pay any liabilities of the fund in the following priority:

(1) Expenses related to the legal defense of the fund under subsection 4 of this section;

(2) Permanent total disability awards in the order in which claims are settled or finally adjudicated;

(3) Permanent partial disability awards in the order in which such claims are settled or finally adjudicated;

(4) Medical expenses incurred prior to July 1, 2012, under subsection 7 of this section; and

(5) Interest on unpaid awards.

Such liabilities shall be paid to the extent the fund has a positive balance. Any unpaid amounts shall remain an ongoing liability of the fund until satisfied.

16. Post award interest for the purpose of second injury fund claims shall be set at the adjusted rate of interest established by the director of revenue pursuant to section 32.065 or five percent, whichever is greater.

287.223. MISSOURI MESOTHELIOMA RISK MANAGEMENT FUND CREATED — DEFINITIONS — ISSUANCE OF PAYMENTS, WHEN — BOARD OF TRUSTEES, APPOINTMENT, MEETINGS, DUTIES. — 1. There is hereby created the "Missouri Mesothelioma Risk Management Fund", which shall be a body corporate and politic. The board of trustees of this fund shall have the powers and duties specified in this section and such other powers as may be necessary or proper to enable it, its officers, employees and agents to carry out fully and effectively all the purposes of this section.

2. Unless otherwise clearly indicated by the context, the following words and terms as used in this section mean:

(1) "Board", the board of trustees of the Missouri mesothelioma risk management fund;

(2) "Fund", the Missouri mesothelioma risk management fund established by subsection 1 of this section.

3. Any employer may participate in the Missouri mesothelioma risk management fund and use funds collected under this section to pay mesothelioma awards made against an employer member of the fund.

4. Employers who participate in the fund shall make annual contributions to the fund in the amount determined by the board in accordance with this section relating to rates established by insurers. Participation in the fund has the same effect as purchase of insurance by such employer, as otherwise provided by law, and shall have the same effect as a self-insurance plan. Moneys in the fund shall be available for:

(1) The payment and settlement of all claims for which coverage has been obtained by any employer participating in the fund in accordance with coverages offered by the board relating to mesothelioma awards pursuant to paragraph (a) of subdivision (3) of subsection 4 of section 287.200;

(2) Attorney's fees and expenses incurred in the administration and representation of the fund.

5. No amount in excess of the amount specified by paragraph (a) of subdivision (3) of subsection 4 of section 287.200 shall be paid from the fund for the payment of claims arising out of any award.

6. The board of trustees of the fund shall issue payment of benefits in accordance with coverages offered by the board. For any year in which any employer does not make a yearly contribution to the fund, the board of trustees of the fund shall not be responsible, in any way, for payment of any claim arising from an occurrence in that year. Any employer which discontinues its participation in the fund may not resume participation in the fund for five calendar years after discontinuing participation. Should an employer fail to make a yearly contribution, such employer shall be liable pursuant to paragraph (b) of subdivision (3) of subsection 4 of section 287.200 if a claim is made in such year. If ongoing benefits are due by the fund for an employer who fail to make a yearly contribution, such employer shall be liable to the fund for the ongoing benefits.

7. All staff for the fund shall be provided by the department of labor except as otherwise specifically determined by the board. The fund shall reimburse the department of labor for all costs of providing staff required by this subsection. Such reimbursement

shall be made on an annual basis, pursuant to contract negotiated between the fund and the department of labor. The fund is a body corporate and politic, and the state of Missouri shall not be liable in any way with respect to claims made against the fund or against member employers covered by the fund, nor with respect to any expense of operation of the fund. Money in the fund is not state money nor is it money collected or received by the state.

8. Each participating employer shall notify the board of trustees of the fund within seven working days of the time notice is received that a claim for benefits has been made against the employer. The employer shall supply information to the board of trustees of the fund concerning any claim upon request. It shall also notify the board of trustees of the fund upon the closing of any claim.

9. The board may contract with independent insurance agents, authorizing such agents to accept contributions to the fund from employers on behalf of the board upon such terms and conditions as the board deems necessary, and may provide a reasonable method of compensating such agents. Such compensation shall not be additional to the contribution to the fund.

10. There is hereby established a "Board of Trustees of the Missouri Mesothelioma Risk Management Fund" which shall consist of the director of the department of labor, and four members, appointed by the governor with the advice and consent of the senate, who are officers or employees of those employers participating in the fund. No more than two members appointed by the governor shall be of the same political party. The members appointed by the governor shall serve four-year terms, except that the original appointees shall be appointed for the following terms: one for one year, one for two years, one for three years, and one for four years. Any vacancies occurring on the board shall be filled in the same manner. In appointing the initial board of trustees the governor may anticipate which public entities will participate in the fund, and the appointees may serve the terms designated herein, unless they sooner resign or are removed in accordance with law.

11. No trustee shall be liable personally in any way with respect to claims made against the fund or against member employers covered by the fund.

12. The board shall elect one of their members as chairman. He or she shall preside over meetings of the board and perform such other duties as shall be required by action of the board.

13. The chairman shall appoint another board member as vice chairman, and the vice chairman shall perform the duties of the chairman in the absence of the latter or upon his inability or refusal to act.

14. The board shall appoint a secretary who shall have charge of the offices and records of the fund, subject to the direction of the board.

15. The board shall meet in Jefferson City, Missouri, upon the written call of the chairman or by the agreement of any three members of the board. Notice of the meeting shall be delivered to all other trustees in person or by depositing notice in a United States post office in a properly stamped and addressed envelope not less than six days prior to the date fixed for the meeting. The board may meet at any time by unanimous mutual consent.

16. Three trustees shall constitute a quorum for the transaction of business, and any official action of the board shall be based on a majority vote of the trustees present.

17. The trustees shall serve without compensation but shall receive from the fund their actual and necessary expenses incurred in the performance of their duties for the board.

18. Duties performed for the fund by any member of the board who is an employee of a member employer shall be considered duties in connection with the regular

employment of such employer, and such person shall suffer no loss in regular compensation by reason of the performance of such duties.

19. The board shall keep a complete record of all its proceedings.

20. A statement covering the operations of the fund for the year, including income and disbursements, and of the financial condition of the fund at the end of the year, showing the valuation and appraisal of its assets and liabilities, as of July first, shall each year be delivered to the governor and be made readily available to public entities.

21. The general administration of, and responsibility for, the proper operation of the fund, including all decisions relating to payments from the fund, are hereby vested in the board of trustees.

22. The board shall determine and prescribe all rules, regulations, coverages to be offered, forms and rates to carry out the purposes of this section.

23. The board shall have exclusive jurisdiction and control over the funds and property of the fund.

24. No trustee or staff member of the fund shall receive any gain or profit from any moneys or transactions of the fund.

25. Any trustee or staff member accepting any gratuity or compensation for the purpose of influencing his or her action with respect to the investment of the funds of the system or in the operations of the fund shall forfeit his or her office.

26. The board shall have the authority to use moneys from the fund to purchase one or more policies of insurance or reinsurance to cover the liabilities of participating employers members which are covered by the fund. If such insurance can be procured, the board shall have the authority to procure insurance covering participating member employers per occurrence for liabilities covered by the fund. The costs of such insurance shall be considered in determining the contribution of each employer member.

27. The board shall have the authority to use moneys from the fund to assist participating members in assessing and reducing the risk of liabilities which may be covered by the fund.

28. The board shall set up and maintain a Missouri mesothelioma risk management fund account in which shall be placed all contributions, premiums, and income from all sources. All property, money, funds, investments, and rights which shall belong to, or be available for expenditure or use by, the fund shall be dedicated to and held in trust for the purposes set out in this section and no other. The board shall have power, in the name of and on behalf of the fund, to purchase, acquire, hold, invest, lend, lease, sell, assign, transfer, and dispose of all property, rights, and securities, and enter into written contracts, all as may be necessary or proper to carry out the purposes of this section.

29. All moneys received by or belonging to the fund shall be paid to the secretary and deposited by him or her to the credit of the fund in one or more banks or trust companies. No such money shall be deposited in or be retained by any bank and trust company which does not have on deposit with the board at the time the kind and value of collateral required by section 30.270 for depositories of the state treasurer. The secretary shall be responsible for all funds, securities, and property belonging to the fund, and shall give such corporate surety bond for the faithful handling of the same as the board shall require.

30. So far as practicable, the funds and property of the fund shall be kept safely invested so as to earn a reasonable return. The board may invest the funds of the fund as permitted by the laws of Missouri relating to the investment of the capital, reserve, and surplus funds of casualty insurance companies organized under the laws of Missouri.

31. If contributions to the fund do not produce sufficient funds to pay any claims which may be due, the board shall assess and each member, including any member who has withdrawn but was a member in the year in which the assessment is required, shall pay such additional amounts which are each member's proportionate share of total claims

allowed and due. The provisions of this subsection shall apply retroactively to the creation of the Missouri mesothelioma risk management fund.

32. The board, in order to carry out the purposes for which the fund is established, may select and employ, or contract with, persons experienced in insurance underwriting, accounting, the servicing of claims, and rate making, who shall serve at the board's pleasure, as technical advisors in establishing the annual contribution, or may call upon the director of the department of insurance, financial institutions and professional registration for such services.

33. Nothing in this section, shall be construed to broaden or restrict the liability of the member employers participating in the fund beyond the provisions of this sections, nor to abolish or waive any defense at law which might otherwise be available to any employer member.

34. If, at the end of any fiscal year, the fund has a balance exceeding projected needs, and adequate reserves, the board may in its discretion refund on a pro rata basis to all participating employer members an amount based on the contributions of the public entity for the immediately preceding year.

287.280. EMPLOYER'S ENTIRE LIABILITY TO BE COVERED, SELF-INSURER OR APPROVED CARRIER — EXCEPTION — GROUP OF EMPLOYERS MAY QUALIFY AS SELF-INSURERS — UNIFORM EXPERIENCE RATING PLAN — FAILURE TO INSURE, EFFECT — RULES — CONFIDENTIAL RECORDS. — 1. Every employer subject to the provisions of this chapter shall, on either an individual or group basis, insure **[**his**]** **their** entire liability **[**thereunder**]** **under the workers' compensation law; and may insure in whole or in part their employer liability, under a policy of insurance or a self-insurance plan**, except as hereafter provided, with some insurance carrier authorized to insure such liability in this state, except that an employer or group of employers may themselves carry the whole or any part of the liability without insurance upon satisfying the division of their ability **[**so to do**]** **to do so**. If an employer or group of employers have qualified to self-insure their liability under this chapter, the division of workers' compensation may, if it finds after a hearing that the employer or group of employers are willfully and intentionally violating the provisions of this chapter with intent to defraud their employees of their right to compensation, suspend or revoke the right of the employer or group of employers to self-insure their liability. If the employer or group of employers fail to comply with this section, an injured employee or his dependents may elect after the injury either to bring an action against such employer or group of employers to recover damages for personal injury or death and it shall not be a defense that the injury or death was caused by the negligence of a fellow servant, or that the employee had assumed the risk of the injury or death, or that the injury or death was caused to any degree by the negligence of the employee; or to recover under this chapter with the compensation payments commuted and immediately payable; or, if the employee elects to do so, he or she may file a request with the division for payment to be made for medical expenses out of the second injury fund as provided in subsection 5 of section 287.220. If the employer or group of employers are carrying their own insurance, on the application of any person entitled to compensation and on proof of default in the payment of any installment, the division shall require the employer or group of employers to furnish security for the payment of the compensation, and if not given, all other compensation shall be commuted and become immediately payable; provided, that employers engaged in the mining business shall be required to insure only their liability hereunder to the extent of the equivalent of the maximum liability under this chapter for ten deaths in any one accident, but the employer or group of employers may carry their own risk for any excess liability. When a group of employers enter into an agreement to pool their liabilities under this chapter, individual members will not be required to qualify as individual self-insurers.

2. Groups of employers qualified to insure their liability pursuant to chapter 537 or this chapter, shall utilize a uniform experience rating plan promulgated by an approved advisory

organization. Such groups shall develop experience ratings for their members based on the plan. Nothing in this section shall relieve an employer from remitting, without any charge to the employer, the employer's claims history to an approved advisory organization.

3. For every entity qualified to group self-insure their liability pursuant to this chapter or chapter 537, each entity shall not authorize total discounts for any individual member exceeding twenty-five percent beginning January 1, 1999. All discounts shall be based on objective quantitative factors and applied uniformly to all trust members.

4. Any group of employers that have qualified to self-insure their liability pursuant to this chapter shall file with the division premium rates, based on pure premium rate data, adjusted for loss development and loss trending as filed by the advisory organization with the department of insurance, financial institutions and professional registration pursuant to section 287.975, plus any estimated expenses and other factors or based on average rate classifications calculated by the department of insurance, financial institutions and professional registration as taken from the premium rates filed by the twenty insurance companies providing the greatest volume of workers' compensation insurance coverage in this state. The rate is inadequate if funds equal to the full ultimate cost of anticipated losses and loss adjustment expenses are not produced when the prospective loss costs are applied to anticipated payrolls. The provisions of this subsection shall not apply to those political subdivisions of this state that have qualified to self-insure their liability pursuant to this chapter as authorized by section 537.620 on an assessment plan. Any such group may file with the division a composite rate for all coverages provided under that section.

5. Any finding or determination made by the division under this section may be reviewed as provided in sections 287.470 and 287.480.

6. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

7. Any records submitted pursuant to this section, and pursuant to any rule promulgated by the division pursuant to this section, shall be considered confidential and not subject to chapter 610. Any party to a workers' compensation case involving the party that submitted the records shall be able to subpoena the records for use in a workers' compensation case, if the information is otherwise relevant.

287.610. ADDITIONAL ADMINISTRATIVE LAW JUDGES, APPOINTMENT AND QUALIFICATION, LIMIT ON NUMBER — ANNUAL EVALUATIONS — REVIEW COMMITTEE, RETENTION VOTE — JURISDICTION, POWERS — CONTINUING TRAINING REQUIRED — PERFORMANCE AUDITS REQUIRED — RULES. — 1. After August 28, 2005, the division may appoint additional administrative law judges for a maximum of forty authorized administrative law judges. Appropriations shall be based upon necessity, measured by the requirements and needs of each division office. Administrative law judges shall be duly licensed lawyers under the laws of this state. Administrative law judges shall not practice law or do law business and shall devote their whole time to the duties of their office. The director of the division of workers' compensation shall publish and maintain on the division's website the appointment dates or initial dates of service for all administrative law judges.

2. **[**The division director, as a member of the administrative law judge review committee, hereafter referred to as "the committee", shall perform, in conjunction with the committee, a performance audit of all administrative law judges by August 28, 2006. The division director, in conjunction with the committee, shall establish the written performance audit standards on or before October 1, 2005.

3.**]** The thirteen administrative law judges with the most years of service shall be subject to a retention vote on August 28, 2008. The next thirteen administrative law judges with the most years of service in descending order shall be subject to a retention vote on August 28, 2012. Administrative law judges appointed and not previously referenced in this subsection shall be subject to a retention vote on August 28, 2016. Subsequent retention votes shall be held every

twelve years. Any administrative law judge who has received two or more votes of no confidence under performance audits by the committee shall not receive a vote of retention.

[4.**]** **3.** The administrative law judge review committee members shall not have any direct or indirect employment or financial connection with a workers' compensation insurance company, claims adjustment company, health care provider nor be a practicing workers' compensation attorney. All members of the committee shall have a working knowledge of workers' compensation.

[5.**]** **4.** The committee shall within thirty days of completing each performance audit make a recommendation of confidence or no confidence for each administrative law judge.

[6.**]** **5.** The administrative law judges appointed by the division shall only have jurisdiction to hear and determine claims upon original hearing and shall have no jurisdiction upon any review hearing, either in the way of an appeal from an original hearing or by way of reopening any prior award, except to correct a clerical error in an award or settlement if the correction is made by the administrative law judge within twenty days of the original award or settlement. The labor and industrial relations commission may remand any decision of an administrative law judge for a more complete finding of facts. The commission may also correct a clerical error in awards or settlements within thirty days of its final award. With respect to original hearings, the administrative law judges shall have such jurisdiction and powers as are vested in the division of workers' compensation under other sections of this chapter, and wherever in this chapter the word "commission", "commissioners" or "division" is used in respect to any original hearing, those terms shall mean the administrative law judges appointed under this section. When a hearing is necessary upon any claim, the division shall assign an administrative law judge to such hearing. Any administrative law judge shall have power to approve contracts of settlement, as provided by section 287.390, between the parties to any compensation claim or dispute under this chapter pending before the division of workers' compensation. Any award by an administrative law judge upon an original hearing shall have the same force and effect, shall be enforceable in the same manner as provided elsewhere in this chapter for awards by the labor and industrial relations commission, and shall be subject to review as provided by section 287.480.

[7.**]** **6.** Any of the administrative law judges employed pursuant to this section may be assigned on a temporary basis to the branch offices as necessary in order to ensure the proper administration of this chapter.

[8.**]** **7.** All administrative law judges shall be required to participate in, on a continuing basis, specific training that shall pertain to those elements of knowledge and procedure necessary for the efficient and competent performance of the administrative law judges' required duties and responsibilities. Such training requirements shall be established by the division subject to appropriations and shall include training in medical determinations and records, mediation and legal issues pertaining to workers' compensation adjudication. Such training may be credited toward any continuing legal education requirements.

[9.**]** **8.** (1) **[**The director of the division, in conjunction with**]** The administrative law judge review committee**[**,**]** shall conduct a performance audit of all administrative law judges every two years. The audit results, stating the committee's recommendation of confidence or no confidence of each administrative law judge shall be sent to the governor no later than the first week of each legislative session immediately following such audit. Any administrative law judge who has received **[**two**]** **three** or more votes of no confidence under **two successive** performance audits by the committee may have their appointment immediately withdrawn.

(2) The review committee shall consist of **[**the division director, who shall be appointed by the governor,**]** one member appointed by the president pro tem of the senate, one member appointed by the minority leader of the senate, one member appointed by the speaker of the house of representatives, and one member appointed by the minority leader of the house of representatives. The governor shall appoint to the committee one member selected from the commission on retirement, removal, and discipline of judges. This member shall act as a

member ex-officio and shall not have a vote in the committee. **[**The division director shall serve as the chairperson of the committee, and shall serve on the committee during the time of employment in such position.**]** **The committee shall annually elect a chairperson from its members for a term of one year.** The term of service for all **[**other**]** members shall be two years. The review committee members shall all serve without compensation. Necessary expenses for review committee members and all necessary support services to the review committee shall be provided by the division.

[10.**]** **9.** No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

287.715. ANNUAL SURCHARGE REQUIRED FOR SECOND INJURY FUND, AMOUNT, HOW COMPUTED, COLLECTION — VIOLATION, PENALTY — SUPPLEMENTAL SURCHARGE, AMOUNT. — 1. For the purpose of providing for revenue for the second injury fund, every authorized self-insurer, and every workers' compensation policyholder insured pursuant to the provisions of this chapter, shall be liable for payment of an annual surcharge in accordance with the provisions of this section. The annual surcharge imposed under this section shall apply to all workers' compensation insurance policies and self-insurance coverages which are written or renewed on or after April 26, 1988, including the state of Missouri, including any of its departments, divisions, agencies, commissions, and boards or any political subdivisions of the state who self-insure or hold themselves out to be any part self-insured. Notwithstanding any law to the contrary, the surcharge imposed pursuant to this section shall not apply to any reinsurance or retrocessional transaction.

2. Beginning October 31, 2005, and each year thereafter, the director of the division of workers' compensation shall estimate the amount of benefits payable from the second injury fund during the following calendar year and shall calculate the total amount of the annual surcharge to be imposed during the following calendar year upon all workers' compensation policyholders and authorized self-insurers. The amount of the annual surcharge percentage to be imposed upon each policyholder and self-insured for the following calendar year commencing with the calendar year beginning on January 1, 2006, shall be set at and calculated against a percentage, not to exceed three percent, of the policyholder's or self-insured's workers' compensation net deposits, net premiums, or net assessments for the previous policy year, rounded up to the nearest one-half of a percentage point, that shall generate, as nearly as possible, one hundred ten percent of the moneys to be paid from the second injury fund in the following calendar year, less any moneys contained in the fund at the end of the previous calendar year. All policyholders and self-insurers shall be notified by the division of workers' compensation within ten calendar days of the determination of the surcharge percent to be imposed for, and paid in, the following calendar year. The net premium equivalent for individual self-insured employers and any group of political subdivisions of this state qualified to self-insure their liability pursuant to this chapter as authorized by section 537.620 shall be based on average rate classifications calculated by the department of insurance, financial institutions and professional registration as taken from premium rates filed by the twenty insurance companies providing the greatest volume of workers' compensation insurance coverage in this state. For employers qualified to self-insure their liability pursuant to this chapter, the rates filed by such group of employers in accordance with subsection 2 of section 287.280 shall be the net premium equivalent. The director may advance funds from the workers' compensation fund to the second injury fund if surcharge collections prove to be insufficient. Any funds advanced from the workers' compensation fund to the second injury fund must be reimbursed by the second injury fund no later than December thirty-first of the year following the advance. The surcharge shall be collected from policyholders by each insurer at the same time and in the same manner that the premium is collected, but no insurer or its agent shall be entitled to any portion of the surcharge as a fee or commission for its collection. The surcharge is not subject to any taxes, licenses or fees.

3. All surcharge amounts imposed by this section shall be deposited to the credit of the second injury fund.

4. Such surcharge amounts shall be paid quarterly by insurers and self-insurers, and insurers shall pay the amounts not later than the thirtieth day of the month following the end of the quarter in which the amount is received from policyholders. If the director of the division of workers' compensation fails to calculate the surcharge by the thirty-first day of October of any year for the following year, any increase in the surcharge ultimately set by the director shall not be effective for any calendar quarter beginning less than sixty days from the date the director makes such determination.

5. If a policyholder or self-insured fails to make payment of the surcharge or an insurer fails to make timely transfer to the division of surcharges actually collected from policyholders, as required by this section, a penalty of one-half of one percent of the surcharge unpaid, or untransferred, shall be assessed against the liable policyholder, self-insured or insurer. Penalties assessed under this subsection shall be collected in a civil action by a summary proceeding brought by the director of the division of workers' compensation.

6. Notwithstanding subsection 2 of this section to the contrary, the director of the division of workers' compensation shall collect a supplemental surcharge not to exceed three percent for calendar years 2014 to 2021 of the policyholder's or self-insured's workers' compensation net deposits, net premiums, or net assessments for the previous policy year, rounded up to the nearest one-half of a percentage point. All policyholders and self-insurers shall be notified by the division of the supplemental surcharge percentage to be imposed for such period of time as part of the notice provided in subsection 2 of this section. The provisions of this subsection shall expire on December 31, 2021.

7. Funds collected under the provisions of this chapter shall be the sole funding source of the second injury fund.

287.745. DELINQUENT TAXES, INTEREST, RATE — OVERPAYMENT OF TAXES, CREDIT. — 1. If the tax imposed by sections 287.690, 287.710, and 287.715 are not paid when due, the taxpayer shall be required to pay, as part of such tax, interest thereon at the rate of one and one-half percent per month for each month or fraction thereof delinquent. In the event the state prevails in any dispute concerning an assessment of tax which has not been paid by the taxpayer, interest shall be paid upon the amount found due to the state at the rate of one and one-half percent per month for each month or fraction thereof delinquent.

2. In any legal contest concerning the amount of tax under sections 287.690, 287.710 and 287.715 for a calendar year, the quarterly installments for the following year shall continue to be made based upon the amount assessed by the director of revenue for the year in question. If after the end of any taxable year, the amount of the actual tax due is less than the total amount of the installments actually paid, the amount by which the amount paid exceeds the amount due shall **at the election of the taxpayer** be **refunded or** credited against the tax for the following year and **in the event of a credit,** deducted from the quarterly installment otherwise due on June first.

287.955. INSURERS TO ADHERE TO UNIFORM CLASSIFICATION SYSTEM, PLAN — DIRECTOR TO DESIGNATE ADVISORY ORGANIZATION, PURPOSE, DUTIES. — 1. Every workers' compensation insurer shall adhere to a uniform classification system and uniform experience rating plan filed with the director by the advisory organization designated by the director and subject to his disapproval.

2. An insurer may develop subclassifications of the uniform classification system upon which a rate may be made, except that such subclassifications shall be filed with the director thirty days prior to their use. The director shall disapprove subclassifications if the insurer fails to demonstrate that the data thereby produced can be reported consistent with the uniform statistical plan and classification system.

[2.] **3.** The director shall designate an advisory organization to assist him in gathering, compiling and reporting relevant statistical information. Every workers' compensation insurer shall record and report its workers' compensation experience to the designated advisory organization as set forth in the uniform statistical plan approved by the director.

[3.] **4.** The designated advisory organization shall develop and file manual rules, subject to the approval of the director, reasonably related to the recording and reporting of data pursuant to the uniform statistical plan, uniform experience rating plan, and the uniform classification system.

5. Every workers' compensation insurer shall adhere to the approved manual rules and experience rating plan in writing and reporting its business. No insurer shall agree with any other insurer or with the advisory organization to adhere to manual rules which are not reasonably related to the recording and reporting of data pursuant to the uniform classification system of the uniform statistical plan.

6. A workers' compensation insurer may develop an individual risk premium modification rating plan which prospectively modifies premium based upon individual risk characteristics which are predictive of future loss. Such rating plan shall be filed thirty days prior to use and may be subject to disapproval by the director.

(1) The rating plan shall establish objective standards for measuring variations in individual risks for hazards or expense or both. The rating plan shall be actuarially justified and shall not result in premiums which are excessive, inadequate, or unfairly discriminatory. The rating plan shall not utilize factors which are duplicative of factors otherwise utilized in the development of rates or premiums, including the uniform classification system and the uniform experience rating plan. The premium modification factors utilized under the rating plan shall be applied on a statewide basis, with no premium modifications based solely upon the geographic location of the employer.

(2) Within thirty days of a request, the insurer shall clearly disclose to the employer the individual risk characteristics which result in premium modifications. However, this disclosure shall not in any way require the release to the insured employer of any trade secret or proprietary information or data used to derive the premium modification and that meets the definitions of, and is protected by, the provisions of chapter 417.

(3) Premium modifications under this subsection may be determined by an underwriter assessing the individual risk characteristics and applying premium credits and debits as specified under a schedule rating plan. Alternatively, an insurer may utilize software or a computer risk modeling system designed to identify and assess individual risk characteristics and which systematically and uniformly applies premium modifications to similarly-situated employers.

(a) Premium modifications resulting from a schedule rating plan, with an underwriter determining individual risk characteristics, shall be limited to plus or minus twenty-five percent. An additional ten percent credit may be given for a reduction in the insurer's expenses.

(b) Premium modifications resulting from a risk modeling system shall be limited to plus or minus fifty percent. Premium modifications resulting from a risk modeling system shall be reported separately under the uniform statistical plan from premium modifications resulting from a schedule rating plan.

(c) Premium credits or reductions shall not be removed or reduced unless there is a change in the insurer, the insurer amends or withdraws the rating plan, or unless there is a corresponding change in the insured employer's operations or risk characteristics underlying the credit or reduction.

SECTION B. EFFECTIVE DATE. — Section A of this act shall become effective January 1, 2014.

Approved July 10, 2013

SB 10 [SCS SBs 10 & 25]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Creates a tax credit to attract amateur sporting events to the state

AN ACT to amend chapter 67, RSMo, by adding thereto two new sections relating to incentives to attract amateur sporting events to Missouri.

SECTION
A. Enacting clause.
67.3000. Definitions — contract submitted to department for certification — tax credit eligibility, procedure, requirements — rulemaking authority.
67.3005. Tax credit authorized, amount — application, approval — rulemaking authority — sunset date.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Chapter 67, RSMo, is amended by adding thereto two new sections, to be known as sections 67.3000 and 67.3005, to read as follows:

67.3000. DEFINITIONS — CONTRACT SUBMITTED TO DEPARTMENT FOR CERTIFICATION — TAX CREDIT ELIGIBILITY, PROCEDURE, REQUIREMENTS — RULEMAKING AUTHORITY. — 1. As used in this section and section 67.3005, the following words shall mean:

(1) "Active member", an organization located in the state of Missouri, which solicits and services sports events, sports organizations, and other types of sports-related activities in that community;

(2) "Applicant" or "applicants", one or more certified sponsors, endorsing counties, endorsing municipalities, or a local organizing committee, acting individually or collectively;

(3) "Certified sponsor" or "certified sponsors", a nonprofit organization which is an active member of the National Association of Sports Commissions;

(4) "Department", the Missouri department of economic development;

(5) "Director", the director of revenue;

(6) "Eligible costs", shall include:

(a) Costs necessary for conducting the sporting event;

(b) Costs relating to the preparations necessary for the conduct of the sporting event; and

(c) An applicant's pledged obligations to the site selection organization as evidenced by the support contract for the sporting event.

"Eligible costs" shall not include any cost associated with the rehabilitation or construction of any facilities used to host the sporting event or direct payments to a for-profit site selection organization, but may include costs associated with the retrofitting of a facility necessary to accommodate the sporting event;

(7) "Eligible donation", donations received, by a certified sponsor or local organizing committee, from a taxpayer that may include cash, publicly traded stocks and bonds, and real estate that will be valued and documented according to rules promulgated by the department. Such donations shall be used solely to provide funding to attract sporting events to this state;

(8) "Endorsing municipality" or "endorsing municipalities", any city, town, incorporated village, or county that contains a site selected by a site selection organization for one or more sporting events;

(9) "Joinder agreement", an agreement entered into by one or more applicants, acting individually or collectively, and a site selection organization setting out

representations and assurances by each applicant in connection with the selection of a site in this state for the location of a sporting event;

(10) "Joinder undertaking", an agreement entered into by one or more applicants, acting individually or collectively, and a site selection organization that each applicant will execute a joinder agreement in the event that the site selection organization selects a site in this state for a sporting event;

(11) "Local organizing committee", a nonprofit corporation or its successor in interest that:

(a) Has been authorized by one or more certified sponsors, endorsing municipalities, or endorsing counties, acting individually or collectively, to pursue an application and bid on its or the applicant's behalf to a site selection organization for selection as the host of one or more sporting events; or

(b) With the authorization of one or more certified sponsors, endorsing municipalities, or endorsing counties, acting individually or collectively, executes an agreement with a site selection organization regarding a bid to host one or more sporting events;

(12) "Site selection organization", the National Collegiate Athletic Association (NCAA); an NCAA member conference, university, or institution; the National Association of Intercollegiate Athletics (NAIA); the United States Olympic Committee (USOC); a national governing body (NGB) or international federation of a sport recognized by the USOC; the United States Golf Association (USGA); the United States Tennis Association (USTA); the Amateur Softball Association of America (ASA); other major regional, national, and international sports associations, and amateur organizations that promote, organize, or administer sporting games, or competitions; or other major regional, national, and international organizations that promote or organize sporting events;

(13) "Sporting event" or "sporting events", an amateur or Olympic sporting event that is competitively bid or is awarded by a site selection organization;

(14) "Support contract" or "support contracts", an event award notification, joinder undertaking, joinder agreement, or contract executed by an applicant and a site selection organization;

(15) "Tax credit" or "tax credits", a credit or credits issued by the department against the tax otherwise due under chapter 143 or 148, excluding withholding tax imposed under sections 143.191 to 143.265;

(16) "Taxpayer", any of the following individuals or entities who make an eligible donation:

(a) A person, firm, partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed under chapter 143;

(b) A corporation subject to the annual corporation franchise tax imposed under chapter 147;

(c) An insurance company paying an annual tax on its gross premium receipts in this state;

(d) Any other financial institution paying taxes to the state of Missouri or any political subdivision of this state under chapter 148;

(e) An individual subject to the state income tax imposed under chapter 143;

(f) Any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143.

2. An applicant may submit a copy of a support contract for a sporting event to the department. Within sixty days of receipt of the sporting event support contract, the department may review the applicant's support contract and certify such support contract

if it complies with the requirements of this section. Upon certification of the support contract by the department, the applicant may be authorized to receive the tax credit under subsection 4 of this section.

3. No more than thirty days following the conclusion of the sporting event, the applicant shall submit eligible costs and documentation of the costs evidenced by receipts, paid invoices, or other documentation in a manner prescribed by the department.

4. No later than seven days following the conclusion of the sporting event, the department, in consultation with the director, may determine the total number of tickets sold at face value for such event. No later than sixty days following the receipt of eligible costs and documentation of such costs from the applicant as required in subsection 3 of this section, the department may issue a refundable tax credit to the applicant for the lesser of one hundred percent of eligible costs incurred by the applicant or an amount equal to five dollars for every admission ticket sold to such event. Tax credits authorized by this section may be claimed against taxes imposed by chapters 143 and 148 and shall be claimed within one year of the close of the taxable year for which the credits were issued. Tax credits authorized by this section may be transferred, sold, or assigned by filing a notarized endorsement thereof with the department that names the transferee, the amount of tax credit transferred, and the value received for the credit, as well as any other information reasonably requested by the department.

5. In no event shall the amount of tax credits issued by the department under subsection 4 of this section exceed three million dollars in any fiscal year.

6. An applicant shall provide any information necessary as determined by the department for the department and the director to fulfill the duties required by this section. At any time upon the request of the state of Missouri, a certified sponsor shall subject itself to an audit conducted by the state.

7. This section shall not be construed as creating or requiring a state guarantee of obligations imposed on an endorsing municipality under a support contract or any other agreement relating to hosting one or more sporting events in this state.

8. The department shall only certify an applicant's support contract for a sporting event in which the site selection organization has yet to select a location for the sporting event as of December 1, 2012. No support contract shall be certified unless the site selection organization has chosen to use a location in this state from competitive bids, at least one of which was a bid for a location outside of this state. Support contracts shall not be certified by the department after August 28, 2019, provided that the support contracts may be certified on or prior to August 28, 2019, for sporting events that will be held after such date.

9. The department may promulgate rules as necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

67.3005. TAX CREDIT AUTHORIZED, AMOUNT — APPLICATION, APPROVAL — RULEMAKING AUTHORITY — SUNSET DATE. — 1. For all taxable years beginning on or after January 1, 2013, any taxpayer shall be allowed a credit against the taxes otherwise due under chapter 143, 147, or 148, excluding withholding tax imposed by sections 143.191 to 143.265, in an amount equal to fifty percent of the amount of an eligible donation, subject to the restrictions in this section. The amount of the tax credit claimed

shall not exceed the amount of the taxpayer's state income tax liability in the tax year for which the credit is claimed. Any amount of credit that the taxpayer is prohibited by this section from claiming in a tax year shall not be refundable, but may be carried forward to any of the taxpayer's two subsequent taxable years.

2. To claim the credit authorized in this section, a certified sponsor or local organizing committee shall submit to the department an application for the tax credit authorized by this section on behalf of taxpayers. The department shall verify that the applicant has submitted the following items accurately and completely:

(1) A valid application in the form and format required by the department;

(2) A statement attesting to the eligible donation received, which shall include the name and taxpayer identification number of the individual making the eligible donation, the amount of the eligible donation, and the date the eligible donation was received; and

(3) Payment from the certified sponsor or local organizing committee equal to the value of the tax credit for which application is made.

If the certified sponsor or local organizing committee applying for the tax credit meets all criteria required by this subsection, the department shall issue a certificate in the appropriate amount.

3. Tax credits issued under this section may be assigned, transferred, sold, or otherwise conveyed, and the new owner of the tax credit shall have the same rights in the credit as the taxpayer. Whenever a certificate is assigned, transferred, sold, or otherwise conveyed, a notarized endorsement shall be filed with the department specifying the name and address of the new owner of the tax credit or the value of the credit. In no event shall the amount of tax credits issued by the department under this section exceed ten million dollars in any fiscal year.

4. The department shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

5. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under section 67.3000 and under this section shall automatically sunset six years after August 28, 2013, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under section 67.3000 and under this section shall automatically sunset twelve years after the effective date of the reauthorization of these sections; and

(3) Section 67.3000 and this section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under these sections is sunset.

Approved March 29, 2013

SB 16 [SB 16]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Exempts farm work performed by children under sixteen from certain child labor requirements

AN ACT to amend chapter 262, RSMo, by adding thereto one new section relating to children performing agriculture work.

SECTION
A. Enacting clause.
262.795. Agriculture work, performed by children permitted, when.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Chapter 262, RSMo, is amended by adding thereto one new section, to be known as section 262.795, to read as follows:

262.795. AGRICULTURE WORK, PERFORMED BY CHILDREN PERMITTED, WHEN. — Any law to the contrary notwithstanding, a child, as defined in subdivision (1) of section 294.011, may perform agriculture work, as defined in subdivision (1) of section 290.500, on a farm owned and operated by the child's parent, sibling, grandparent or sibling of a parent or, if performed by the child with the knowledge and consent of the child's parent, on any family farm, as defined in subdivision (4) of section 350.010, or on any family farm corporation, as defined in subdivision (5) of section 350.010, including work that would otherwise be prohibited by subdivisions (1), (2), (3), (7), and (12) of section 294.040; but no such child shall be permitted to engage in any other activities prohibited by section 294.040. The term "parent", as used in this section, shall have the same meaning as in subdivision (8) of section 294.011. Children engaged in work permitted by this section may do so without obtaining a work certificate as required by section 294.024. Children engaged in work permitted by this section are not subject to the limitations set out in section 294.030 and subsection 4 of section 294.045.

Approved May 10, 2013

SB 17 [CCS HCS SCS SB 17]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Establishes the Advisory Council on the Education of Gifted and Talented Children and the Career and Technical Education Advisory Council

AN ACT to repeal sections 168.021, 169.070, 169.270, 169.291, 169.301, 169.324, 169.350, 169.670, and 178.550, RSMo, and to enact in lieu thereof twelve new sections relating to education.

SECTION
A. Enacting clause.
135.1220. Citation of law--definitions--master list of autism spectrum disorder resources required--scholarship granting organizations, requirements, duties--department duties--sunset provision.

161.249. Advisory council created, members, appointment, duties.
168.021. Issuance of teachers' licenses — effect of certification in another state and subsequent employment in this state.
169.070. Retirement allowances, how computed, election allowed, time period — options — effect of federal O.A.S.I. coverage — cost-of-living adjustment authorized — limitation of benefits — employment of special consultant, compensation, minimum benefits.
169.270. Definitions.
169.291. Board of trustees, qualifications, terms — superintendent of school district to be member — vacancies — lapse of corporate organization, effect of — oaths — officers — expenses — powers and duties — medical board, appointment — contribution rates of employers, amount.
169.301. Retirement benefits to vest, when — amount, how computed — option of certain members to transfer plans, requirements — retirant becoming active member, effect on benefits — termination of system, effect of — military service, effect of.
169.324. Retirement allowances, amounts — retirants may substitute without affecting allowance, limitation — annual determination of ability to provide benefits, standards — action plan for use of minority and women money managers, brokers and investment counselors.
169.350. Assets held in two funds — source and disbursement — deductions — contributions, employer may elect to pay part or all of employee's contribution, procedure — rate of contributions to be calculated.
169.670. Benefits, how computed — beneficiary benefits, options, election of.
170.340. Books of religious nature may be used, when.
178.550. Career and technical education student protection act — council established, members, terms, meetings, duties.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 168.021, 169.070, 169.270, 169.291, 169.301, 169.324, 169.350, 169.670, and 178.550, RSMo, are repealed and twelve new sections enacted in lieu thereof, to be known as sections 135.1220, 161.249, 168.021, 169.070, 169.270, 169.291, 169.301, 169.324, 169.350, 169.670, 170.340, and 178.550, to read as follows:

135.1220. CITATION OF LAW—DEFINITIONS—MASTER LIST OF AUTISM SPECTRUM DISORDER RESOURCES REQUIRED—SCHOLARSHIP GRANTING ORGANIZATIONS, REQUIREMENTS, DUTIES—DEPARTMENT DUTIES—SUNSET PROVISION. — 1. This section shall be known and may be cited as "Bryce's Law".

2. As used in this section, the following terms mean:

(1) "Autism spectrum disorder", pervasive developmental disorder; Asperger syndrome; childhood disintegrative disorder; Rett syndrome; and autism;

(2) "Contribution", a donation of cash, stock, bonds, or other marketable securities, or real property;

(3) "Department", the department of elementary and secondary education;

(4) "Director", the commissioner of education;

(5) "Educational scholarships", grants to students to cover all or part of the tuition and fees at a qualified nonpublic school, a qualified public school, or a qualified service provider, including transportation;

(6) "Eligible child", any child from birth to age five living in Missouri who has an individualized family services program under the First Steps program, sections 160.900 to 160.933, and whose parent or guardian has completed the complaint procedure under the Individuals with Disabilities Education Act, Part C, and has received an unsatisfactory response; or any child from birth to age five who has been evaluated for special needs as defined in this section by a person qualified to perform evaluations under the First Steps program and has been determined to have special needs but who falls below the threshold for eligibility by no less than twenty-five percent;

(7) "Eligible student", any elementary or secondary student who attended public school in Missouri the preceding semester, or who will be attending school in Missouri for the first time, who has an individualized education program based on a special needs condition or who has a medical diagnosis by a qualified health professional of a special needs condition;

(8) "Parent", includes a guardian, custodian, or other person with authority to act on behalf of the child;

(9) "Program", the program established in this section;

(10) "Qualified health professional", a person licensed under chapter 334 or 337 who possesses credentials as described in rules promulgated jointly by the department of elementary and secondary education and the department of mental health to make a diagnosis of a student's special needs for this program;

(11) "Qualified school", either an accredited public elementary or secondary school in a district that is accredited without provision outside of the district in which a student resides or an accredited nonpublic elementary or secondary school in Missouri that complies with all of the requirements of the program and complies with all state laws that apply to nonpublic schools regarding criminal background checks for employees and excludes from employment any person not permitted by state law to work in a nonpublic school;

(12) "Qualified service provider", a person or agency authorized by the department to provide services under the First Steps program, sections 160.900 to 160.933;

(13) "Scholarship granting organization", a charitable organization that:

(a) Is exempt from federal income tax;

(b) Complies with the requirements of this program;

(c) Provides education scholarships to students attending qualified schools of their parents' choice or to children receiving services from qualified service providers; and

(d) Does not accept contributions on behalf of any eligible student or eligible child from any donor with any obligation to provide any support for the eligible student or eligible child;

(14) "Special needs", an autism spectrum disorder, Down syndrome, Angelman syndrome, or cerebral palsy.

3. The department of elementary and secondary education shall develop a master list of resources available to the parents of children with an autism spectrum disorder and shall maintain a web page for the information. The department shall also actively seek financial resources in the form of grants and donations that may be devoted to scholarship funds or to clinical trials for behavioral interventions that may be undertaken by qualified service providers. The department may contract out or delegate these duties to a nonprofit organization. Priority in referral for funding shall be given to children who have not yet entered elementary school.

4. The director shall determine, at least annually, which organizations in this state may be classified as scholarship granting organizations. The director may require of an organization seeking to be classified as a scholarship granting organization whatever information which is reasonably necessary to make such a determination. The director shall classify an organization as a scholarship granting organization if such organization meets the definition set forth in this section.

5. The director shall establish a procedure by which a donor can determine if an organization has been classified as a scholarship granting organization. Scholarship granting organizations shall be permitted to decline a contribution from a donor.

6. Each scholarship granting organization shall provide information to the director concerning the identity of each donor making a contribution to the scholarship granting organization.

7. (1) The director shall annually make a determination on the number of students in Missouri with an individualized education program based upon special needs as defined in this section. The director shall use ten percent of this number to determine the maximum number of students to receive scholarships from a scholarship granting organization in that year for students with special needs who have at the time of application an individualized education program, plus a number calculated by the

director by applying the state's latest available autism, cerebral palsy, Down syndrome, and Angelman syndrome incidence rates to the state's population of children from age five to nineteen who are not enrolled in public schools and taking ten percent of that number. The total of these two calculations shall constitute the maximum number of scholarships available to students.

(2) The director shall also annually make a determination on the number of children in Missouri whose parent or guardian has enrolled the child in First Steps, received an individualized family services program based on special needs, and filed a complaint through the Individuals with Disabilities Education Act, Part C, and received a negative response. In addition to this number, the director shall apply the latest available autism, cerebral palsy, Down syndrome, and Angelman syndrome incidence rates to the latest available census information for children from birth to age five and determine ten percent of that number for the maximum number of scholarships for children.

(3) The director shall publicly announce the number of each category of scholarship opportunities available each year. Once a scholarship granting organization has decided to provide a student or child with a scholarship, it shall promptly notify the director. The director shall keep a running tally of the number of scholarships granted in the order in which they were reported. Once the tally reaches the annual limit of scholarships for eligible students or children, the director shall notify all of the participating scholarship granting organizations that they shall not issue any more scholarships and any more receipts for contributions. If the scholarship granting organizations have not expended all of their available scholarship funds in that year at the time when the limit is reached, the available .scholarship funds may be carried over into the next year. These unexpended funds shall not be counted as part of the requirement in subdivision (3) of subsection 10 of this section for that year. Any receipt for a scholarship contribution issued by a scholarship granting organization before the director has publicly announced the student or child limit has been reached shall be valid.

8. Each scholarship granting organization participating in the program shall:

(1) Notify the department of its intent to provide educational scholarships to students attending qualified schools or children receiving services from qualified service providers;

(2) Provide a department-approved receipt to donors for contributions made to the organization;

(3) Ensure that at least ninety percent of its revenue from donations is spent on educational scholarships, and that all revenue from interest or investments is spent on educational scholarships;

(4) Ensure that the scholarships provided do not exceed an average of twenty thousand dollars per eligible child or fifty thousand dollars per eligible student;

(5) Inform the parent or guardian of the student or child applying for a scholarship that accepting the scholarship is tantamount to a "parentally placed private school student" pursuant to 34 CFR 300.130 and, thus, neither the department nor any Missouri public school is responsible to provide the student with a free appropriate public education pursuant to the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973;

(6) Distribute periodic scholarship payments as checks made out to a student's or child's parent and mailed to the qualified school where the student is enrolled or qualified service provider used by the child. The parent or guardian shall endorse the check before it can be deposited;

(7) Cooperate with the department to conduct criminal background checks on all of its employees and board members and exclude from employment or governance any individual who might reasonably pose a risk to the appropriate use of contributed funds;

(8) Ensure that scholarships are portable during the school year and can be used at any qualified school that accepts the eligible student or at a different qualified service

provider for an eligible child according to a parent's wishes. If a student moves to a new qualified school during a school year or to a different qualified service provider for an eligible child, the scholarship amount may be prorated;

(9) Demonstrate its financial accountability by:

(a) Submitting a financial information report for the organization that complies with uniform financial accounting standards established by the department and conducted by a certified public accountant; and

(b) Having the auditor certify that the report is free of material misstatements;

(10) Demonstrate its financial viability, if the organization is to receive donations of fifty thousand dollars or more during the school year, by filing with the department before the start of the school year:

(a) A surety bond payable to the state in an amount equal to the aggregate amount of contributions expected to be received during the school year; or

(b) Financial information that demonstrates the financial viability of the scholarship granting organization.

9. Each scholarship granting organization shall ensure that each participating school or service provider that accepts its scholarship students or children shall:

(1) Comply with all health and safety laws or codes that apply to nonpublic schools or service providers;

(2) Hold a valid occupancy permit if required by its municipality;

(3) Certify that it will comply with 42 U.S.C. Section 1981, as amended;

(4) Provide academic accountability to parents of the students or children in the program by regularly reporting to the parent on the student's or child's progress;

(5) Certify that in providing any educational services or behavior strategies to a scholarship recipient with a diagnosis of or an individualized education program based upon autism spectrum disorder it will:

(a) Adhere to the best practices recommendations of the Missouri Autism Guidelines Initiative or document why it is varying from the guidelines;

(b) Not use any evidence-based interventions that have been found ineffective by the commission on Medicare as described in the Missouri Autism Guidelines Initiative Guide to Evidence-based Interventions; and

(c) Provide documentation in the student's or child's record of the rationale for the use of any intervention that is categorized as unestablished, insufficient evidence, or level 3 by the Missouri Autism Guidelines Initiative Guide to Evidence-based Interventions; and

(6) Certify that in providing any educational services or behavior strategies to a scholarship recipient with a diagnosis of, or an individualized family services program based upon Down syndrome, Angelman syndrome, or cerebral palsy, it will use student, teacher, teaching, and school influences that rank in the zone of desired effects in the meta-analysis of John Hattie, or equivalent analyses as determined by the department, or document why it is using a method that has not been determined by analysis to rank in the zone of desired effects.

10. Scholarship granting organizations shall not provide educational scholarships for students to attend any school or children to receive services from any qualified service provider with paid staff or board members who are relatives within the first degree of consanguinity or affinity.

11. A scholarship granting organization shall publicly report to the department, by June first of each year, the following information prepared by a certified public accountant regarding its grants in the previous calendar year:

(1) The name and address of the scholarship granting organization;

(2) The total number and total dollar amount of contributions received during the previous calendar year; and

(3) The total number and total dollar amount of educational scholarships awarded during the previous calendar year, including the category of each scholarship, and the total number and total dollar amount of educational scholarships awarded during the previous year to students eligible for free and reduced lunch.

12. The department shall adopt rules and regulations consistent with this section as necessary to implement the program.

13. The department shall provide a standardized format for a receipt to be issued by a scholarship granting organization to a donor to indicate the value of a contribution received.

14. The department shall provide a standardized format for scholarship granting organizations to report the information in this section.

15. The department may conduct either a financial review or audit of a scholarship granting organization.

16. If the department believes that a scholarship granting organization has intentionally and substantially failed to comply with the requirements of this section, the department may hold a hearing before the director or the director's designee to bar a scholarship granting organization from participating in the program. The director or the director's designee shall issue a decision within thirty days. A scholarship granting organization may appeal the director's decision to the administrative hearing commission for a hearing in accordance with the provisions of chapter 621.

17. If the scholarship granting organization is barred from participating in the program, the department shall notify affected scholarship students or children and their parents of this decision within fifteen days.

18. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

19. The department shall conduct a study of the program with funds other than state funds. The department may contract with one or more qualified researchers who have previous experience evaluating similar programs. The department may accept grants to assist in funding this study.

20. The study shall assess:

(1) The level of participating students' and children's satisfaction with the program in a manner suitable to the student or child;

(2) The level of parental satisfaction with the program;

(3) The percentage of participating students who were bullied or harassed because of their special needs status at their resident school district compared to the percentage so bullied or harassed at their qualified school;

(4) The percentage of participating students who exhibited behavioral problems at their resident school district compared to the percentage exhibiting behavioral problems at their qualified school;

(5) The class size experienced by participating students at their resident school district and at their qualified school; and

(6) The fiscal impact to the state and resident school districts of the program.

21. The study shall be completed using appropriate analytical and behavioral sciences methodologies to ensure public confidence in the study.

22. The department shall provide the general assembly with a final copy of the evaluation of the program by December 31, 2016.

23. The public and nonpublic participating schools and service providers from which students transfer to participate in the program shall cooperate with the research effort by providing student or child assessment instrument scores and any other data necessary to complete this study.

24. The general assembly may require periodic updates on the status of the study from the department. The individuals completing the study shall make their data and methodology available for public review while complying with the requirements of the Family Educational Rights and Privacy Act, as amended.

25. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall sunset automatically on December 31, 2019, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall sunset automatically on December 31, 2031; and

(3) This section shall terminate on December thirty-first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

161.249. ADVISORY COUNCIL CREATED, MEMBERS, APPOINTMENT, DUTIES. — 1. There is hereby created the "Advisory Council on the Education of Gifted and Talented Children" which shall consist of seven members appointed by the commissioner of education. Members shall serve a term of four years, except for the initial appointments, which shall be for the following lengths:

(1) One member shall be appointed for a term of one year;

(2) Two members shall be appointed for a term of two years;

(3) Two members shall be appointed for a term of three years;

(4) Two members shall be appointed for a term of four years.

2. Upon the expiration of the term of a member, that member shall continue to serve until a replacement is appointed. The council shall organize with a chairperson selected by the commissioner of education. Members of the council shall serve without compensation and shall not be reimbursed for travel to and from meetings.

3. The commissioner of education shall consider recommendations for membership on the council from organizations of educators and parents of gifted and talented children and other groups with an interest in the education of gifted and talented children. The members appointed shall be residents of the state of Missouri and selected on the basis of their knowledge of, or experience in, programs and problems of the education of gifted and talented children.

4. The commissioner of education shall seek the advice of the council regarding all rules and policies to be adopted by the state board of education relating to the education of gifted and talented children. A staff person appointed by the state board of education shall serve as the state board's liaison to the council. The state board of education shall provide necessary clerical support and assistance in order to facilitate meetings of the council.

168.021. ISSUANCE OF TEACHERS' LICENSES — EFFECT OF CERTIFICATION IN ANOTHER STATE AND SUBSEQUENT EMPLOYMENT IN THIS STATE. — 1. Certificates of license to teach in the public schools of the state shall be granted as follows:

(1) By the state board, under rules and regulations prescribed by it:

(a) Upon the basis of college credit;

(b) Upon the basis of examination;

(2) By the state board, under rules and regulations prescribed by the state board with advice from the advisory council established by section 168.015 to any individual who presents to the

state board a valid doctoral degree from an accredited institution of higher education accredited by a regional accrediting association such as North Central Association. Such certificate shall be limited to the major area of postgraduate study of the holder, shall be issued only after successful completion of the examination required for graduation pursuant to rules adopted by the state board of education, and shall be restricted to those certificates established pursuant to subdivision (1) of subsection 3 of this section;

(3) By the state board, which shall issue the professional certificate classification in both the general and specialized areas most closely aligned with the current areas of certification approved by the state board, commensurate with the years of teaching experience of the applicant, and based upon the following criteria:

(a) Recommendation of a state-approved baccalaureate-level teacher preparation program;

(b) Successful attainment of the Missouri qualifying score on the exit assessment for teachers or administrators designated by the state board of education. Applicants who have not successfully achieved a qualifying score on the designated examinations will be issued a two-year nonrenewable provisional certificate; and

(c) Upon completion of a background check as prescribed in section 168.133 and possession of a valid teaching certificate in the state from which the applicant's teacher preparation program was completed;

(4) By the state board, under rules prescribed by it, on the basis of a relevant bachelor's degree, or higher degree, and a passing score for the designated exit examination, for individuals whose academic degree and professional experience are suitable to provide a basis for instruction solely in the subject matter of banking or financial responsibility, at the discretion of the state board. Such certificate shall be limited to the major area of study of the holder and shall be restricted to those certificates established under subdivision (1) of subsection 3 of this section. Holders of certificates granted under this subdivision shall be exempt from the teacher tenure act under sections 168.102 to 168.130 and each school district shall have the decision-making authority on whether to hire the holders of such certificates; or

(5) By the state board, under rules and regulations prescribed by it, on the basis of certification by the American Board for Certification of Teacher Excellence (ABCTE) and verification of ability to work with children as demonstrated by sixty contact hours in any one of the following areas as validated by the school principal: sixty contact hours in the classroom, of which at least forty-five must be teaching; sixty contact hours as a substitute teacher, with at least thirty consecutive hours in the same classroom; sixty contact hours of teaching in a private school; or sixty contact hours of teaching as a paraprofessional, for an initial four-year ABCTE certificate of license to teach, except that such certificate shall not be granted for the areas of early childhood education, elementary education, or special education. Upon the completion of the requirements listed in paragraphs (a), (b), (c), and (d) of this subdivision, an applicant shall be eligible to apply for a career continuous professional certificate under subdivision (2) of subsection 3 of this section:

(a) Completion of thirty contact hours of professional development within four years, which may include hours spent in class in an appropriate college curriculum;

(b) Validated completion of two years of the mentoring program of the American Board for Certification of Teacher Excellence or a district mentoring program approved by the state board of education;

(c) Attainment of a successful performance-based teacher evaluation; and

(d) Participate in a beginning teacher assistance program.

2. All valid teaching certificates issued pursuant to law or state board policies and regulations prior to September 1, 1988, shall be exempt from the professional development requirements of this section and shall continue in effect until they expire, are revoked or suspended, as provided by law. When such certificates are required to be renewed, the state board or its designee shall grant to each holder of such a certificate the certificate most nearly equivalent to the one so held. Anyone who holds, as of August 28, 2003, a valid PC-I, PC-II, or

continuous professional certificate shall, upon expiration of his or her current certificate, be issued the appropriate level of certificate based upon the classification system established pursuant to subsection 3 of this section.

3. Certificates of license to teach in the public schools of the state shall be based upon minimum requirements prescribed by the state board of education which shall include completion of a background check as prescribed in section 168.133. The state board shall provide for the following levels of professional certification: an initial professional certificate and a career continuous professional certificate.

(1) The initial professional certificate shall be issued upon completion of requirements established by the state board of education and shall be valid based upon verification of actual teaching within a specified time period established by the state board of education. The state board shall require holders of the four-year initial professional certificate to:

(a) Participate in a mentoring program approved and provided by the district for a minimum of two years;

(b) Complete thirty contact hours of professional development, which may include hours spent in class in an appropriate college curriculum, or for holders of a certificate under subdivision (4) of subsection 1 of this section, an amount of professional development in proportion to the certificate holder's hours in the classroom, if the certificate holder is employed less than full time; and

(c) Participate in a beginning teacher assistance program;

(2) (a) The career continuous professional certificate shall be issued upon verification of completion of four years of teaching under the initial professional certificate and upon verification of the completion of the requirements articulated in paragraphs (a), (b), and (c) of subdivision (1) of this subsection or paragraphs (a), (b), (c), and (d) of subdivision (5) of subsection 1 of this section.

(b) The career continuous professional certificate shall be continuous based upon verification of actual employment in an educational position as provided for in state board guidelines and completion of fifteen contact hours of professional development per year which may include hours spent in class in an appropriate college curriculum. Should the possessor of a valid career continuous professional certificate fail, in any given year, to meet the fifteen-hour professional development requirement, the possessor may, within two years, make up the missing hours. In order to make up for missing hours, the possessor shall first complete the fifteen-hour requirement for the current year and then may count hours in excess of the current year requirement as make-up hours. Should the possessor fail to make up the missing hours within two years, the certificate shall become inactive. In order to reactivate the certificate, the possessor shall complete twenty-four contact hours of professional development which may include hours spent in the classroom in an appropriate college curriculum within the six months prior to or after reactivating his or her certificate. The requirements of this paragraph shall be monitored and verified by the local school district which employs the holder of the career continuous professional certificate.

(c) A holder of a career continuous professional certificate shall be exempt from the professional development contact hour requirements of paragraph (b) of this subdivision if such teacher has a local professional development plan in place within such teacher's school district and meets two of the three following criteria:

a. Has ten years of teaching experience as defined by the state board of education;

b. Possesses a master's degree; or

c. Obtains a rigorous national certification as approved by the state board of education.

4. Policies and procedures shall be established by which a teacher who was not retained due to a reduction in force may retain the current level of certification. There shall also be established policies and procedures allowing a teacher who has not been employed in an educational position for three years or more to reactivate his or her last level of certification by completing twenty-four contact hours of professional development which may include hours

spent in the classroom in an appropriate college curriculum within the six months prior to or after reactivating his or her certificate.

5. The state board shall, upon completion of a background check as prescribed in section 168.133, issue a professional certificate classification in the areas most closely aligned with an applicant's current areas of certification, commensurate with the years of teaching experience of the applicant, to any person who is hired to teach in a public school in this state and who possesses a valid teaching certificate from another state or certification under subdivision (4) of subsection 1 of this section, provided that the certificate holder shall annually complete the state board's requirements for such level of certification, and shall establish policies by which residents of states other than the state of Missouri may be assessed a fee for a certificate license to teach in the public schools of Missouri. Such fee shall be in an amount sufficient to recover any or all costs associated with the issuing of a certificate of license to teach. The board shall promulgate rules to authorize the issuance of a provisional certificate of license, which shall allow the holder to assume classroom duties pending the completion of a criminal background check under section 168.133, for any applicant who:

(1) Is the spouse of a member of the Armed Forces stationed in Missouri;

(2) Relocated from another state within one year of the date of application;

(3) Underwent a criminal background check in order to be issued a teaching certificate of license from another state; and

(4) Otherwise qualifies under this section.

6. The state board may assess to holders of an initial professional certificate a fee, to be deposited into the excellence in education revolving fund established pursuant to section 160.268, for the issuance of the career continuous professional certificate. However, such fee shall not exceed the combined costs of issuance and any criminal background check required as a condition of issuance. Applicants for the initial ABCTE certificate shall be responsible for any fees associated with the program leading to the issuance of the certificate, but nothing in this section shall prohibit a district from developing a policy that permits fee reimbursement.

7. Any member of the public school retirement system of Missouri who entered covered employment with ten or more years of educational experience in another state or states and held a certificate issued by another state and subsequently worked in a school district covered by the public school retirement system of Missouri for ten or more years who later became certificated in Missouri shall have that certificate dated back to his or her original date of employment in a Missouri public school.

[8. The provisions of subdivision (5) of subsection 1 of this section, as well as any other provision of this section relating to the American Board for Certification of Teacher Excellence, shall terminate on August 28, 2014.**]**

169.070. RETIREMENT ALLOWANCES, HOW COMPUTED, ELECTION ALLOWED, TIME PERIOD — OPTIONS — EFFECT OF FEDERAL O.A.S.I. COVERAGE — COST-OF-LIVING ADJUSTMENT AUTHORIZED — LIMITATION OF BENEFITS — EMPLOYMENT OF SPECIAL CONSULTANT, COMPENSATION, MINIMUM BENEFITS. — 1. The retirement allowance of a member whose age at retirement is sixty years or more and whose creditable service is five years or more, or whose sum of age and creditable service equals eighty years or more, or who has attained age fifty-five and whose creditable service is twenty-five years or more or whose creditable service is thirty years or more regardless of age, may be the sum of the following items, not to exceed one hundred percent of the member's final average salary:

(1) Two and five-tenths percent of the member's final average salary for each year of membership service;

(2) Six-tenths of the amount payable for a year of membership service for each year of prior service not exceeding thirty years. In lieu of the retirement allowance otherwise provided in subdivisions (1) and (2) of this subsection, a member may elect to receive a retirement allowance of:

(3) **[**Between July 1, 1998, and July 1, 2013,**]** Two and four-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-nine years or more but less than thirty years, and the member has not attained age fifty-five;

(4) **[**Between July 1, 1998, and July 1, 2013,**]** Two and thirty-five-hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-eight years or more but less than twenty-nine years, and the member has not attained age fifty-five;

(5) **[**Between July 1, 1998, and July 1, 2013,**]** Two and three-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-seven years or more but less than twenty-eight years, and the member has not attained age fifty-five;

(6) **[**Between July 1, 1998, and July 1, 2013,**]** Two and twenty-five-hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-six years or more but less than twenty-seven years, and the member has not attained age fifty-five;

(7) **[**Between July 1, 1998, and July 1, 2013,**]** Two and two-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-five years or more but less than twenty-six years, and the member has not attained age fifty-five;

(8) Between July 1, 2001, and July 1, **[**2013**]** **2014**, Two and fifty-five hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is thirty-one years or more regardless of age.

2. In lieu of the retirement allowance provided in subsection 1 of this section, a member whose age is sixty years or more on September 28, 1975, may elect to have the member's retirement allowance calculated as a sum of the following items:

(1) Sixty cents plus one and five-tenths percent of the member's final average salary for each year of membership service;

(2) Six-tenths of the amount payable for a year of membership service for each year of prior service not exceeding thirty years;

(3) Three-fourths of one percent of the sum of subdivisions (1) and (2) of this subsection for each month of attained age in excess of sixty years but not in excess of age sixty-five.

3. (1) In lieu of the retirement allowance provided either in subsection 1 or 2 of this section, collectively called "option 1", a member whose creditable service is twenty-five years or more or who has attained the age of fifty-five with five or more years of creditable service may elect in the member's application for retirement to receive the actuarial equivalent of the member's retirement allowance in reduced monthly payments for life during retirement with the provision that:

Option 2. Upon the member's death the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member as the member shall have nominated in the member's election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the retired member elected option 1; OR

Option 3. Upon the death of the member three-fourths of the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the member elected option 1; OR

Option 4. Upon the death of the member one-half of the reduced retirement allowance shall be continued throughout the life of, and paid to, such person as has an insurable interest in

the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance shall be increased to the amount the retired member would be receiving had the member elected option 1; OR

Option 5. Upon the death of the member prior to the member having received one hundred twenty monthly payments of the member's reduced allowance, the remainder of the one hundred twenty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the one hundred twenty monthly payments, the total of the remainder of such one hundred twenty monthly payments shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the last person, in that order of precedence, to receive a monthly allowance in a lump sum payment. If the total of the one hundred twenty payments paid to the retired individual and the beneficiary of the retired individual is less than the total of the member's accumulated contributions, the difference shall be paid to the beneficiary in a lump sum; OR

Option 6. Upon the death of the member prior to the member having received sixty monthly payments of the member's reduced allowance, the remainder of the sixty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the sixty monthly payments, the total of the remainder of such sixty monthly payments shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the last person, in that order of precedence, to receive a monthly allowance in a lump sum payment. If the total of the sixty payments paid to the retired individual and the beneficiary of the retired individual is less than the total of the member's accumulated contributions, the difference shall be paid to the beneficiary in a lump sum.

(2) The election of an option may be made only in the application for retirement and such application must be filed prior to the date on which the retirement of the member is to be effective. If either the member or the person nominated to receive the survivorship payments dies before the effective date of retirement, the option shall not be effective, provided that:

(a) If the member or a person retired on disability retirement dies after acquiring twenty-five or more years of creditable service or after attaining the age of fifty-five years and acquiring five or more years of creditable service and before retirement, except retirement with disability benefits, and the person named by the member as the member's beneficiary has an insurable interest in the life of the deceased member, the designated beneficiary may elect to receive either survivorship benefits under option 2 or a payment of the accumulated contributions of the member. If survivorship benefits under option 2 are elected and the member at the time of death would have been eligible to receive an actuarial equivalent of the member's retirement allowance, the designated beneficiary may further elect to defer the option 2 payments until the date the member would have been eligible to receive the retirement allowance provided in subsection 1 or 2 of this section;

(b) If the member or a person retired on disability retirement dies before attaining age fifty-five but after acquiring five but fewer than twenty-five years of creditable service, and the person named as the member's beneficiary has an insurable interest in the life of the deceased member, the designated beneficiary may elect to receive either a payment of the member's accumulated contributions, or survivorship benefits under option 2 to begin on the date the member would first have been eligible to receive an actuarial equivalent of the member's retirement allowance, or to begin on the date the member would first have been eligible to receive the retirement allowance provided in subsection 1 or 2 of this section.

4. If the total of the retirement or disability allowance paid to an individual before the death of the individual is less than the accumulated contributions at the time of retirement, the

difference shall be paid to the beneficiary of the individual, or to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the individual in that order of precedence. If an optional benefit as provided in option 2, 3 or 4 in subsection 3 of this section had been elected, and the beneficiary dies after receiving the optional benefit, and if the total retirement allowance paid to the retired individual and the beneficiary of the retired individual is less than the total of the contributions, the difference shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the beneficiary, in that order of precedence, unless the retired individual designates a different recipient with the board at or after retirement.

5. If a member dies and his or her financial institution is unable to accept the final payment or payments due to the member, the final payment or payments shall be paid to the beneficiary of the member or, if there is no beneficiary, to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the member, in that order of precedence, unless otherwise stated. If the beneficiary of a deceased member dies and his or her financial institution is unable to accept the final payment or payments, the final payment or payments shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the member, in that order of precedence, unless otherwise stated.

6. If a member dies before receiving a retirement allowance, the member's accumulated contributions at the time of the death of the member shall be paid to the beneficiary of the member or, if there is no beneficiary, to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or to the estate of the member, in that order of precedence; except that, no such payment shall be made if the beneficiary elects option 2 in subsection 3 of this section, unless the beneficiary dies before having received benefits pursuant to that subsection equal to the accumulated contributions of the member, in which case the amount of accumulated contributions in excess of the total benefits paid pursuant to that subsection shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the beneficiary, in that order of precedence.

7. If a member ceases to be a public school employee as herein defined and certifies to the board of trustees that such cessation is permanent, or if the membership of the person is otherwise terminated, the member shall be paid the member's accumulated contributions with interest.

8. Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary, if a member ceases to be a public school employee after acquiring five or more years of membership service in Missouri, the member may at the option of the member leave the member's contributions with the retirement system and claim a retirement allowance any time after reaching the minimum age for voluntary retirement. When the member's claim is presented to the board, the member shall be granted an allowance as provided in sections 169.010 to 169.141 on the basis of the member's age, years of service, and the provisions of the law in effect at the time the member requests the member's retirement to become effective.

9. The retirement allowance of a member retired because of disability shall be nine-tenths of the allowance to which the member's creditable service would entitle the member if the member's age were sixty, or fifty percent of one-twelfth of the annual salary rate used in determining the member's contributions during the last school year for which the member received a year of creditable service immediately prior to the member's disability, whichever is greater, except that no such allowance shall exceed the retirement allowance to which the member would have been entitled upon retirement at age sixty if the member had continued to teach from the date of disability until age sixty at the same salary rate.

10. Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary, from October 13, 1961, the contribution rate pursuant to sections 169.010 to 169.141 shall be multiplied by the factor of two-thirds for any member of the system for whom federal Old Age and Survivors Insurance tax is paid from state or local tax funds on account of the member's

employment entitling the person to membership in the system. The monetary benefits for a member who elected not to exercise an option to pay into the system a retroactive contribution of four percent on that part of the member's annual salary rate which was in excess of four thousand eight hundred dollars but not in excess of eight thousand four hundred dollars for each year of employment in a position covered by this system between July 1, 1957, and July 1, 1961, as provided in subsection 10 of this section as it appears in RSMo, 1969, shall be the sum of:

(1) For years of service prior to July 1, 1946, six-tenths of the full amount payable for years of membership service;

(2) For years of membership service after July 1, 1946, in which the full contribution rate was paid, full benefits under the formula in effect at the time of the member's retirement;

(3) For years of membership service after July 1, 1957, and prior to July 1, 1961, the benefits provided in this section as it appears in RSMo, 1959; except that if the member has at least thirty years of creditable service at retirement the member shall receive the benefit payable pursuant to that section as though the member's age were sixty-five at retirement;

(4) For years of membership service after July 1, 1961, in which the two-thirds contribution rate was paid, two-thirds of the benefits under the formula in effect at the time of the member's retirement.

11. The monetary benefits for each other member for whom federal Old Age and Survivors Insurance tax is or was paid at any time from state or local funds on account of the member's employment entitling the member to membership in the system shall be the sum of:

(1) For years of service prior to July 1, 1946, six-tenths of the full amount payable for years of membership service;

(2) For years of membership service after July 1, 1946, in which the full contribution rate was paid, full benefits under the formula in effect at the time of the member's retirement;

(3) For years of membership service after July 1, 1957, in which the two-thirds contribution rate was paid, two-thirds of the benefits under the formula in effect at the time of the member's retirement.

12. Any retired member of the system who was retired prior to September 1, 1972, or beneficiary receiving payments under option 1 or option 2 of subsection 3 of this section, as such option existed prior to September 1, 1972, will be eligible to receive an increase in the retirement allowance of the member of two percent for each year, or major fraction of more than one-half of a year, which the retired member has been retired prior to July 1, 1975. This increased amount shall be payable commencing with January, 1976, and shall thereafter be referred to as the member's retirement allowance. The increase provided for in this subsection shall not affect the retired member's eligibility for compensation provided for in section 169.580 or 169.585, nor shall the amount being paid pursuant to these sections be reduced because of any increases provided for in this section.

13. If the board of trustees determines that the cost of living, as measured by generally accepted standards, increases two percent or more in the preceding fiscal year, the board shall increase the retirement allowances which the retired members or beneficiaries are receiving by two percent of the amount being received by the retired member or the beneficiary at the time the annual increase is granted by the board with the provision that the increases provided for in this subsection shall not become effective until the fourth January first following the member's retirement or January 1, 1977, whichever later occurs, or in the case of any member retiring on or after July 1, 2000, the increase provided for in this subsection shall not become effective until the third January first following the member's retirement, or in the case of any member retiring on or after July 1, 2001, the increase provided for in this subsection shall not become effective until the second January first following the member's retirement. Commencing with January 1, 1992, if the board of trustees determines that the cost of living has increased five percent or more in the preceding fiscal year, the board shall increase the retirement allowances by five percent. The total of the increases granted to a retired member or the beneficiary after December 31, 1976, may not exceed eighty percent of the retirement allowance established at retirement or as

previously adjusted by other subsections. If the cost of living increases less than five percent, the board of trustees may determine the percentage of increase to be made in retirement allowances, but at no time can the increase exceed five percent per year. If the cost of living decreases in a fiscal year, there will be no increase in allowances for retired members on the following January first.

14. The board of trustees may reduce the amounts which have been granted as increases to a member pursuant to subsection 13 of this section if the cost of living, as determined by the board and as measured by generally accepted standards, is less than the cost of living was at the time of the first increase granted to the member; except that, the reductions shall not exceed the amount of increases which have been made to the member's allowance after December 31, 1976.

15. Any application for retirement shall include a sworn statement by the member certifying that the spouse of the member at the time the application was completed was aware of the application and the plan of retirement elected in the application.

16. Notwithstanding any other provision of law, any person retired prior to September 28, 1983, who is receiving a reduced retirement allowance under option 1 or option 2 of subsection 3 of this section, as such option existed prior to September 28, 1983, and whose beneficiary nominated to receive continued retirement allowance payments under the elected option dies or has died, shall upon application to the board of trustees have his or her retirement allowance increased to the amount he or she would have been receiving had the option not been elected, actuarially adjusted to recognize any excessive benefits which would have been paid to him or her up to the time of application.

17. Benefits paid pursuant to the provisions of the public school retirement system of Missouri shall not exceed the limitations of Section 415 of Title 26 of the United States Code except as provided pursuant to this subsection. Notwithstanding any other law to the contrary, the board of trustees may establish a benefit plan pursuant to Section 415(m) of Title 26 of the United States Code. Such plan shall be created solely for the purpose described in Section 415(m)(3)(A) of Title 26 of the United States Code. The board of trustees may promulgate regulations necessary to implement the provisions of this subsection and to create and administer such benefit plan.

18. Notwithstanding any other provision of law to the contrary, any person retired before, on, or after May 26, 1994, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties the person shall receive an amount based on the person's years of service so that the total amount received pursuant to sections 169.010 to 169.141 shall be at least the minimum amounts specified in subdivisions (1) to (4) of this subsection. In determining the minimum amount to be received, the amounts in subdivisions (3) and (4) of this subsection shall be adjusted in accordance with the actuarial adjustment, if any, that was applied to the person's retirement allowance. In determining the minimum amount to be received, beginning September 1, 1996, the amounts in subdivisions (1) and (2) of this subsection shall be adjusted in accordance with the actuarial adjustment, if any, that was applied to the person's retirement allowance due to election of an optional form of retirement having a continued monthly payment after the person's death. Notwithstanding any other provision of law to the contrary, no person retired before, on, or after May 26, 1994, and no beneficiary of such a person, shall receive a retirement benefit pursuant to sections 169.010 to 169.141 based on the person's years of service less than the following amounts:

(1) Thirty or more years of service, one thousand two hundred dollars;

(2) At least twenty-five years but less than thirty years, one thousand dollars;

(3) At least twenty years but less than twenty-five years, eight hundred dollars;

(4) At least fifteen years but less than twenty years, six hundred dollars.

19. Notwithstanding any other provisions of law to the contrary, any person retired prior to May 26, 1994, and any designated beneficiary of such a retired member who was deceased

prior to July 1, 1999, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement or aging and upon request shall give written or oral opinions to the board in response to such requests. Beginning September 1, 1996, as compensation for such service, the member shall have added, pursuant to this subsection, to the member's monthly annuity as provided by this section a dollar amount equal to the lesser of sixty dollars or the product of two dollars multiplied by the member's number of years of creditable service. Beginning September 1, 1999, the designated beneficiary of the deceased member shall as compensation for such service have added, pursuant to this subsection, to the monthly annuity as provided by this section a dollar amount equal to the lesser of sixty dollars or the product of two dollars multiplied by the member's number of years of creditable service. The total compensation provided by this section including the compensation provided by this subsection shall be used in calculating any future cost-of-living adjustments provided by subsection 13 of this section.

20. Any member who has retired prior to July 1, 1998, and the designated beneficiary of a deceased retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties the person shall receive a payment equivalent to eight and seven-tenths percent of the previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 13 and 14 of this section for the purposes of the limit on the total amount of increases which may be received.

21. Any member who has retired shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such request. As compensation for such duties, the beneficiary of the retired member, or, if there is no beneficiary, the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the retired member, in that order of precedence, shall receive as a part of compensation for these duties a death benefit of five thousand dollars.

22. Any member who has retired prior to July 1, 1999, and the designated beneficiary of a retired member who was deceased prior to July 1, 1999, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties, the person shall have added, pursuant to this subsection, to the monthly annuity as provided by this section a dollar amount equal to five dollars times the member's number of years of creditable service.

23. Any member who has retired prior to July 1, 2000, and the designated beneficiary of a deceased retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties, the person shall receive a payment equivalent to three and five-tenths percent of the previous month's benefit, which shall be added to the member or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 13 and 14 of this section for the purposes of the limit on the total amount of increases which may be received.

24. Any member who has retired prior to July 1, 2001, and the designated beneficiary of a deceased retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties, the person shall receive a dollar amount equal to three dollars times the member's number of years of creditable service, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 13 and 14 of this section for the purposes of the limit on the total amount of increases which may be received.

169.270. DEFINITIONS. — Unless a different meaning is clearly required by the context, the following words and phrases as used in sections 169.270 to 169.400 shall have the following meanings:

(1) "Accumulated contributions", the sum of all amounts deducted from the compensation of a member or paid on behalf of the member by the employer and credited to the member's individual account together with interest thereon in the employees' contribution fund. The board of trustees shall determine the rate of interest allowed thereon as provided for in section 169.295;

(2) "Actuarial equivalent", a benefit of equal value when computed upon the basis of formulas and/or tables which have been approved by the board of trustees. The formulas and tables in effect at any time shall be set forth in a written document which shall be maintained at the offices of the retirement system and treated for all purposes as part of the documents governing the retirement system established by section 169.280. The formulas and tables may be changed from time to time if recommended by the retirement system's actuary and approved by the board of trustees;

(3) "Average final compensation", the highest average annual compensation received for any four consecutive years of service. In determining whether years of service are "consecutive", only periods for which creditable service is earned shall be considered, and all other periods shall be disregarded;

(4) "Beneficiary", any person designated by a member for a retirement allowance or other benefit as provided by sections 169.270 to 169.400;

(5) "Board of education", the board of directors or corresponding board, by whatever name, having charge of the public schools of the school district in which the retirement system is established;

(6) "Board of trustees", the board provided for in section 169.291 to administer the retirement system;

(7) "Break in service", an occurrence when a regular employee ceases to be a regular employee for any reason other than retirement (including termination of employment, resignation, or furlough but not including vacation, sick leave, excused absence or leave of absence granted by an employer) and such person does not again become a regular employee until after sixty consecutive calendar days have elapsed, or after fifteen consecutive school or work days have elapsed, whichever occurs later. A break in service also occurs when a regular employee retires under the retirement system established by section 169.280 and does not again become a regular employee until after fifteen consecutive school or work days have elapsed. A "school or work day" is a day on which the employee's employer requires (or if the position no longer exists, would require, based on past practice) employees having the former employee's last job description to report to their place of employment for any reason;

(8) "Charter school", any charter school established pursuant to sections 160.400 to 160.420 and located, at the time it is established, within the school district;

(9) "Compensation", the regular compensation as shown on the salary and wage schedules of the employer, including any amounts paid by the employer on a member's behalf pursuant to subdivision (5) of subsection 1 of section 169.350, but such term is not to include extra pay, overtime pay, consideration for entering into early retirement, or any other payments not included on salary and wage schedules. For any year beginning after December 31, 1988, the annual compensation of each member taken into account under the retirement system shall not exceed the limitation set forth in Section 401(a)(17) of the Internal Revenue Code of 1986, as amended;

(10) "Creditable service", the amount of time that a regular employee is a member of the retirement system and makes contributions thereto in accordance with the provisions of sections 169.270 to 169.400;

(11) "Employee", any person who is classified by the school district, a charter school, the library district or the retirement system established by section 169.280 as an employee of such employer and is reported contemporaneously for federal and state tax purposes as an employee of such employer. A person is not considered to be an employee for purposes of such retirement

system with respect to any service for which the person was not reported contemporaneously for federal and state tax purposes as an employee of such employer, regardless of whether the person is or may later be determined to be or to have been a common law employee of such employer, including but not limited to a person classified by the employer as independent contractors and persons employed by other entities which contract to provide staff and services to the employer. In no event shall a person reported for federal tax purposes as an employee of a private, for-profit entity be deemed to be an employee eligible to participate in the retirement system established by section 169.280 with respect to such employment;

(12) "Employer", the school district, any charter school, the library district, or the retirement system established by section 169.280, or any combination thereof, as required by the context to identify the employer of any member, or, for purposes only of subsection 2 of section 169.324, of any retirant;

(13) "Employer's board", the board of education, the governing board of any charter school, the board of trustees of the library district, the board of trustees, or any combination thereof, as required by the context to identify the governing body of an employer;

(14) "Library district", any urban public library district created from or within a school district under the provisions of section 182.703;

(15) "Medical board", the board of physicians provided for in section 169.291;

(16) "Member", any person who is a regular employee after the retirement system has been established hereunder ("active member"), and any person who (i) was an active member, (ii) has vested retirement benefits hereunder, and (iii) is not receiving a retirement allowance hereunder ("inactive member"). **A person shall cease to be a member if the person has a break in service before earning any vested retirement benefits or if the person withdraws his or her accumulated contributions from the retirement system**;

(17) "Minimum normal retirement age", **for any member who retires before January 1, 2014, or who is a member of the retirement system on December 31, 2013, and remains a member continuously to retirement,** the earlier of the date the member attains the age of sixty or the date the member has a total of at least seventy-five credits, with each year of creditable service and each year of age equal to one credit**[**,**]** **and** with both years of creditable service and years of age prorated for fractional years**; for any person who becomes a member of the retirement system on or after January 1, 2014, including any person who was previously a member of the retirement system before January 1, 2014, but ceased to be a member for any reason other than retirement, the earlier of the date the member attains the age of sixty-two or the date the member has a total of at least eighty credits, with each year of creditable service and each year of age equal to one credit and with both years of creditable service and years of age prorated for fractional years**;

(18) "Prior service", service prior to the date the system becomes operative which is creditable in accordance with the provisions of section 169.311. Prior service in excess of thirty-eight years shall be considered thirty-eight years;

(19) "Regular employee", any employee who is assigned to an established position which requires service of not less than twenty-five hours per week, and not less than nine calendar months a year. Any regular employee who is subsequently assigned without break in service to a position demanding less service than is required of a regular employee shall continue the employee's status as a regular employee. Except as stated in the preceding sentence, a temporary, part-time, or furloughed employee is not a regular employee;

(20) "Retirant", a former member receiving a retirement allowance hereunder;

(21) "Retirement allowance", annuity payments to a retirant or to such beneficiary as is entitled to same;

(22) "School district", any school district in which a retirement system shall be established under section 169.280.

169.291. BOARD OF TRUSTEES, QUALIFICATIONS, TERMS — SUPERINTENDENT OF SCHOOL DISTRICT TO BE MEMBER — VACANCIES — LAPSE OF CORPORATE ORGANIZATION, EFFECT OF — OATHS — OFFICERS — EXPENSES — POWERS AND DUTIES — MEDICAL BOARD, APPOINTMENT — CONTRIBUTION RATES OF EMPLOYERS, AMOUNT. — 1. The general administration and the responsibility for the proper operation of the retirement system are hereby vested in a board of trustees of twelve persons who shall be resident taxpayers of the school district, as follows:

(1) Four trustees to be appointed for terms of four years by the board of education; provided, however, that the terms of office of the first four trustees so appointed shall begin immediately upon their appointment and shall expire one, two, three and four years from the date the retirement system becomes operative, respectively;

(2) Four trustees to be elected for terms of four years by and from the members of the retirement system; provided, however, that the terms of office of the first four trustees so elected shall begin immediately upon their election and shall expire one, two, three and four years from the date the retirement system becomes operative, respectively;

(3) The ninth trustee shall be the superintendent of schools of the school district;

(4) The tenth trustee shall be one retirant of the retirement system elected for a term of four years beginning the first day of January immediately following August 13, 1986, by the retirants of the retirement system;

(5) The eleventh trustee shall be appointed for a term of four years beginning the first day of January immediately following August 13, 1990, by the board of trustees described in subdivision (3) of section 182.701;

(6) The twelfth trustee shall be a retirant of the retirement system elected for a term of four years beginning the first day of January immediately following August 28, 1992, by the retirants of the retirement system.

2. If a vacancy occurs in the office of a trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled, except that the board of trustees may appoint a qualified person to fill the vacancy in the office of an elected member until the next regular election at which time a member shall be elected for the unexpired term. No vacancy or vacancies on the board of trustees shall impair the power of the remaining trustees to administer the retirement system pending the filling of such vacancy or vacancies.

3. In the event of a lapse of the school district's corporate organization as described in subsections 1 and 4 of section 162.081, the general administration and responsibility for the proper operation of the retirement system shall continue to be vested in a twelve-person board of trustees, all of whom shall be resident taxpayers of a city, other than a city not within a county, of four hundred thousand or more. In such event, if vacancies occur in the offices of the four trustees appointed, prior to the lapse, by the board of education, or in the offices of the four trustees elected, prior to the lapse, by the members of the retirement system, or in the office of trustee held, prior to the lapse, by the superintendent of schools in the school district, as provided in subdivisions (1), (2) and (3) of subsection 1 of this section, the board of trustees shall appoint a qualified person to fill each vacancy and subsequent vacancies in the office of trustee for terms of up to four years, as determined by the board of trustees.

4. Each trustee shall, before assuming the duties of a trustee, take the oath of office before the court of the judicial circuit or one of the courts of the judicial circuit in which the school district is located that so far as it devolves upon the trustee, such trustee shall diligently and honestly administer the affairs of the board of trustees and that the trustee will not knowingly violate or willingly permit to be violated any of the provisions of the law applicable to the retirement system. Such oath shall be subscribed to by the trustee making it and filed in the office of the clerk of the circuit court.

5. Each trustee shall be entitled to one vote in the board of trustees. Seven trustees shall constitute a quorum at any meeting of the board of trustees. At any meeting of the board of trustees where a quorum is present, the vote of at least seven of the trustees in support of a

motion, resolution or other matter is necessary to be the decision of the board; provided, however, that in the event of a lapse in the school district's corporate organization as described in subsections 1 and 4 of section 162.081, a majority of the trustees then in office shall constitute a quorum at any meeting of the board of trustees, and the vote of a majority of the trustees then in office in support of a motion, resolution or other matter shall be necessary to be the decision of the board.

6. The board of trustees shall have exclusive original jurisdiction in all matters relating to or affecting the funds herein provided for, including, in addition to all other matters, all claims for benefits or refunds, and its action, decision or determination in any matter shall be reviewable in accordance with chapter 536 or chapter 621. Subject to the limitations of sections 169.270 to 169.400, the board of trustees shall, from time to time, establish rules and regulations for the administration of funds of the retirement system, for the transaction of its business, and for the limitation of the time within which claims may be filed.

7. The trustees shall serve without compensation. The board of trustees shall elect from its membership a chairman and a vice chairman. The board of trustees shall appoint an executive director who shall serve as the administrative officer of the retirement system and as secretary to the board of trustees. It shall employ one or more persons, firms or corporations experienced in the investment of moneys to serve as investment counsel to the board of trustees. The compensation of all persons engaged by the board of trustees and all other expenses of the board necessary for the operation of the retirement system shall be paid at such rates and in such amounts as the board of trustees shall approve, and shall be paid from the investment income.

8. The board of trustees shall keep in convenient form such data as shall be necessary for actuarial valuations of the various funds of the retirement system and for checking the experience of the system.

9. The board of trustees shall keep a record of all its proceedings which shall be open to public inspection. It shall prepare annually and furnish to the board of education and to each member of the retirement system who so requests a report showing the fiscal transactions of the retirement system for the preceding fiscal year, the amount of accumulated cash and securities of the system, and the last balance sheet showing the financial condition of the system by means of an actuarial valuation of the assets and liabilities of the retirement system.

10. The board of trustees shall have, in its own name, power to sue and to be sued, to enter into contracts, to own property, real and personal, and to convey the same; but the members of such board of trustees shall not be personally liable for obligations or liabilities of the board of trustees or of the retirement system.

11. The board of trustees shall arrange for necessary legal advice for the operation of the retirement system.

12. The board of trustees shall designate a medical board to be composed of three or more physicians who shall not be eligible for membership in the system and who shall pass upon all medical examinations required under the provisions of sections 169.270 to 169.400, shall investigate all essential statements and certificates made by or on behalf of a member in connection with an application for disability retirement and shall report in writing to the board of trustees its conclusions and recommendations upon all matters referred to it.

13. The board of trustees shall designate an actuary who shall be the technical advisor of the board of trustees on matters regarding the operation of the retirement system and shall perform such other duties as are required in connection therewith. Such person shall be qualified as an actuary by membership as a Fellow of the Society of Actuaries or by similar objective standards.

14. At least once in each five-year period the actuary shall make an investigation into the actuarial experience of the members, retirants and beneficiaries of the retirement system and, taking into account the results of such investigation, the board of trustees shall adopt for the retirement system such actuarial assumptions as the board of trustees deems necessary for the financial soundness of the retirement system.

15. On the basis of such actuarial assumptions as the board of trustees adopts, the actuary shall make annual valuations of the assets and liabilities of the funds of the retirement system.

16. The rate of contribution payable by the **[**employer**]** **employers** shall equal one and ninety-nine one-hundredths percent, effective July 1, 1993; three and ninety-nine one-hundredths percent, effective July 1, 1995; five and ninety-nine one-hundredths percent, effective July 1, 1996; seven and one-half percent effective January 1, 1999, and for **[**all**]** subsequent **calendar** years **through 2013. For calendar year 2014 and each subsequent year, the rate of contribution payable by the employers for each year shall be determined by the actuary for the retirement system in the manner provided in subsection 4 of section 169.350 and shall be certified by the board of trustees to the employers at least six months prior to the date such rate is to be effective**.

17. In the event of a lapse of a school district's corporate organization as described in subsections 1 and 4 of section 162.081, no retirement system, nor any of the assets of any retirement system, shall be transferred to or merged with another retirement system without prior approval of such transfer or merge by the board of trustees of the retirement system.

169.301. RETIREMENT BENEFITS TO VEST, WHEN — AMOUNT, HOW COMPUTED — OPTION OF CERTAIN MEMBERS TO TRANSFER PLANS, REQUIREMENTS — RETIRANT BECOMING ACTIVE MEMBER, EFFECT ON BENEFITS — TERMINATION OF SYSTEM, EFFECT OF — MILITARY SERVICE, EFFECT OF. — 1. Any active member who has completed five or more years of actual (not purchased) creditable service shall be entitled to a vested retirement benefit equal to the annual service retirement allowance provided in sections 169.270 to 169.400 payable after attaining the minimum normal retirement age and calculated in accordance with the law in effect on the last date such person was a regular employee; provided, that such member does not withdraw such person's accumulated contributions pursuant to section 169.328 prior to attaining the minimum normal retirement age.

2. Any member who elected on October 13, 1961, or within thirty days thereafter, to continue to contribute and to receive benefits under sections 169.270 to 169.400 may continue to be a member of the retirement system under the terms and conditions of the plan in effect immediately prior to October 13, 1961, or may, upon written request to the board of trustees, transfer to the present plan, provided that the member pays into the system any additional contributions with interest the member would have credited to the member's account if such person had been a member of the current plan since its inception or, if the person's contributions and interest are in excess of what the person would have paid, such person will receive a refund of such excess. The board of trustees shall adopt appropriate rules and regulations governing the operation of the plan in effect immediately prior to October 13, 1961.

3. Should a retirant again become an active member, such person's retirement allowance payments shall cease during such membership and shall be recalculated upon subsequent retirement to include any creditable service earned during the person's latest period of active membership in accordance with subsection 2 of section 169.324.

4. In the event of the complete termination of the retirement system established by section 169.280 or the complete discontinuance of contributions to such retirement system, the rights of all members to benefits accrued to the date of such termination or discontinuance, to the extent then funded, shall be fully vested and nonforfeitable.

5. If a member leaves employment with an employer to perform qualified military service, as defined in Section 414(u) of the Internal Revenue Code of 1986, as amended, and dies while in such service, the member's survivors shall be entitled to any additional benefits (other than benefit accruals relating to the period of qualified military service) that would have been provided had the member resumed employment with the employer and then terminated on account of death in accordance with the requirements of Sections **[**407(a)(37)**]** **401(a)(37)** and 414(u) of the Internal Revenue Code of 1986, as amended. In such event, the member's period of qualified

military [services] **service** shall be counted as creditable service for purposes of vesting but not for purposes of determining the amount of the member's retirement allowance.

169.324. RETIREMENT ALLOWANCES, AMOUNTS — RETIRANTS MAY SUBSTITUTE WITHOUT AFFECTING ALLOWANCE, LIMITATION — ANNUAL DETERMINATION OF ABILITY TO PROVIDE BENEFITS, STANDARDS — ACTION PLAN FOR USE OF MINORITY AND WOMEN MONEY MANAGERS, BROKERS AND INVESTMENT COUNSELORS. — 1. The annual service retirement allowance payable pursuant to section 169.320 [in equal monthly installments for life shall be the retirant's number of years of creditable service multiplied by one and three-fourths percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation. For any member who retires as an active member on or after June 30, 1999, the annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life shall be the retirant's number of years of creditable service multiplied by two percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation. Any member whose number of years of creditable service is greater than thirty-four and one-quarter on August 28, 1993, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service as of August 28, 1993, multiplied by one and three-fourths percent of the person's average final compensation but shall not receive a greater annual service retirement allowance based on additional years of creditable service after August 28, 1993. Provided, however, that,] **shall be the retirant's number of years of creditable service multiplied by a percentage of the retirant's average final compensation, determined as follows:**

(1) A retirant whose last employment as a regular employee ended prior to June 30, 1999, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service multiplied by one and three-fourths percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation;

(2) A retirant whose number of years of creditable service is greater than thirty-four and one-quarter on August 28, 1993, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service as of August 28, 1993, multiplied by one and three-fourths percent of the person's average final compensation but shall not receive a greater annual service retirement allowance based on additional years of creditable service after August 28, 1993;

(3) A retirant who was an active member of the retirement system at any time on or after June 30, 1999, and who either retires before January 1, 2014, or is a member of the retirement system on December 31, 2013, and remains a member continuously to retirement shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service multiplied by two percent of the person's average final compensation, subject to a maximum of sixty percent of the person's final compensation;

(4) A retirant who becomes a member of the retirement system on or after January 1, 2014, including any retirant who was a member of the retirement system before January 1, 2014, but ceased to be a member for any reason other than retirement, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service multiplied by one and three-fourths percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation;

(5) Notwithstanding the provisions of subdivisions (1) to (4) of this subsection, effective January 1, 1996, any **[**retiree**] retirant** who retired on, before or after January 1, 1996, with at least twenty years of creditable service shall receive at least three hundred dollars each month as a retirement allowance, or the actuarial equivalent thereof if the **[**retiree**] retirant** elected any of the options available under section 169.326. **[**Provided, further, any retiree**] Any retirant** who retired with at least ten years of creditable service shall receive at least one hundred fifty dollars each month as a retirement allowance, plus fifteen dollars for each additional full year of creditable service greater than ten years but less than twenty years (or the actuarial equivalent thereof if the **[**retiree**] retirant** elected any of the options available under section 169.326). Any beneficiary of a deceased **[**retiree**] retirant** who retired with at least ten years of creditable service and elected one of the options available under section 169.326 shall also be entitled to the actuarial equivalent of the minimum benefit provided by this subsection, determined from the option chosen.

2. Except as otherwise provided in sections 169.331, 169.580 and 169.585, payment of a retirant's retirement allowance will be suspended for any month for which such person receives remuneration from the person's employer or from any other employer in the retirement system established by section 169.280 for the performance of services except any such person other than a person receiving a disability retirement allowance under section 169.322 may serve as a nonregular substitute, part-time or temporary employee for not more than six hundred hours in any school year without becoming a member and without having the person's retirement allowance discontinued, provided that through such substitute, part-time, or temporary employment, the person may earn no more than fifty percent of the annual salary or wages the person was last paid by the employer before the person retired and commenced receiving a retirement allowance, adjusted for inflation. If a person exceeds such hours limit or such compensation limit, payment of the person's retirement allowance shall be suspended for the month in which such limit was exceeded and each subsequent month in the school year for which the person receives remuneration from any employer in the retirement system. If a retirant is reemployed by any employer in any capacity, whether pursuant to this section, or section 169.331, 169.580, or 169.585, or as a regular employee, the amount of such person's retirement allowance attributable to service prior to the person's first retirement date shall not be changed by the reemployment. If the person again becomes an active member and earns additional creditable service, upon the person's second retirement the person's retirement allowance shall be the sum of:

(1) The retirement allowance the person was receiving at the time the person's retirement allowance was suspended, pursuant to the payment option elected as of the first retirement date, plus the amount of any increase in such retirement allowance the person would have received pursuant to subsection 3 of this section had payments not been suspended during the person's reemployment; and

(2) An additional retirement allowance computed using the benefit formula in effect on the person's second retirement date, the person's creditable service following reemployment, and the person's average final annual compensation as of the second retirement date. The sum calculated pursuant to this subsection shall not exceed the greater of sixty percent of the person's average final compensation as of the second retirement date or the amount determined pursuant to subdivision (1) of this subsection. Compensation earned prior to the person's first retirement date shall be considered in determining the person's average final compensation as of the second retirement date if such compensation would otherwise be included in determining the person's average final compensation.

3. The board of trustees shall determine annually whether the investment return on funds of the system can provide for an increase in benefits for retirants eligible for such increase. A retirant shall and will be eligible for an increase awarded pursuant to this section as of the second January following the date the retirant commenced receiving retirement benefits. Any such

increase shall also apply to any monthly joint and survivor retirement allowance payable to such retirant's beneficiaries, regardless of age. The board shall make such determination as follows:

(1) After determination by the actuary of the investment return for the preceding year as of December thirty-first (the "valuation year"), the actuary shall recommend to the board of trustees what portion of the investment return is available to provide such benefits increase, if any, and shall recommend the amount of such benefits increase, if any, to be implemented as of the first day of the thirteenth month following the end of the valuation year, and **[**the**]** first payable on or about the first day of the fourteenth month following the end of the valuation year. The actuary shall make such recommendations so as not to affect the financial soundness of the retirement system, recognizing the following safeguards:

(a) The retirement system's funded ratio as of January first of the year preceding the year of a proposed increase shall be at least one hundred percent after adjusting for the effect of the proposed increase. The funded ratio is the ratio of assets to the pension benefit obligation;

(b) The actuarially required contribution rate, after adjusting for the effect of the proposed increase, may not exceed the **[**statutory**] then applicable employer and member** contribution rate **as determined under subsection 4 of section 169.350**;

(c) The actuary shall certify to the board of trustees that the proposed increase will not impair the actuarial soundness of the retirement system;

(d) A benefit increase, under this section, once awarded, cannot be reduced in succeeding years;

(2) The board of trustees shall review the actuary's recommendation and report and shall, in their discretion, determine if any increase is prudent and, if so, shall determine the amount of increase to be awarded.

4. This section does not guarantee an annual increase to any retirant.

5. If an inactive member becomes an active member after June 30, 2001, and after a break in service, unless the person earns at least four additional years of creditable service without another break in service, upon retirement the person's retirement allowance shall be calculated separately for each separate period of service ending in a break in service. The retirement allowance shall be the sum of the separate retirement allowances computed for each such period of service using the benefit formula in effect, the person's average final compensation as of the last day of such period of service and the creditable service the person earned during such period of service; provided, however, if the person earns at least four additional years of creditable service without another break in service, all of the person's creditable service prior to and including such service shall be aggregated and, upon retirement, the retirement allowance shall be computed using the benefit formula in effect and the person's average final compensation as of the last day of such period of four or more years and all of the creditable service the person earned prior to and during such period.

6. Notwithstanding anything contained in this section to the contrary, the amount of the annual service retirement allowance payable to any retirant pursuant to the provisions of sections 169.270 to 169.400, including any adjustments made pursuant to subsection 3 of this section, shall at all times comply with the provisions and limitations of Section 415 of the Internal Revenue Code of 1986, as amended, and the regulations thereunder, the terms of which are specifically incorporated herein by reference.

7. All retirement systems established by the laws of the state of Missouri shall develop a procurement action plan for utilization of minority and women money managers, brokers and investment counselors. Such retirement systems shall report their progress annually to the joint committee on public employee retirement and the governor's minority advocacy commission.

169.350. ASSETS HELD IN TWO FUNDS — SOURCE AND DISBURSEMENT — DEDUCTIONS — CONTRIBUTIONS, EMPLOYER MAY ELECT TO PAY PART OR ALL OF EMPLOYEE'S CONTRIBUTION, PROCEDURE — RATE OF CONTRIBUTIONS TO BE CALCULATED. — 1. All of the assets of the retirement system (other than tangible real or personal property owned by the

retirement system for use in carrying out its duties, such as office supplies and furniture) shall be credited, according to the purpose for which they are held, in either the employees' contribution fund or the general reserve fund.

(1) The employees' contribution fund shall be the fund in which shall be accumulated the contributions of the members. The employer shall, except as provided in subdivision (5) of this subsection, cause to be deducted from the compensation of each member on each and every payroll, for each and every payroll period, the pro rata portion of five and nine-tenths percent of his annualized compensation. Effective January 1, 1999, **through December 31, 2013,** the employer shall deduct an additional one and six-tenths percent of the member's annualized compensation. **For 2014 and for each subsequent year, the employer shall deduct from each member's annualized compensation the rate of contribution determined for such year by the actuary for the retirement system in the manner provided in subsection 4 of this section.**

(2) The employer shall pay all such deductions and any amount it may elect to pay pursuant to subdivision (5) of this subsection to the retirement system at once. The retirement system shall credit such deductions and such amounts to the individual account of each member from whose compensation the deduction was made or with respect to whose compensation the amount was paid pursuant to subdivision (5) of this subsection. In determining the deduction for a member in any payroll period, the board of trustees may consider the rate of compensation payable to such member on the first day of the payroll period as continuing throughout such period.

(3) The deductions provided for herein are declared to be a part of the compensation of the member and the making of such deductions shall constitute payments by the member out of the person's compensation and such deductions shall be made notwithstanding that the amount actually paid to the member after such deductions is less than the minimum compensation provided by law for any member. Every member shall be deemed to consent to the deductions made and provided for herein, and shall receipt for the person's full compensation, and the making of the deduction and the payment of compensation less the deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for services rendered during the period covered by the payment except as to benefits provided by sections 169.270 to 169.400.

(4) The accumulated contributions with interest of a member withdrawn by the person or paid to the person's estate or designated beneficiary in the event of the person's death before retirement shall be paid from the employees' contribution fund. Upon retirement of a member the member's accumulated contributions with interest shall be transferred from the employees' contribution fund to the general reserve fund.

(5) The employer may elect to pay on behalf of all members all or part of the amount that the members would otherwise be required to contribute to the employees' contribution fund pursuant to subdivision (1) of this subsection. Such amounts paid by the employer shall be in lieu of members' contributions and shall be treated for all purposes of sections 169.270 to 169.400 as contributions made by members. Notwithstanding any other provision of this chapter to the contrary, no member shall be entitled to receive such amounts directly. The election shall be made by a duly adopted resolution of the employer's board and shall remain in effect for at least one year from the effective date thereof. The election may be thereafter terminated only by an affirmative act of the employer's board notwithstanding any limitation in the term thereof in the adopting resolution. Any such termination resolution shall be adopted at least sixty days prior to the effective date thereof, and the effective date thereof shall coincide with a fiscal year-end of the employer. In the absence of such a termination resolution, the election shall remain in effect from fiscal year to fiscal year.

2. The general reserve fund shall be the fund in which shall be accumulated all reserves for the payment of all benefit expenses and other demands whatsoever upon the retirement system except those items heretofore allocated to the employees' contribution fund.

(1) All contributions by the employer, except those the employer elects to make on behalf of the members pursuant to subdivision (5) of subsection 1 of this section, shall be credited to the general reserve fund.

(2) Should a retirant be restored to active service and again become a member of the retirement system, the excess, if any, of the person's accumulated contributions over benefits received by the retirant shall be transferred from the general reserve fund to the employees' contribution fund and credited to the person's account.

3. Gifts, devises, bequests and legacies may be accepted by the board of trustees and deposited in the general reserve fund to be held, invested and used at its discretion for the benefit of the retirement system except where specific direction for the use of a gift is made by a donor.

4. Beginning in 2013, the actuary for the retirement system shall annually calculate the rate of employer contributions and member contributions for 2014 and for each subsequent calendar year, expressed as a level percentage of the annualized compensation of the members, subject to the following:

(1) The rate of contribution for any calendar year shall be determined based on an actuarial valuation of the retirement system as of the first day of the prior calendar year. Such actuarial valuation shall be performed using the actuarial cost method and actuarial assumptions adopted by the board of trustees and in accordance with accepted actuarial standards of practice in effect at the time the valuation is performed, as promulgated by the actuarial standards board or its successor;

(2) The target combined employer and member contribution rate shall be the amount actuarially required to cover the normal cost and amortize any unfunded accrued actuarial liability over a period that shall not exceed thirty years from the date of the valuation;

(3) The target combined rate as so determined shall be allocated equally between the employer contribution rate and the member contribution rate, provided, however, that the level rate of contributions to be paid by the employers and the level rate of contributions to be deducted from the compensation of members for any calender year shall each be limited as follows:

(a) The contribution rate shall not be less than seven and one-half percent;

(b) The contribution rate shall not exceed nine percent; and

(c) Changes in the contribution rate from year to year shall be in increments of one-half percent such that the contribution rate for any year shall not be greater than or less than the rate in effect for the prior year by more than one-half percent;

(4) The board of trustees shall certify to the employers the contribution rate for the following calendar year no later than six months prior to the date such rate is to be effective.

169.670. BENEFITS, HOW COMPUTED — BENEFICIARY BENEFITS, OPTIONS, ELECTION OF. — 1. The retirement allowance of a member whose age at retirement is sixty years or more and whose creditable service is five years or more, or whose sum of age and creditable service equals eighty years or more, or whose creditable service is thirty years or more regardless of age, shall be the sum of the following items:

(1) For each year of membership service, one and sixty-one hundredths percent of the member's final average salary;

(2) Six-tenths of the amount payable for a year of membership service for each year of prior service;

(3) Eighty-five one-hundredths of one percent of any amount by which the member's average compensation for services rendered prior to July 1, 1973, exceeds the average monthly compensation on which federal Social Security taxes were paid during the period over which such average compensation was computed, for each year of membership service credit for

services rendered prior to July 1, 1973, plus six-tenths of the amount payable for a year of membership service for each year of prior service credit;

(4) In lieu of the retirement allowance otherwise provided by subdivisions (1) to (3) of this subsection, **[**between July 1, 2001, and July 1, 2013,**]** a member may elect to receive a retirement allowance of:

(a) One and fifty-nine hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-nine years or more but less than thirty years and the member has not attained the age of fifty-five;

(b) One and fifty-seven hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-eight years or more but less than twenty-nine years, and the member has not attained the age of fifty-five;

(c) One and fifty-five hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-seven years or more but less than twenty-eight years and the member has not attained the age of fifty-five;

(d) One and fifty-three hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-six years or more but less than twenty-seven years and the member has not attained the age of fifty-five;

(e) One and fifty-one hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-five years or more but less than twenty-six years and the member has not attained the age of fifty-five; and

(5) In addition to the retirement allowance provided in subdivisions (1) to (3) of this subsection, a member retiring on or after July 1, 2001, whose creditable service is thirty years or more or whose sum of age and creditable service is eighty years or more, shall receive a temporary retirement allowance equivalent to eight-tenths of one percent of the member's final average salary multiplied by the member's years of service until such time as the member reaches the minimum age for Social Security retirement benefits.

2. If the board of trustees determines that the cost of living, as measured by generally accepted standards, increases five percent or more in the preceding fiscal year, the board shall increase the retirement allowances which the retired members or beneficiaries are receiving by five percent of the amount being received by the retired member or the beneficiary at the time the annual increase is granted by the board; provided that, the increase provided in this subsection shall not become effective until the fourth January first following a member's retirement or January 1, 1982, whichever occurs later, and the total of the increases granted to a retired member or the beneficiary after December 31, 1981, may not exceed eighty percent of the retirement allowance established at retirement or as previously adjusted by other provisions of law. If the cost of living increases less than five percent, the board of trustees may determine the percentage of increase to be made in retirement allowances, but at no time can the increase exceed five percent per year. If the cost of living decreases in a fiscal year, there will be no increase in allowances for retired members on the following January first.

3. The board of trustees may reduce the amounts which have been granted as increases to a member pursuant to subsection 2 of this section if the cost of living, as determined by the board and as measured by generally accepted standards, is less than the cost of living was at the time of the first increase granted to the member; provided that, the reductions shall not exceed the amount of increases which have been made to the member's allowance after December 31, 1981.

4. (1) In lieu of the retirement allowance provided in subsection 1 of this section, called option 1, a member whose creditable service is twenty-five years or more or who has attained age fifty-five with five or more years of creditable service may elect, in the application for retirement, to receive the actuarial equivalent of the member's retirement allowance in reduced monthly payments for life during retirement with the provision that:

Option 2. Upon the member's death, the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the

member as the member shall have nominated in the member's election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the member elected option 1; OR

Option 3. Upon the death of the member three-fourths of the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the member elected option 1; OR

Option 4. Upon the death of the member one-half of the reduced retirement allowance shall be continued throughout the life of, and paid to, such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance shall be increased to the amount the retired member would be receiving had the member elected option 1; OR

Option 5. Upon the death of the member prior to the member having received one hundred twenty monthly payments of the member's reduced allowance, the remainder of the one hundred twenty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the one hundred twenty monthly payments, the reserve for the remainder of such one hundred twenty monthly payments shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the last person, in that order of precedence, to receive a monthly allowance in a lump sum payment. If the total of the one hundred twenty payments paid to the retired individual and the beneficiary of the retired individual is less than the total of the member's accumulated contributions, the difference shall be paid to the beneficiary in a lump sum; OR

Option 6. Upon the death of the member prior to the member having received sixty monthly payments of the member's reduced allowance, the remainder of the sixty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the sixty monthly payments, the reserve for the remainder of such sixty monthly payments shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the last person, in that order of precedence, to receive a monthly allowance in a lump sum payment. If the total of the sixty payments paid to the retired individual and the beneficiary of the retired individual is less than the total of the member's accumulated contributions, the difference shall be paid to the beneficiary in a lump sum; OR

Option 7. A plan of variable monthly benefit payments which provides, in conjunction with the member's retirement benefits under the federal Social Security laws, level or near-level retirement benefit payments to the member for life during retirement, and if authorized, to an appropriate beneficiary designated by the member. Such a plan shall be actuarially equivalent to the retirement allowance under option 1 and shall be available for election only if established by the board of trustees under duly adopted rules.

(2) The election of an option may be made only in the application for retirement and such application must be filed prior to the date on which the retirement of the member is to be effective. If either the member or the person nominated dies before the effective date of retirement, the option shall not be effective, provided that:

(a) If the member or a person retired on disability retirement dies after attaining age fifty-five and acquiring five or more years of creditable service or after acquiring twenty-five or more years of creditable service and before retirement, except retirement with disability benefits, and

the person named by the member as the member's beneficiary has an insurable interest in the life of the deceased member, the designated beneficiary may elect to receive either survivorship payments under option 2 or a payment of the member's accumulated contributions. If survivorship benefits under option 2 are elected and the member at the time of death would have been eligible to receive an actuarial equivalent of the member's retirement allowance, the designated beneficiary may further elect to defer the option 2 payments until the date the member would have been eligible to receive the retirement allowance provided in subsection 1 of this section.

(b) If the member or a person retired on disability retirement dies before attaining age fifty-five but after acquiring five but fewer than twenty-five years of creditable service, and the person named as the beneficiary has an insurable interest in the life of the deceased member or disability retiree, the designated beneficiary may elect to receive either a payment of the person's accumulated contributions or survivorship benefits under option 2 to begin on the date the member would first have been eligible to receive an actuarial equivalent of the person's retirement allowance, or to begin on the date the member would first have been eligible to receive the retirement allowance provided in subsection 1 of this section.

5. If the total of the retirement or disability allowances paid to an individual before the person's death is less than the person's accumulated contributions at the time of the person's retirement, the difference shall be paid to the person's beneficiary or, if there is no beneficiary, to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or person's estate, in that order of precedence; provided, however, that if an optional benefit, as provided in option 2, 3 or 4 in subsection 4 of this section, had been elected and the beneficiary dies after receiving the optional benefit, then, if the total retirement allowances paid to the retired individual and the individual's beneficiary are less than the total of the contributions, the difference shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the beneficiary, in that order of precedence, unless the retired individual designates a different recipient with the board at or after retirement.

6. If a member dies and his or her financial institution is unable to accept the final payment or payments due to the member, the final payment or payments shall be paid to the beneficiary of the member or, if there is no beneficiary, to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the member, in that order of precedence, unless otherwise stated. If the beneficiary of a deceased member dies and his or her financial institution is unable to accept the final payment or payments, the final payment or payments shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the member, in that order of precedence, unless otherwise stated.

7. If a member dies before receiving a retirement allowance, the member's accumulated contributions at the time of the member's death shall be paid to the member's beneficiary or, if there is no beneficiary, to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or to the member's estate; provided, however, that no such payment shall be made if the beneficiary elects option 2 in subsection 4 of this section, unless the beneficiary dies before having received benefits pursuant to that subsection equal to the accumulated contributions of the member, in which case the amount of accumulated contributions in excess of the total benefits paid pursuant to that subsection shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the beneficiary, in that order of precedence.

8. If a member ceases to be an employee as defined in section 169.600 and certifies to the board of trustees that such cessation is permanent or if the person's membership is otherwise terminated, the person shall be paid the person's accumulated contributions with interest.

9. Notwithstanding any provisions of sections 169.600 to 169.715 to the contrary, if a member ceases to be an employee as defined in section 169.600 after acquiring five or more years of creditable service, the member may, at the option of the member, leave the member's

contributions with the retirement system and claim a retirement allowance any time after the member reaches the minimum age for voluntary retirement. When the member's claim is presented to the board, the member shall be granted an allowance as provided in sections 169.600 to 169.715 on the basis of the member's age and years of service.

10. The retirement allowance of a member retired because of disability shall be nine-tenths of the allowance to which the member's creditable service would entitle the member if the member's age were sixty.

11. Notwithstanding any provisions of sections 169.600 to 169.715 to the contrary, any member who is a member prior to October 13, 1969, may elect to have the member's retirement allowance computed in accordance with sections 169.600 to 169.715 as they existed prior to October 13, 1969.

12. Any application for retirement shall include a sworn statement by the member certifying that the spouse of the member at the time the application was completed was aware of the application and the plan of retirement elected in the application.

13. Notwithstanding any other provision of law, any person retired prior to August 14, 1984, who is receiving a reduced retirement allowance under option 1 or 2 of subsection 4 of this section, as the option existed prior to August 14, 1984, and whose beneficiary nominated to receive continued retirement allowance payments under the elected option dies or has died, shall upon application to the board of trustees have the person's retirement allowance increased to the amount the person would have been receiving had the person not elected the option actuarially adjusted to recognize any excessive benefits which would have been paid to the person up to the time of the application.

14. Benefits paid pursuant to the provisions of the public education employee retirement system of Missouri shall not exceed the limitations of Section 415 of Title 26 of the United States Code, except as provided under this subsection. Notwithstanding any other law, the board of trustees may establish a benefit plan under Section 415(m) of Title 26 of the United States Code. Such plan shall be credited solely for the purpose described in Section 415(m)(3)(A) of Title 26 of the United States Code. The board of trustees may promulgate regulations necessary to implement the provisions of this subsection and to create and administer such benefit plan.

15. Any member who has retired prior to July 1, 1999, and the designated beneficiary of a deceased retired member upon request shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging. As compensation for such duties the person shall receive a payment equivalent to seven and four-tenths percent of the previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 2 and 3 of this section for the purposes of the limit on the total amount of increases which may be received.

16. Any member who has retired prior to July 1, 2000, and the designated beneficiary of a deceased retired member upon request shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging. As compensation for such duties the person shall receive a payment equivalent to three and four-tenths percent of the previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 2 and 3 of this section for the purposes of the limit on the total amount of increases which may be received.

17. Any member who has retired prior to July 1, 2001, and the designated beneficiary of a deceased retired member upon request shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging. As compensation for such duties the person shall receive a payment equivalent to seven and one-tenth percent of the previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 2

and 3 of this section for the purposes of the limit on the total amount of increases which may be received.

170.340. BOOKS OF RELIGIOUS NATURE MAY BE USED, WHEN. — Books of a religious nature may be used in the classroom as part of instruction in elective courses in literature and history, as long as such books are not used in a manner so as to violate the establishment clause of the First Amendment to the United States Constitution.

178.550. CAREER AND TECHNICAL EDUCATION STUDENT PROTECTION ACT — COUNCIL ESTABLISHED, MEMBERS, TERMS, MEETINGS, DUTIES. — [The president of the state board of education shall annually appoint a committee of five members to be known as the "State Advisory Committee for Vocational Education". The state advisory committee shall consist of one person of experience in agriculture; one employer; one representative of labor; one person of experience in home economics; one person of experience in commerce. The state commissioner of education is ex officio a member and the chairman of the advisory committee. The state board of education shall formulate general principles and policies for the administration of sections 178.420 to 178.580, which, when they have been approved by the state advisory committee, shall be put into effect. Joint conferences between the state board of education and advisory committee shall be held at least four times each year. All members of the state advisory committee shall be reimbursed for their actual expenses in attending the conferences.**] 1. This section shall be known and may be cited as the career and technical education student protection act. There is hereby established the "Career and Technical Education Advisory Council" within the department of elementary and secondary education.**

2. The advisory council shall be composed of eleven members who shall be Missouri residents, appointed by the governor with the advice and consent of the senate:

(1) A director or administrator of a career and technical education center;

(2) An individual from the business community with a background in commerce;

(3) A representative from Linn State Technical College;

(4) Three current or retired career and technical education teachers who also serve or served as an advisor to any of the nationally-recognized career and technical education student organizations of:

(a) DECA;

(b) Future Business Leaders of America (FBLA);

(c) FFA;

(d) Family, Career and Community Leaders of America (FCCLA);

(e) Health Occupations Students of America (HOSA);

(f) SkillsUSA; or

(g) Technology Student Association (TSA);

(5) A representative from a business organization, association of businesses, or a business coalition;

(6) A representative from a Missouri community college;

(7) A representative from Southeast Missouri State University or the University of Central Missouri;

(8) An individual participating in an apprenticeship recognized by the department of labor and industrial relations or approved by the United States Department of Labor's Office of Apprenticeship;

(9) A school administrator or school superintendent of a school that offers career and technical education.

3. Members shall serve a term of five years except for the initial appointments, which shall be for the following lengths:

(1) One member shall be appointed for a term of one year;

(2) Two members shall be appointed for a term of two years;

(3) Two members shall be appointed for a term of three years;

(4) Three members shall be appointed for a term of four years;

(5) Three members shall be appointed for a term of five years.

4. The advisory council shall have three nonvoting ex-officio members:

(1) A director of guidance and counseling services at the department of elementary and secondary education, or a similar position if such position ceases to exist;

(2) The director of the division of workforce development; and

(3) A member of the coordinating board for higher education, as selected by the coordinating board.

5. The assistant commissioner for the office of college and career readiness of the department of elementary and secondary education shall provide staff assistance to the advisory council.

6. The advisory council shall meet at least four times annually. The advisory council may make all rules it deems necessary to enable it to conduct its meetings, elect its officers, and set the terms and duties of its officers. The advisory council shall elect from among its members a chairperson, vice chairperson, a secretary-reporter, and such other officers as it deems necessary. Members of the advisory council shall serve without compensation but may be reimbursed for actual expenses necessary to the performance of their official duties for the advisory council.

7. Any business to come before the advisory council shall be available on the advisory council's internet website at least seven business days prior to the start of each meeting. All records of any decisions, votes, exhibits, or outcomes shall be available on the advisory council's internet website within forty-eight hours following the conclusion of every meeting. Any materials prepared for the members shall be delivered to the members at least five days before the meeting, and to the extent such materials are public records as defined in section 610.010 and are not permitted to be closed under section 610.021, shall be made available on the advisory council's internet website at least five business days in advance of the meeting.

8. The advisory council shall make an annual written report to the state board of education and the commissioner of education regarding the development, implementation, and administration of the state budget for career and technical education.

9. The advisory council shall annually submit written recommendations to the state board of education and the commissioner of education regarding the oversight and procedures for the handling of funds for student career and technical education organizations.

10. The advisory council shall:

(1) Develop a comprehensive statewide short- and long-range strategic plan for career and technical education;

(2) Identify service gaps and provide advice on methods to close such gaps as they relate to youth and adult employees, workforce development, and employers on training needs;

(3) Confer with public and private entities for the purpose of promoting and improving career and technical education;

(4) Identify legislative recommendations to improve career and technical education;

(5) Promote coordination of existing career and technical education programs;

(6) Adopt, alter, or repeal by its own bylaws, rules, and regulations governing the manner in which its business may be transacted.

11. For purposes of this section, the department of elementary and secondary education shall provide such documentation and information as to allow the advisory council to be effective.

12. For purposes of this section, "advisory council" shall mean the career and technical education advisory council.

Approved July 11, 2013

SB 20 [HCS SS SCS SBs 20, 15 & 19]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Modifies provisions of law regarding certain benevolent tax credits

AN ACT to repeal sections 135.090, 135.327, 135.535, 135.562, 135.630, 135.647, and 135.800, RSMo, and to enact in lieu thereof eight new sections relating to certain benevolent tax credits, with an emergency clause.

SECTION

A. Enacting clause.
135.090. Income tax credit for surviving spouses of public safety officers — sunset provision.
135.327. Special needs child adoption tax credit — nonrecurring adoption expenses, amount — individual and business entities tax credit, amount, time for filing application — assignment of tax credit, when.
135.341. Definitions — tax credit authorized, amount — application procedure — assignment — rulemaking authority — sunset provision.
135.535. Tax credit for relocating a business to a distressed community, approval by department of economic development, application — employees eligible to receive credit — credit for expenditures on equipment — transfer of certificate of credit — maximum amount allowed, credit carried over — limitations — tax credit for existing business in a distressed community which hires new employees, conditions and types of businesses eligible.
135.562. Principal dwellings, tax credit for renovations for disability access.
135.630. Tax credit for contributions to pregnancy resource centers, definitions — amount — limitations — determination of qualifying centers — cumulative amount of credits — apportionment procedure, reapportionment of credits — identity of contributors provided to director, confidentiality — sunset provision.
135.647. Donated food tax credit — definitions — amount — procedure to claim the credit — rulemaking authority — sunset provision.
135.800. Citation — definitions.
B. Emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 135.090, 135.327, 135.535, 135.562, 135.630, 135.647, and 135.800, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 135.090, 135.327, 135.341, 135.535, 135.562, 135.630, 135.647, and 135.800, to read as follows:

135.090. INCOME TAX CREDIT FOR SURVIVING SPOUSES OF PUBLIC SAFETY OFFICERS — SUNSET PROVISION. — 1. As used in this section, the following terms mean:

(1) "Homestead", the dwelling in Missouri owned by the surviving spouse and not exceeding five acres of land surrounding it as is reasonably necessary for use of the dwelling as a home. As used in this section, "homestead" shall not include any dwelling which is occupied by more than two families;

(2) "Public safety officer", any firefighter, police officer, capitol police officer, parole officer, probation officer, correctional employee, water patrol officer, park ranger, conservation officer, commercial motor enforcement officer, emergency medical technician, first responder, or highway patrolman employed by the state of Missouri or a political subdivision thereof who

is killed in the line of duty, unless the death was the result of the officer's own misconduct or abuse of alcohol or drugs;

(3) "Surviving spouse", a spouse, who has not remarried, of a public safety officer.

2. For all tax years beginning on or after January 1, 2008, a surviving spouse shall be allowed a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, in an amount equal to the total amount of the property taxes on the surviving spouse's homestead paid during the tax year for which the credit is claimed. A surviving spouse may claim the credit authorized under this section for each tax year beginning the year of death of the public safety officer spouse until the tax year in which the surviving spouse remarries. No credit shall be allowed for the tax year in which the surviving spouse remarries. If the amount allowable as a credit exceeds the income tax reduced by other credits, then the excess shall be considered an overpayment of the income tax.

3. The department of revenue shall promulgate rules to implement the provisions of this section.

4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

5. Pursuant to section 23.253 of the Missouri sunset act:

(1) **[**The provisions of the new program authorized under this section shall automatically sunset six years after August 28, 2007, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized,**]** The program authorized under this section shall **[**automatically sunset twelve years after the effective date of the reauthorization of this section**]** **expire on December 31, 2019, unless reauthorized by the general assembly**; and

[(3)**] (2)** This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset**; and**

(3) The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to redeem tax credits authorized on or before the date the program authorized under this section expires or a taxpayer's ability to redeem such tax credits.

135.327. SPECIAL NEEDS CHILD ADOPTION TAX CREDIT — NONRECURRING ADOPTION EXPENSES, AMOUNT — INDIVIDUAL AND BUSINESS ENTITIES TAX CREDIT, AMOUNT, TIME FOR FILING APPLICATION — ASSIGNMENT OF TAX CREDIT, WHEN. — 1. **[**As used in this section, the following terms shall mean:

(1) "CASA", an entity which receives funding from the court-appointed special advocate fund established under section 476.777, including an association based in this state, affiliated with a national association, organized to provide support to entities receiving funding from the court-appointed special advocate fund;

(2) "Child advocacy centers", the regional child assessment centers listed in subsection 2 of section 210.001;

(3) "Contribution", amount of donation to qualified agency;

(4) "Crisis care center", entities contracted with this state which provide temporary care for children whose age ranges from birth through seventeen years of age whose parents or guardian are experiencing an unexpected and unstable or serious condition that requires immediate action resulting in short-term care, usually three to five continuous, uninterrupted days, for children who may be at risk for child abuse, neglect, or in an emergency situation;

(5) "Department", the department of revenue;

(6) "Director", the director of the department of revenue;

(7) "Qualified agency", CASA, child advocacy centers, or a crisis care center;

(8) "Tax liability", the tax due under chapter 143 other than taxes withheld under sections 143.191 to 143.265.

2.**]** Any person residing in this state who legally adopts a special needs child on or after January 1, 1988, and before January 1, 2000, shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child adopted that may be applied to taxes due under chapter 143. Any business entity providing funds to an employee to enable that employee to legally adopt a special needs child shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child adopted that may be applied to taxes due under such business entity's state tax liability, except that only one ten thousand dollar credit is available for each special needs child that is adopted.

[3.**] 2.** Any person residing in this state who proceeds in good faith with the adoption of a special needs child on or after January 1, 2000, shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child that may be applied to taxes due under chapter 143; provided, however, that beginning on **[**or after July 1, 2004, two million dollars of**] the effective date of this act,** the tax credits **[**allowed**]** shall **only** be allocated for the adoption of special needs children who are residents or wards of residents of this state at the time the adoption is initiated. Any business entity providing funds to an employee to enable that employee to proceed in good faith with the adoption of a special needs child shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child that may be applied to taxes due under such business entity's state tax liability, except that only one ten thousand dollar credit is available for each special needs child that is adopted.

[4.**] 3.** Individuals and business entities may claim a tax credit for their total nonrecurring adoption expenses in each year that the expenses are incurred. A claim for fifty percent of the credit shall be allowed when the child is placed in the home. A claim for the remaining fifty percent shall be allowed when the adoption is final. The total of these tax credits shall not exceed the maximum limit of ten thousand dollars per child. The cumulative amount of tax credits which may be claimed by taxpayers claiming the credit for nonrecurring adoption expenses in any one fiscal year prior to July 1, 2004, shall not exceed two million dollars. The cumulative amount of tax credits that may be claimed by taxpayers claiming the credit for nonrecurring adoption expenses shall not be more than **[**four**] two** million dollars but may be increased by appropriation in any fiscal year beginning on or after July 1, 2004**[**; provided, however, that by December thirty-first following each July, if less than two million dollars in credits have been issued for adoption of special needs children who are not residents or wards of residents of this state at the time the adoption is initiated, the remaining amount of the cap shall be available for the adoption of special needs children who are residents or wards of residents of this state at the time the adoption is initiated**]**. For all fiscal years beginning on or after July 1, 2006, applications to claim the adoption tax credit for special needs children who are residents or wards of residents of this state at the time the adoption is initiated shall be filed between July first and April fifteenth of each fiscal year. **[**For all fiscal years beginning on or after July 1, 2006, applications to claim the adoption tax credit for special needs children who are not residents or wards of residents of this state at the time the adoption is initiated shall be filed between July first and December thirty-first of each fiscal year.**]**

[5.**] 4.** Notwithstanding any provision of law to the contrary, any individual or business entity may assign, transfer or sell tax credits allowed in this section. Any sale of tax credits claimed pursuant to this section shall be at a discount rate of seventy-five percent or greater of the amount sold.

[6. The director of revenue shall establish a procedure by which, for each fiscal year, the cumulative amount of tax credits authorized in this section is equally apportioned among all taxpayers within the two categories specified in subsection 3 of this section claiming the credit

in that fiscal year. To the maximum extent possible, the director of revenue shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers within each category can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

7. For all tax years beginning on or after January 1, 2006, a tax credit may be claimed in an amount equal to up to fifty percent of a verified contribution to a qualified agency and shall be named the children in crisis tax credit. The minimum amount of any tax credit issued shall not be less than fifty dollars and shall be applied to taxes due under chapter 143, excluding sections 143.191 to 143.265. A contribution verification shall be issued to the taxpayer by the agency receiving the contribution. Such contribution verification shall include the taxpayer's name, Social Security number, amount of tax credit, amount of contribution, the name and address of the agency receiving the credit, and the date the contribution was made. The tax credit provided under this subsection shall be initially filed for the year in which the verified contribution is made.

8. The cumulative amount of the tax credits redeemed shall not exceed the unclaimed portion of the resident adoption category allocation as described in this section. The director of revenue shall determine the unclaimed portion available. The amount available shall be equally divided among the three qualified agencies: CASA, child advocacy centers, or crisis care centers to be used towards tax credits issued. In the event tax credits claimed under one agency do not total the allocated amount for that agency, the unused portion for that agency will be made available to the remaining agencies equally. In the event the total amount of tax credits claimed for any one agency exceeds the amount available for that agency, the amount redeemed shall and will be apportioned equally to all eligible taxpayers claiming the credit under that agency. After all children in crisis tax credits have been claimed, any remaining unclaimed portion of the reserved allocation for adoptions of special needs children who are residents or wards of residents of this state shall then be made available for adoption tax credit claims of special needs children who are not residents or wards of residents of this state at the time the adoption is initiated.

9. Prior to December thirty-first of each year, the entities listed under the definition of qualified agency shall apply to the department of social services in order to verify their qualified agency status. Upon a determination that the agency is eligible to be a qualified agency, the department of social services shall provide a letter of eligibility to such agency. No later than February first of each year, the department of social services shall provide a list of qualified agencies to the department of revenue. All tax credit applications to claim the children in crisis tax credit shall be filed between July first and April fifteenth of each fiscal year. A taxpayer shall apply for the children in crisis tax credit by attaching a copy of the contribution verification provided by a qualified agency to such taxpayer's income tax return.

10. The tax credits provided under this section shall be subject to the provisions of section 135.333.

11. (1) In the event a credit denial, due to lack of available funds, causes a balance-due notice to be generated by the department of revenue, or any other redeeming agency, the taxpayer will not be held liable for any penalty or interest, provided the balance is paid, or approved payment arrangements have been made, within sixty days from the notice of denial.

(2) In the event the balance is not paid within sixty days from the notice of denial, the remaining balance shall be due and payable under the provisions of chapter 143.

12. The director shall calculate the level of appropriation necessary to issue all tax credits for nonresident special needs adoptions applied for under this section and provide such calculation to the speaker of the house of representatives, the president pro tempore of the senate, and the director of the division of budget and planning in the office of administration by January thirty-first of each year.

13. The department may promulgate such rules or regulations as are necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in

section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.

14. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under subsections 7 to 12 of this section shall automatically sunset six years after August 28, 2006, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.**]**

135.341. DEFINITIONS — TAX CREDIT AUTHORIZED, AMOUNT — APPLICATION PROCEDURE — ASSIGNMENT — RULEMAKING AUTHORITY — SUNSET PROVISION. — 1. As used in this section, the following terms shall mean:

(1) "CASA", an entity which receives funding from the court-appointed special advocate fund established under section 476.777, including an association based in this state, affiliated with a national association, organized to provide support to entities receiving funding from the court-appointed special advocate fund;

(2) "Child advocacy centers", the regional child assessment centers listed in subsection 2 of section 210.001;

(3) "Contribution", the amount of donation to a qualified agency;

(4) "Crisis care center", entities contracted with this state which provide temporary care for children whose age ranges from birth through seventeen years of age whose parents or guardian are experiencing an unexpected and unstable or serious condition that requires immediate action resulting in short-term care, usually three to five continuous, uninterrupted days, for children who may be at risk for child abuse, neglect, or in an emergency situation;

(5) "Department", the department of revenue;

(6) "Director", the director of the department of revenue;

(7) "Qualified agency", CASA, child advocacy centers, or a crisis care center;

(8) "Tax liability", the tax due under chapter 143 other than taxes withheld under sections 143.191 to 143.265.

2. For all tax years beginning on or after January 1, 2013, a tax credit may be claimed in an amount equal to up to fifty percent of a verified contribution to a qualified agency and shall be named the champion for children tax credit. The minimum amount of any tax credit issued shall not be less than fifty dollars and shall be applied to taxes due under chapter 143, excluding sections 143.191 to 143.265. A contribution verification shall be issued to the taxpayer by the agency receiving the contribution. Such contribution verification shall include the taxpayer's name, Social Security number, amount of tax credit, amount of contribution, the name and address of the agency receiving the credit, and the date the contribution was made. The tax credit provided under this subsection shall be initially filed for the year in which the verified contribution is made.

3. The cumulative amount of the tax credits redeemed shall not exceed one million dollars in any tax year. The amount available shall be equally divided among the three qualified agencies: CASA, child advocacy centers, or crisis care centers to be used towards tax credits issued. In the event tax credits claimed under one agency do not total

the allocated amount for that agency, the unused portion for that agency will be made available to the remaining agencies equally. In the event the total amount of tax credits claimed for any one agency exceeds the amount available for that agency, the amount redeemed shall and will be apportioned equally to all eligible taxpayers claiming the credit under that agency.

4. Prior to December thirty-first of each year, each qualified agency shall apply to the department of social services in order to verify their qualified agency status. Upon a determination that the agency is eligible to be a qualified agency, the department of social services shall provide a letter of eligibility to such agency. No later than February first of each year, the department of social services shall provide a list of qualified agencies to the department of revenue. All tax credit applications to claim the champion for children tax credit shall be filed between July first and April fifteenth of each fiscal year. A taxpayer shall apply for the champion for children tax credit by attaching a copy of the contribution verification provided by a qualified agency to such taxpayer's income tax return.

5. Any amount of tax credit which exceeds the tax due or which is applied for and otherwise eligible for issuance but not issued shall not be refunded but may be carried over to any subsequent taxable year, not to exceed a total of five years.

6. Tax credits may be assigned, transferred or sold.

7. (1) In the event a credit denial, due to lack of available funds, causes a balance-due notice to be generated by the department of revenue, or any other redeeming agency, the taxpayer will not be held liable for any penalty or interest, provided the balance is paid, or approved payment arrangements have been made, within sixty days from the notice of denial.

(2) In the event the balance is not paid within sixty days from the notice of denial, the remaining balance shall be due and payable under the provisions of chapter 143.

8. The department may promulgate such rules or regulations as are necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

9. Pursuant to section 23.253, of the Missouri sunset act:

(1) The program authorized under this section shall be reauthorized as of the effective date of this act and shall expire on December 31, 2019, unless reauthorized by the general assembly; and

(2) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset; and

(3) The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to redeem tax credits authorized on or before the date the program authorized under this section expires or a taxpayer's ability to redeem such credits.

10. Beginning on the effective date of this act, any verified contribution to a qualified agency made on or after January 1, 2013, shall be eligible for tax credits as provided by this section.

135.535. TAX CREDIT FOR RELOCATING A BUSINESS TO A DISTRESSED COMMUNITY, APPROVAL BY DEPARTMENT OF ECONOMIC DEVELOPMENT, APPLICATION — EMPLOYEES

ELIGIBLE TO RECEIVE CREDIT — CREDIT FOR EXPENDITURES ON EQUIPMENT — TRANSFER OF CERTIFICATE OF CREDIT — MAXIMUM AMOUNT ALLOWED, CREDIT CARRIED OVER — LIMITATIONS — TAX CREDIT FOR EXISTING BUSINESS IN A DISTRESSED COMMUNITY WHICH HIRES NEW EMPLOYEES, CONDITIONS AND TYPES OF BUSINESSES ELIGIBLE. — 1. A corporation, limited liability corporation, partnership or sole proprietorship, which moves its operations from outside Missouri or outside a distressed community into a distressed community, or which commences operations in a distressed community on or after January 1, 1999, and in either case has more than seventy-five percent of its employees at the facility in the distressed community, and which has fewer than one hundred employees for whom payroll taxes are paid, and which is a manufacturing, biomedical, medical devices, scientific research, animal research, computer software design or development, computer programming, including internet, web hosting, and other information technology, wireless or wired or other telecommunications or a professional firm shall receive a forty percent credit against income taxes owed pursuant to chapter 143, 147 or 148, other than taxes withheld pursuant to sections 143.191 to 143.265, for each of the three years after such move, if approved by the department of economic development, which shall issue a certificate of eligibility if the department determines that the taxpayer is eligible for such credit. The maximum amount of credits per taxpayer set forth in this subsection shall not exceed one hundred twenty-five thousand dollars for each of the three years for which the credit is claimed. The department of economic development, by means of rule or regulation promulgated pursuant to the provisions of chapter 536, shall assign appropriate North American Industry Classification System numbers to the companies which are eligible for the tax credits provided for in this section. Such three-year credits shall be awarded only one time to any company which moves its operations from outside of Missouri or outside of a distressed community into a distressed community or to a company which commences operations within a distressed community. A taxpayer shall file an application for certification of the tax credits for the first year in which credits are claimed and for each of the two succeeding taxable years for which credits are claimed.

2. Employees of such facilities physically working and earning wages for that work within a distressed community whose employers have been approved for tax credits pursuant to subsection 1 of this section by the department of economic development for whom payroll taxes are paid shall also be eligible to receive a tax credit against individual income tax, imposed pursuant to chapter 143, equal to one and one-half percent of their gross salary paid at such facility earned for each of the three years that the facility receives the tax credit provided by this section, so long as they were qualified employees of such entity. The employer shall calculate the amount of such credit and shall report the amount to the employee and the department of revenue.

3. A tax credit against income taxes owed pursuant to chapter 143, 147 or 148, other than the taxes withheld pursuant to sections 143.191 to 143.265, in lieu of the credit against income taxes as provided in subsection 1 of this section, may be taken by such an entity in a distressed community in an amount of forty percent of the amount of funds expended for computer equipment and its maintenance, medical laboratories and equipment, research laboratory equipment, manufacturing equipment, fiber optic equipment, high speed telecommunications, wiring or software development expense up to a maximum of seventy-five thousand dollars in tax credits for such equipment or expense per year per entity and for each of three years after commencement in or moving operations into a distressed community.

4. A corporation, partnership or sole partnership, which has no more than one hundred employees for whom payroll taxes are paid, which is already located in a distressed community and which expends funds for such equipment pursuant to subsection 3 of this section in an amount exceeding its average of the prior two years for such equipment, shall be eligible to receive a tax credit against income taxes owed pursuant to chapters 143, 147 and 148 in an amount equal to the lesser of seventy-five thousand dollars or twenty-five percent of the funds expended for such additional equipment per such entity. Tax credits allowed pursuant to this

subsection or subsection 1 of this section may be carried back to any of the three prior tax years and carried forward to any of the **next** five tax years.

5. An existing corporation, partnership or sole proprietorship that is located within a distressed community and that relocates employees from another facility outside of the distressed community to its facility within the distressed community, and an existing business located within a distressed community that hires new employees for that facility may both be eligible for the tax credits allowed by subsections 1 and 3 of this section. To be eligible for such tax credits, such a business, during one of its tax years, shall employ within a distressed community at least twice as many employees as were employed at the beginning of that tax year. A business hiring employees shall have no more than one hundred employees before the addition of the new employees. This subsection shall only apply to a business which is a manufacturing, biomedical, medical devices, scientific research, animal research, computer software design or development, computer programming or telecommunications business, or a professional firm.

6. Tax credits shall be approved for applicants meeting the requirements of this section in the order that such applications are received. Certificates of tax credits issued in accordance with this section may be transferred, sold or assigned by notarized endorsement which names the transferee.

7. The tax credits allowed pursuant to subsections 1, 2, 3, 4 and 5 of this section shall be for an amount of no more than ten million dollars for each year beginning in 1999. **[**To the extent there are available tax credits remaining under the ten million dollar cap provided in this section, up to one hundred thousand dollars in the remaining credits shall first be used for tax credits authorized under section 135.562.**]** The total maximum credit for all entities already located in distressed communities and claiming credits pursuant to subsection 4 of this section shall be seven hundred and fifty thousand dollars. The department of economic development in approving taxpayers for the credit as provided for in subsection 6 of this section shall use information provided by the department of revenue regarding taxes paid in the previous year, or projected taxes for those entities newly established in the state, as the method of determining when this maximum will be reached and shall maintain a record of the order of approval. Any tax credit not used in the period for which the credit was approved may be carried over until the full credit has been allowed.

8. A Missouri employer relocating into a distressed community and having employees covered by a collective bargaining agreement at the facility from which it is relocating shall not be eligible for the credits in subsection 1, 3, 4 or 5 of this section, and its employees shall not be eligible for the credit in subsection 2 of this section if the relocation violates or terminates a collective bargaining agreement covering employees at the facility, unless the affected collective bargaining unit concurs with the move.

9. Notwithstanding any provision of law to the contrary, no taxpayer shall earn the tax credits allowed in this section and the tax credits otherwise allowed in section 135.110, or the tax credits, exemptions, and refund otherwise allowed in sections 135.200, 135.220, 135.225 and 135.245, respectively, for the same business for the same tax period.

135.562. PRINCIPAL DWELLINGS, TAX CREDIT FOR RENOVATIONS FOR DISABILITY ACCESS. — 1. If any taxpayer with a federal adjusted gross income of thirty thousand dollars or less incurs costs for the purpose of making all or any portion of such taxpayer's principal dwelling accessible to an individual with a disability who permanently resides with the taxpayer, such taxpayer shall receive a tax credit against such taxpayer's Missouri income tax liability in an amount equal to the lesser of one hundred percent of such costs or two thousand five hundred dollars per taxpayer, per tax year.

2. Any taxpayer with a federal adjusted gross income greater than thirty thousand dollars but less than sixty thousand dollars who incurs costs for the purpose of making all or any portion of such taxpayer's principal dwelling accessible to an individual with a disability who permanently resides with the taxpayer shall receive a tax credit against such taxpayer's Missouri

income tax liability in an amount equal to the lesser of fifty percent of such costs or two thousand five hundred dollars per taxpayer per tax year. No taxpayer shall be eligible to receive tax credits under this section in any tax year immediately following a tax year in which such taxpayer received tax credits under the provisions of this section.

3. Tax credits issued pursuant to this section may be refundable in an amount not to exceed two thousand five hundred dollars per tax year.

4. Eligible costs for which the credit may be claimed include:

(1) Constructing entrance or exit ramps;

(2) Widening exterior or interior doorways;

(3) Widening hallways;

(4) Installing handrails or grab bars;

(5) Moving electrical outlets and switches;

(6) Installing stairway lifts;

(7) Installing or modifying fire alarms, smoke detectors, and other alerting systems;

(8) Modifying hardware of doors; or

(9) Modifying bathrooms.

5. The tax credits allowed, including the maximum amount that may be claimed, pursuant to this section shall be reduced by an amount sufficient to offset any amount of such costs a taxpayer has already deducted from such taxpayer's federal adjusted gross income or to the extent such taxpayer has applied any other state or federal income tax credit to such costs.

6. A taxpayer shall claim a credit allowed by this section in the same taxable year as the credit is issued, and at the time such taxpayer files his or her Missouri income tax return; provided that such return is timely filed.

7. The department may, in consultation with the department of social services, promulgate such rules or regulations as are necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

8. The provisions of this section shall apply to all tax years beginning on or after January 1, 2008.

9. The provisions of this section shall expire December 31, **[**2013**]** **2019, unless reauthorized by the general assembly. This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset. The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to redeem tax credits authorized on or before the date the program authorized under this section expires or a taxpayer's ability to redeem such tax credits**.

10. In no event shall the aggregate amount of all tax credits allowed pursuant to this section exceed one hundred thousand dollars in any given fiscal year. The tax credits issued pursuant to this section shall be on a first-come, first-served filing basis.

135.630. TAX CREDIT FOR CONTRIBUTIONS TO PREGNANCY RESOURCE CENTERS, DEFINITIONS — AMOUNT — LIMITATIONS — DETERMINATION OF QUALIFYING CENTERS — CUMULATIVE AMOUNT OF CREDITS — APPORTIONMENT PROCEDURE, REAPPORTIONMENT OF CREDITS — IDENTITY OF CONTRIBUTORS PROVIDED TO DIRECTOR, CONFIDENTIALITY — SUNSET PROVISION. — 1. As used in this section, the following terms mean:

(1) "Contribution", a donation of cash, stock, bonds, or other marketable securities, or real property;

(2) "Director", the director of the department of social services;

(3) "Pregnancy resource center", a nonresidential facility located in this state:

(a) Established and operating primarily to provide assistance to women with crisis pregnancies or unplanned pregnancies by offering pregnancy testing, counseling, emotional and material support, and other similar services to encourage and assist such women in carrying their pregnancies to term; and

(b) Where childbirths are not performed; and

(c) Which does not perform, induce, or refer for abortions and which does not hold itself out as performing, inducing, or referring for abortions; and

(d) Which provides direct client services at the facility, as opposed to merely providing counseling or referral services by telephone; and

(e) Which provides its services at no cost to its clients; and

(f) When providing medical services, such medical services must be performed in accordance with Missouri statute; and

(g) Which is exempt from income taxation pursuant to the Internal Revenue Code of 1986, as amended;

(4) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148, and 153, excluding sections 143.191 to 143.265 and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, excluding sections 143.191 to 143.265 and related provisions;

(5) "Taxpayer", a person, firm, a partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, or an individual subject to the state income tax imposed by the provisions of chapter 143, or any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143.

2. **(1) Beginning on the effective date of this act, any contribution to a pregnancy resource center made on or after January 1, 2013, shall be eligible for tax credits as provided by this section;**

(2) For all tax years beginning on or after January 1, 2007, a taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal to fifty percent of the amount such taxpayer contributed to a pregnancy resource center.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year for which the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a pregnancy resource center or centers in such taxpayer's taxable year has a value of at least one hundred dollars.

5. The director shall determine, at least annually, which facilities in this state may be classified as pregnancy resource centers. The director may require of a facility seeking to be classified as a pregnancy resource center whatever information which is reasonably necessary to make such a determination. The director shall classify a facility as a pregnancy resource center if such facility meets the definition set forth in subsection 1 of this section.

6. The director shall establish a procedure by which a taxpayer can determine if a facility has been classified as a pregnancy resource center. Pregnancy resource centers shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to pregnancy resource centers in any one fiscal year shall not exceed two million dollars. Tax credits shall be issued in the order contributions are received.

7. The director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all facilities classified as pregnancy resource centers. If a pregnancy resource center fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those pregnancy resource centers that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. Each pregnancy resource center shall provide information to the director concerning the identity of each taxpayer making a contribution to the pregnancy resource center who is claiming a tax credit pursuant to this section and the amount of the contribution. The director shall provide the information to the director of revenue. The director shall be subject to the confidentiality and penalty provisions of section 32.057 relating to the disclosure of tax information.

9. **[**Notwithstanding any other law to the contrary, any tax credits granted under this section may be assigned, transferred, sold, or otherwise conveyed without consent or approval. Such taxpayer, hereinafter the assignor for purposes of this section, may sell, assign, exchange, or otherwise transfer earned tax credits:

(1) For no less than seventy-five percent of the par value of such credits; and

(2) In an amount not to exceed one hundred percent of annual earned credits.

10.**]** Pursuant to section 23.253 of the Missouri sunset act:

(1) **[**Any new program authorized under this section shall automatically sunset six years after August 28, 2006, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized,**]** The program authorized under this section shall **[**automatically sunset twelve years after the effective date of the reauthorization of this section**]** **be reauthorized as of the effective date of this act and shall expire on December 31, 2019, unless reauthorized by the general assembly**; and

[(3)**]** **(2)** This section shall terminate on September first of the calendar year immediately following the calendar year in which a program authorized under this section is sunset**; and**

(3) The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to issue tax credits authorized on or before the date the program authorized under this section expires or a taxpayer's ability to redeem such tax credits.

135.647. DONATED FOOD TAX CREDIT — DEFINITIONS — AMOUNT — PROCEDURE TO CLAIM THE CREDIT — RULEMAKING AUTHORITY — SUNSET PROVISION. — 1. As used in this section, the following terms shall mean:

(1) "Local food pantry", any food pantry that is:

(a) Exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, as amended; and

(b) Distributing emergency food supplies to Missouri low-income people who would otherwise not have access to food supplies in the area in which the taxpayer claiming the tax credit under this section resides;

(2) "Taxpayer", an individual, a firm, a partner in a firm, corporation, or a shareholder in an S corporation doing business in this state and subject to the state income tax imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265.

2. **(1) Beginning on the effective date of this act, any donation of cash or food made on or after January 1, 2013, shall be eligible for tax credits as provided by this section;**

(2) For all tax years beginning on or after January 1, 2007, any taxpayer who donates cash or food, unless such food is donated after the food's expiration date, to any local food pantry shall be allowed a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, in an amount equal to fifty percent of the value of the donations made to the extent such amounts that have been subtracted from federal adjusted gross income or federal taxable income are added back in the determination of Missouri adjusted gross income or Missouri taxable income before the credit can be claimed. Each taxpayer claiming a tax credit under this section shall file an affidavit with the income tax return verifying the amount of their contributions. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the tax year that the credit is claimed, and shall not exceed two thousand five hundred dollars per taxpayer claiming the credit. Any amount of credit that the taxpayer is prohibited by this section from claiming in a tax year shall not be refundable, but may be carried forward to any of the taxpayer's three subsequent taxable years. No tax credit granted under this section shall be transferred, sold, or assigned. No taxpayer shall be eligible to receive a credit pursuant to this section if such taxpayer employs persons who are not authorized to work in the United States under federal law.

3. The cumulative amount of tax credits under this section which may be allocated to all taxpayers contributing to a local food pantry in any one fiscal year shall not exceed **[**two million**]** **one million two hundred fifty thousand** dollars. The director of revenue shall establish a procedure by which the cumulative amount of tax credits is apportioned among all taxpayers claiming the credit by April fifteenth of the fiscal year in which the tax credit is claimed. To the maximum extent possible, the director of revenue shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

4. Any local food pantry may accept or reject any donation of food made under this section for any reason. For purposes of this section, any donations of food accepted by a local food pantry shall be valued at fair market value, or at wholesale value if the taxpayer making the donation of food is a retail grocery store, food broker, wholesaler, or restaurant.

5. The department of revenue shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

6. Under section 23.253 of the Missouri sunset act:

(1) **[**The provisions of the new program authorized under this section shall automatically sunset four years after August 28, 2007, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized,**]** The program authorized under this section shall **[**automatically sunset twelve years after the effective date of the reauthorization of this section**]** **be reauthorized as of the effective date of this act and shall expire on December 31, 2019, unless reauthorized by the general assembly**; and

[(3)**]** **(2)** This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset**; and**

(3) The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to redeem tax credits authorized on or before the date the program authorized under this section expires or a taxpayer's ability to redeem such tax credits.

135.800. CITATION — DEFINITIONS. — 1. The provisions of sections 135.800 to 135.830 shall be known and may be cited as the "Tax Credit Accountability Act of 2004".

2. As used in sections 135.800 to 135.830, the following terms mean:

(1) "Administering agency", the state agency or department charged with administering a particular tax credit program, as set forth by the program's enacting statute; where no department or agency is set forth, the department of revenue;

(2) "Agricultural tax credits", the agricultural product utilization contributor tax credit created pursuant to section 348.430, the new generation cooperative incentive tax credit created pursuant to section 348.432, the family farm breeding livestock loan tax credit created under section 348.505, the qualified beef tax credit created under section 135.679, and the wine and grape production tax credit created pursuant to section 135.700;

(3) "All tax credit programs", or "any tax credit program", the tax credit programs included in the definitions of agricultural tax credits, business recruitment tax credits, community development tax credits, domestic and social tax credits, entrepreneurial tax credits, environmental tax credits, financial and insurance tax credits, housing tax credits, redevelopment tax credits, and training and educational tax credits;

(4) "Business recruitment tax credits", the business facility tax credit created pursuant to sections 135.110 to 135.150 and section 135.258, the enterprise zone tax benefits created pursuant to sections 135.200 to 135.270, the business use incentives for large-scale development programs created pursuant to sections 100.700 to 100.850, the development tax credits created pursuant to sections 32.100 to 32.125, the rebuilding communities tax credit created pursuant to section 135.535, the film production tax credit created pursuant to section 135.750, the enhanced enterprise zone created pursuant to sections 135.950 to **[**135.975**]** **135.970**, and the Missouri quality jobs program created pursuant to sections 620.1875 to 620.1900;

(5) "Community development tax credits", the neighborhood assistance tax credit created pursuant to sections 32.100 to 32.125, the family development account tax credit created pursuant to sections 208.750 to 208.775, the dry fire hydrant tax credit created pursuant to section 320.093, and the transportation development tax credit created pursuant to section 135.545;

(6) "Domestic and social tax credits", the youth opportunities tax credit created pursuant to section 135.460 and sections 620.1100 to 620.1103, the shelter for victims of domestic violence created pursuant to section 135.550, the senior citizen or disabled person property tax credit created pursuant to sections 135.010 to 135.035, the special needs adoption tax credit **[**and children in crisis tax credit**]** created pursuant to sections 135.325 to 135.339, **the champion for children tax credit created pursuant to section 135.341,** the maternity home tax credit created pursuant to section 135.600, the surviving spouse tax credit created pursuant to section 135.090, the residential treatment agency tax credit created pursuant to section 135.1150, the pregnancy resource center tax credit created pursuant to section 135.630, the food pantry tax credit created pursuant to section 135.647, the health care access fund tax credit created pursuant to section 135.575, the residential dwelling access tax credit created pursuant to section 135.562, **the developmental disability care provider tax credit created under section 135.1180,** and the shared care tax credit created pursuant to section 660.055;

(7) "Entrepreneurial tax credits", the capital tax credit created pursuant to sections 135.400 to 135.429, the certified capital company tax credit created pursuant to sections 135.500 to 135.529, the seed capital tax credit created pursuant to sections 348.300 to 348.318, the new

enterprise creation tax credit created pursuant to sections 620.635 to 620.653, the research tax credit created pursuant to section 620.1039, the small business incubator tax credit created pursuant to section 620.495, the guarantee fee tax credit created pursuant to section 135.766, and the new generation cooperative tax credit created pursuant to sections 32.105 to 32.125;

(8) "Environmental tax credits", the charcoal producer tax credit created pursuant to section 135.313, the wood energy tax credit created pursuant to sections 135.300 to 135.311, and the alternative fuel stations tax credit created pursuant to section 135.710;

(9) "Financial and insurance tax credits", the bank franchise tax credit created pursuant to section 148.030, the bank tax credit for S corporations created pursuant to section 143.471, the exam fee tax credit created pursuant to section 148.400, the health insurance pool tax credit created pursuant to section 376.975, the life and health insurance guaranty tax credit created pursuant to section 376.745, the property and casualty guaranty tax credit created pursuant to section 375.774, and the self-employed health insurance tax credit created pursuant to section 143.119;

(10) "Housing tax credits", the neighborhood preservation tax credit created pursuant to sections 135.475 to 135.487, the low-income housing tax credit created pursuant to sections 135.350 to 135.363, and the affordable housing tax credit created pursuant to sections 32.105 to 32.125;

(11) "Recipient", the individual or entity who is the original applicant for and who receives proceeds from a tax credit program directly from the administering agency, the person or entity responsible for the reporting requirements established in section 135.805;

(12) "Redevelopment tax credits", the historic preservation tax credit created pursuant to sections 253.545 to **[**253.561**]** **253.559**, the brownfield redevelopment program tax credit created pursuant to sections 447.700 to 447.718, the community development corporations tax credit created pursuant to sections 135.400 to 135.430, the infrastructure tax credit created pursuant to subsection 6 of section 100.286, the bond guarantee tax credit created pursuant to section 100.297, the disabled access tax credit created pursuant to section 135.490, the new markets tax credit created pursuant to section 135.680, and the distressed areas land assemblage tax credit created pursuant to section 99.1205;

(13) "Training and educational tax credits", the community college new jobs tax credit created pursuant to sections 178.892 to 178.896.

SECTION B. EMERGENCY CLAUSE. — Because immediate action is necessary to ensure continued operation of certain benevolent tax credits, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.

Approved March 29, 2013

SB 23 [CCS HCS SB 23]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Allows Pettis County to use revenue from the county transient guest tax on salaries

AN ACT to repeal sections 32.087, 33.080, 64.196, 67.1010, 71.285, 99.845, 137.090, 137.095, 137.720, 137.1018, 144.010, 144.020, 144.021, 144.030, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.605, 144.610, 144.613, 144.615, 169.270, 169.291, 169.301, 169.324, 169.350, 184.800, 184.805, 184.810, 184.815, 184.820, 184.827,

184.830, 184.835, 184.840, 184.845, 184.850, 184.865, 198.345, 302.302, 302.341, 360.045, 374.150, 476.385, and 577.041, RSMo, and 302.060 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, merged with conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 302.060 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, and section 302.304 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 302.304 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session, and section 302.309 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, and section 302.309 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 302.525 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 302.525 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session, and to enact in lieu thereof sixty new sections relating to taxation, with penalty provisions, an emergency clause for certain sections, and an effective date for certain sections.

SECTION

A. Enacting clause.
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302.060. License not to be issued to whom, exceptions — reinstatement requirements.
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302.309. Return of license, when — limited driving privilege, when granted, application, when denied — judicial review of denial by director of revenue — rulemaking. Return of license, when — limited driving privilege, when granted, application, when denied — judicial review of denial by director of revenue — rulemaking.
302.341. Moving traffic violation, failure to prepay fine or appear in court, license suspended, procedure — excessive revenue from fines to be distributed to schools — definition, state highways.
302.525. Suspension or revocation, when effective, duration — restricted driving privilege — effect of suspension or revocation by court on charges arising out of same occurrence — revocation due to alcohol-related offenses, requirements.

302.525. Suspension or revocation, when effective, duration — restricted driving privilege — effect of suspension or revocation by court on charges arising out of same occurrence — revocation due to alcohol-related offenses, requirements.
360.045. Powers of authority — transfer of moneys to rebuild damaged infrastructure fund.
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1. Nonseverability clause.
B. Emergency clause.
C. Emergency clause.
D. Delayed effective date.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 32.087, 33.080, 64.196, 67.1010, 71.285, 99.845, 137.090, 137.095, 137.720, 137.1018, 144.010, 144.020, 144.021, 144.030, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.605, 144.610, 144.613, 144.615, 169.270, 169.291, 169.301, 169.324, 169.350, 184.800, 184.805, 184.810, 184.815, 184.820, 184.827, 184.830, 184.835, 184.840, 184.845, 184.850, 184.865, 198.345, 302.302, 302.341, 360.045, 374.150, 476.385, and 577.041, RSMo, and 302.060 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, merged with conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 302.060 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, and section 302.304 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 302.304 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session, and section 302.309 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, and section 302.309 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 302.525 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 302.525 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session, are repealed and sixty new sections enacted in lieu thereof, to be known as sections 32.087, 33.080, 33.295, 64.196, 67.1010, 67.1020, 67.1368, 71.285, 77.675, 92.387, 94.1060, 99.845, 137.090, 137.095, 137.720, 137.1018, 144.010, 144.020, 144.021, 144.030, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.605, 144.610, 144.613, 144.615, 169.270, 169.291, 169.301, 169.324, 169.350, 184.800, 184.805, 184.810, 184.815, 184.820, 184.827, 184.830, 184.835, 184.840, 184.845, 184.847, 184.850, 184.865, 198.345, 302.060, 302.302, 302.304, 302.309, 302.341, 302.525, 360.045, 374.150, 476.385, 577.041, and 1, to read as follows:

32.087. LOCAL SALES TAXES, PROCEDURES AND DUTIES OF DIRECTOR OF REVENUE, GENERALLY — EFFECTIVE DATE OF TAX — DUTY OF RETAILERS AND DIRECTOR OF REVENUE — EXEMPTIONS — DISCOUNTS ALLOWED — PENALTIES — MOTOR VEHICLE AND

BOAT SALES, MOBILE TELECOMMUNICATIONS SERVICES — BOND REQUIRED — ANNUAL REPORT OF DIRECTOR, CONTENTS — DELINQUENT PAYMENTS — REAPPROVAL, EFFECT, PROCEDURES. — 1. Within ten days after the adoption of any ordinance or order in favor of adoption of any local sales tax authorized under the local sales tax law by the voters of a taxing entity, the governing body or official of such taxing entity shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance or order. The ordinance or order shall reflect the effective date thereof.

2. Any local sales tax so adopted shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the local sales tax, except as provided in subsection 18 of this section**, and shall be imposed on all transactions on which the Missouri state sales tax is imposed**.

3. Every retailer within the jurisdiction of one or more taxing entities which has imposed one or more local sales taxes under the local sales tax law shall add all taxes so imposed along with the tax imposed by the sales tax law of the state of Missouri to the sale price and, when added, the combined tax shall constitute a part of the price, and shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. The combined rate of the state sales tax and all local sales taxes shall be the sum of the rates, multiplying the combined rate times the amount of the sale.

4. The brackets required to be established by the director of revenue under the provisions of section 144.285 shall be based upon the sum of the combined rate of the state sales tax and all local sales taxes imposed under the provisions of the local sales tax law.

5. (1) The ordinance or order imposing a local sales tax under the local sales tax law shall impose **a tax** upon all **[**sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail**]** **transactions upon which the Missouri state sales tax is imposed** to the extent and in the manner provided in sections 144.010 to 144.525, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the sum of the combined rate of the state sales tax or state highway use tax and all local sales taxes imposed under the provisions of the local sales tax law.

(2) Notwithstanding any other provision of law to the contrary, local taxing jurisdictions, except those in which voters previously have approved a local use tax under section 144.757, shall have placed on the ballot on or after the general election in November 2014, but no later than the general election in November 2016, whether to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales tax under section 144.020 and purchased from a source other than a licensed Missouri dealer. The ballot question presented to the local voters shall contain substantially the following language:

Shall the ..... (local jurisdiction's name) discontinue applying and collecting the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer? Approval of this measure will result in a reduction of local revenue to provide for vital services for ..... (local jurisdiction's name) and it will place Missouri dealers of motor vehicles, outboard motors, boats, and trailers at a competitive disadvantage to non-Missouri dealers of motor vehicles, outboard motors, boats, and trailers.

[ ] YES [ ] NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(3) If the ballot question set forth in subdivision (2) of this subsection receives a majority of the votes cast in favor of the proposal, or if the local taxing jurisdiction fails to place the ballot question before the voters on or before the general election in November 2016, the local taxing jurisdiction shall cease applying the local sales tax to the titling of

motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer.

(4) In addition to the requirement that the ballot question set forth in subdivision (2) of this subsection be placed before the voters, the governing body of any local taxing jurisdiction that previously had imposed a local use tax on the use of motor vehicles, trailers, boats, and outboard motors may, at any time, place a proposal on the ballot at any election to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are in favor of the proposal to repeal application of the local sales tax to such titling, then the local sales tax shall no longer be applied to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal application of the local sales tax to such titling, such application shall remain in effect.

(5) In addition to the requirement that the ballot question set forth in subdivision (2) of this subsection be placed before the voters on or after the general election in November 2014, and on or before the general election in November 2016, whenever the governing body of any local taxing jurisdiction imposing a local sales tax on the sale of motor vehicles, trailers, boats, and outboard motors receives a petition, signed by fifteen percent of the registered voters of such jurisdiction voting in the last gubernatorial election and calling for a proposal to be placed on the ballot at any election to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer, the governing body shall submit to the voters of such jurisdiction a proposal to repeal application of the local sales tax to such titling. If a majority of the votes cast by the registered voters voting thereon are in favor of the proposal to repeal application of the local sales tax to such titling, then the local sales tax shall no longer be applied to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal application of the local sales tax to such titling, such application shall remain in effect.

(6) Nothing in this subsection shall be construed to authorize the voters of any jurisdiction to repeal application of any state sales or use tax.

(7) If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is repealed, such repeal shall take effect on the first day of the second calendar quarter after the election. If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is required to cease to be applied or collected due to failure of a local taxing jurisdiction to hold an election pursuant to subdivision (2) of this subsection, such cessation shall take effect on March 1, 2017.

6. On and after the effective date of any local sales tax imposed under the provisions of the local sales tax law, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect in addition to the sales tax for the state of Missouri all additional local sales taxes authorized under the authority of the local sales tax law. All local sales taxes imposed under the local sales tax law together with all taxes imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

7. All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection

of any local sales tax imposed under the local sales tax law except as modified by the local sales tax law.

8. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services under the provisions of sections 144.010 to 144.525, as these sections now read and as they may hereafter be amended, it being the intent of this general assembly to ensure that the same sales tax exemptions granted from the state sales tax law also be granted under the local sales tax law, are hereby made applicable to the imposition and collection of all local sales taxes imposed under the local sales tax law.

9. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of the local sales tax law, and no additional permit or exemption certificate or retail certificate shall be required; except that the director of revenue may prescribe a form of exemption certificate for an exemption from any local sales tax imposed by the local sales tax law.

10. All discounts allowed the retailer under the provisions of the state sales tax law for the collection of and for payment of taxes under the provisions of the state sales tax law are hereby allowed and made applicable to any local sales tax collected under the provisions of the local sales tax law.

11. The penalties provided in section 32.057 and sections 144.010 to 144.525 for a violation of the provisions of those sections are hereby made applicable to violations of the provisions of the local sales tax law.

12. (1) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, all sales, except the sale of motor vehicles, trailers, boats, and outboard motors **required to be titled under the laws of the state of Missouri**, shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's agent or employee shall be deemed to be consummated at the place of business from which he works.

(2) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, **the sales tax upon the titling of** all **[**sales of**]** motor vehicles, trailers, boats, and outboard motors shall be **[**deemed to be consummated**] imposed** at the **rate in effect at the location of the** residence of the purchaser**, and remitted to that local taxing entity,** and not at the place of business of the retailer, or the place of business from which the retailer's agent or employee works.

(3) For the purposes of any local tax imposed by an ordinance or under the local sales tax law on charges for mobile telecommunications services, all taxes of mobile telecommunications service shall be imposed as provided in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended.

13. Local sales taxes **[**imposed pursuant to the local sales tax law**] shall not be imposed on the seller [**on the purchase and sale**]** of motor vehicles, trailers, boats, and outboard motors **[**shall not be collected and remitted by the seller,**] required to be titled under the laws of the state of Missouri**, but shall be collected **from the purchaser** by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within a taxing entity imposing a local sales tax under the local sales tax law.

14. The director of revenue and any of his deputies, assistants and employees who have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the hands of the director of revenue under the provisions of the local sales tax law shall enter a surety bond or

bonds payable to any and all taxing entities in whose behalf such funds have been collected under the local sales tax law in the amount of one hundred thousand dollars for each such tax; but the director of revenue may enter into a blanket bond covering himself and all such deputies, assistants and employees. The cost of any premium for such bonds shall be paid by the director of revenue from the share of the collections under the sales tax law retained by the director of revenue for the benefit of the state.

15. The director of revenue shall annually report on his management of each trust fund which is created under the local sales tax law and administration of each local sales tax imposed under the local sales tax law. He shall provide each taxing entity imposing one or more local sales taxes authorized by the local sales tax law with a detailed accounting of the source of all funds received by him for the taxing entity. Notwithstanding any other provisions of law, the state auditor shall annually audit each trust fund. A copy of the director's report and annual audit shall be forwarded to each taxing entity imposing one or more local sales taxes.

16. Within the boundaries of any taxing entity where one or more local sales taxes have been imposed, if any person is delinquent in the payment of the amount required to be paid by him under the local sales tax law or in the event a determination has been made against him for taxes and penalty under the local sales tax law, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525. Where the director of revenue has determined that suit must be filed against any person for the collection of delinquent taxes due the state under the state sales tax law, and where such person is also delinquent in payment of taxes under the local sales tax law, the director of revenue shall notify the taxing entity in the event any person fails or refuses to pay the amount of any local sales tax due so that appropriate action may be taken by the taxing entity.

17. Where property is seized by the director of revenue under the provisions of any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax imposed by the local sales tax law, the director of revenue shall permit the taxing entity to join in any sale of property to pay the delinquent taxes and penalties due the state and to the taxing entity under the local sales tax law. The proceeds from such sale shall first be applied to all sums due the state, and the remainder, if any, shall be applied to all sums due such taxing entity.

18. If a local sales tax has been in effect for at least one year under the provisions of the local sales tax law and voters approve reimposition of the same local sales tax at the same rate at an election as provided for in the local sales tax law prior to the date such tax is due to expire, the tax so reimposed shall become effective the first day of the first calendar quarter after the director receives a certified copy of the ordinance, order or resolution accompanied by a map clearly showing the boundaries thereof and the results of such election, provided that such ordinance, order or resolution and all necessary accompanying materials are received by the director at least thirty days prior to the expiration of such tax. Any administrative cost or expense incurred by the state as a result of the provisions of this subsection shall be paid by the city or county reimposing such tax.

33.080. RECEIPTS DEPOSITED WHEN, APPROPRIATED WHEN — FUNDS LAPSE WHEN, EXCEPTIONS, REPORT — VIOLATION, A MISDEMEANOR — TRANSFER TO REBUILD DAMAGED INFRASTRUCTURE FUND. — 1. All fees, funds and moneys from whatsoever source received by any department, board, bureau, commission, institution, official or agency of the state government by virtue of any law or rule or regulation made in accordance with any law, excluding all funds received and disbursed by the state on behalf of counties and cities, towns and villages shall, by the official authorized to receive same, and at stated intervals of not more than thirty days, be placed in the state treasury to the credit of the particular purpose or fund for which collected, and shall be subject to appropriation by the general assembly for the particular purpose or fund for which collected during the biennium in which collected and appropriated.

The unexpended balance remaining in all such funds (except such unexpended balance as may remain in any fund authorized, collected and expended by virtue of the provisions of the constitution of this state) shall at the end of the biennium and after all warrants on same have been discharged and the appropriation thereof has lapsed, be transferred and placed to the credit of the **[**ordinary**]** **general** revenue fund of the state by the state treasurer. Any official or any person who shall willfully fail to comply with any of the provisions of this section, and any person who shall willfully violate any provision hereof, shall be deemed guilty of a misdemeanor; provided, that all such money received by the curators of the University of Missouri except those funds required by law or by instrument granting the same to be paid into the seminary fund of the state, is excepted herefrom, and in the case of other state educational institutions there is excepted herefrom, gifts or trust funds from whatever source; appropriations; gifts or grants from the federal government, private organizations and individuals; funds for or from student activities; farm or housing activities; and other funds from which the whole or some part thereof may be liable to be repaid to the person contributing the same; and hospital fees. All of the above excepted funds shall be reported in detail quarterly to the governor and biennially to the general assembly.

2. Notwithstanding any provision of law to the contrary concerning the transfer of funds, ten million dollars shall be transferred from the insurance dedicated fund established under section 374.150, and placed to the credit of the rebuild damaged infrastructure fund created in section 33.295 on July 1, 2013.

33.295. PROGRAM ESTABLISHED, PURPOSE — FUND CREATED, USE OF MONEYS — EXPIRATION DATE. — 1. There is hereby established the "Rebuild Damaged Infrastructure Program" to provide funding for the reconstruction, replacement, or renovation of, or repair to, any infrastructure damaged by a presidentially declared natural disaster, including, but not limited to, the physical components of interrelated systems providing essential commodities and services to the public which includes transportation, communication, sewage, water, and electric systems as well as public elementary and secondary school buildings.

2. There is hereby created in the state treasury the "Rebuild Damaged Infrastructure Fund", which shall consist of money appropriated or collected under this section. Any amount to be transferred to the fund on July 1, 2013, pursuant to subsection 2 of section 33.080 and subsection 2 of section 360.045, in excess of fifteen million dollars shall instead be transferred to the state general revenue fund. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the purposes of this section. Any moneys remaining in the fund at the end of the biennium shall revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

3. No money in the fund shall be expended for the reconstruction, replacement, or renovation of, or repair to, any infrastructure damaged by a presidentially declared natural disaster when such reconstruction, replacement, renovation, or repair is eligible for funding by the United States Department of Housing and Urban Development through a 2013 supplemental disaster allocation of community development block grant funds.

4. The provisions of this section shall expire on June 30, 2014.

64.196. NATIONALLY RECOGNIZED BUILDING CODE ADOPTED, WHEN. — 1. After August 28, 2001, any county seeking to adopt a building code in a manner set forth in section 64.180 shall, in creating or amending such code, adopt a current, calendar year 1999 or later edition, nationally recognized building code, as amended.

2. No county building ordinance so adopted shall conflict with liquefied petroleum gas installations governed by section 323.020.

67.1010. TAX REVENUES TO BE ADMINISTERED BY COMMISSION FOR PROMOTION OF TOURISM, POWERS AND DUTIES (PETTIS COUNTY). — Any tax, and the revenues derived from the tax, imposed under the provisions of sections 67.1006 to 67.1012 shall be administered by the tourism commission, appointed under the provisions of sections 67.1006 to 67.1012. The revenues received from the tax shall be deposited by the commission in a special fund and used solely for the promotion of tourism within the county with at least fifty percent of the revenue used for joint efforts to promote a state operated facility for the first five years the tax is in effect. After the expiration of five years, the commission shall decide on the use of the moneys. **[**None of the revenue from the tax shall be used for salaries.**]**

67.1020. DISASTER RELIEF SERVICES, NONGOVERNMENTAL AGENCIES EXEMPT FROM TAX, WHEN. — **Nongovernmental agencies congressionally mandated to provide disaster relief services shall be exempt from paying a transient guest tax imposed under this chapter and chapters 66, 92, and 94. No such tax shall be imposed on any person where payment is being made by such an agency.**

67.1368. TAX AUTHORIZED — BALLOT LANGUAGE (DOUGLAS AND MONTGOMERY COUNTIES). — **1. The governing body of any county of the third classification without a township form of government and with more than twelve thousand but fewer than fourteen thousand inhabitants and with a city of the fourth classification with more than two thousand seven hundred but fewer than three thousand inhabitants as the county seat may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the county or a portion thereof, which shall not be more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the county submits to the voters of the county at a state general or primary election a proposal to authorize the governing body of the county to impose a tax under this section. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and the proceeds of such tax shall be used by the county for the promotion of tourism, growth of the region, and economic development. Such tax shall be stated separately from all other charges and taxes.**

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall ..... (insert the name of the county) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in ..... (name of county) at a rate of ..... (insert rate of percent) percent for the promotion of the county, growth of the region, and economic development?

[ ] YES [ ] NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax authorized by this section shall not become effective unless and until the question is resubmitted under this section to the qualified voters of the county and such question is approved by a majority of the qualified voters of the county voting on the question.

3. As used in this section, "transient guests" means persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.

71.285. WEEDS OR TRASH, CITY MAY CAUSE REMOVAL AND ISSUE TAX BILL, WHEN — CERTAIN CITIES MAY ORDER ABATEMENT AND REMOVE WEEDS OR TRASH, WHEN — SECTION NOT TO APPLY TO CERTAIN CITIES, WHEN — CITY OFFICIAL MAY ORDER ABATEMENT IN CERTAIN CITIES — REMOVAL OF WEEDS OR TRASH, COSTS. — 1. Whenever weeds or trash, in violation of an ordinance, are allowed to grow or accumulate, as the case may be, on any part of any lot or ground within any city, town or village in this state, the owner of the ground, or in case of joint tenancy, tenancy by entireties or tenancy in common, each owner thereof, shall be liable. The marshal or other city official as designated in such ordinance shall give a hearing after ten days' notice thereof, either personally or by United States mail to the owner or owners, or the owner's agents, or by posting such notice on the premises; thereupon, the marshal or other designated city official may declare the weeds or trash to be a nuisance and order the same to be abated within five days; and in case the weeds or trash are not removed within the five days, the marshal or other designated city official shall have the weeds or trash removed, and shall certify the costs of same to the city clerk, who shall cause a special tax bill therefor against the property to be prepared and to be collected by the collector, with other taxes assessed against the property; and the tax bill from the date of its issuance shall be a first lien on the property until paid and shall be prima facie evidence of the recitals therein and of its validity, and no mere clerical error or informality in the same, or in the proceedings leading up to the issuance, shall be a defense thereto. Each special tax bill shall be issued by the city clerk and delivered to the collector on or before the first day of June of each year. Such tax bills if not paid when due shall bear interest at the rate of eight percent per annum. Notwithstanding the time limitations of this section, any city, town or village located in a county of the first classification may hold the hearing provided in this section four days after notice is sent or posted, and may order at the hearing that the weeds or trash shall be abated within five business days after the hearing and if such weeds or trash are not removed within five business days after the hearing, the order shall allow the city to immediately remove the weeds or trash pursuant to this section. Except for lands owned by a public utility, rights-of-way, and easements appurtenant or incidental to lands controlled by any railroad, the department of transportation, the department of natural resources or the department of conservation, the provisions of this subsection shall not apply to any city with a population of at least seventy thousand inhabitants which is located in a county of the first classification with a population of less than one hundred thousand inhabitants which adjoins a county with a population of less than one hundred thousand inhabitants that contains part of a city with a population of three hundred fifty thousand or more inhabitants, any city with a population of one hundred thousand or more inhabitants which is located within a county of the first classification that adjoins no other county of the first classification, or any city, town or village located within a county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, or any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, or the City of St. Louis, where such city, town or village establishes its own procedures for abatement of weeds or trash, and such city may charge its costs of collecting the tax bill, including attorney fees, in the event a lawsuit is required to enforce a tax bill.

2. Except as provided in subsection 3 of this section, if weeds are allowed to grow, or if trash is allowed to accumulate, on the same property in violation of an ordinance more than once during the same growing season in the case of weeds, or more than once during a calendar year in the case of trash, in any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, in the City of St. Louis, in any city, town or village located in a county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, in any fourth class city located in a county of the first classification with a charter form of government and a population of less than three hundred thousand, or in any home rule city with more than one hundred thirteen thousand two hundred but less than one hundred thirteen thousand three hundred inhabitants located in a county with a charter form of government and with more than six hundred thousand but less than

seven hundred thousand inhabitants, the marshal or other designated city official may order that the weeds or trash be abated within five business days after notice is sent to or posted on the property. In case the weeds or trash are not removed within the five days, the marshal or other designated city official may have the weeds or trash removed and the cost of the same shall be billed in the manner described in subsection 1 of this section.

3. If weeds are allowed to grow, or if trash is allowed to accumulate, on the same property in violation of an ordinance more than once during the same growing season in the case of weeds, or more than once during a calendar year in the case of trash, in any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, in the City of St. Louis, in any city, town or village located in a county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, in any fourth class city located in a county of the first classification with a charter form of government and a population of less than three hundred thousand, in any home rule city with more than one hundred thirteen thousand two hundred but less than one hundred thirteen thousand three hundred inhabitants located in a county with a charter form of government and with more than six hundred thousand but less than seven hundred thousand inhabitants, in any third class city with a population of at least ten thousand inhabitants but less than fifteen thousand inhabitants with the greater part of the population located in a county of the first classification, in any city of the third classification with more than sixteen thousand nine hundred but less than seventeen thousand inhabitants, **[**or**]** in any city of the third classification with more than eight thousand but fewer than nine thousand inhabitants, **in any city of the third classification with more than fifteen thousand but fewer than seventeen thousand inhabitants and located in any county of the first classification with more than sixty-five thousand but fewer than seventy-five thousand inhabitants, or in any city of the fourth classification with more than eight thousand but fewer than nine thousand inhabitants and located in any county of the third classification without a township form of government and with more than eighteen thousand but fewer than twenty thousand inhabitants,** the marshal or other designated official may, without further notification, have the weeds or trash removed and the cost of the same shall be billed in the manner described in subsection 1 of this section. The provisions of subsection 2 and this subsection do not apply to lands owned by a public utility and lands, rights-of-way, and easements appurtenant or incidental to lands controlled by any railroad.

4. The provisions of this section shall not apply to any city with a population of one hundred thousand or more inhabitants which is located within a county of the first classification that adjoins no other county of the first classification where such city establishes its own procedures for abatement of weeds or trash, and such city may charge its costs of collecting the tax bill, including attorney fees, in the event a lawsuit is required to enforce a tax bill.

77.675. ORDINANCES, ADOPTION AND REPEAL PROCESS (CITY OF FARMINGTON). — 1. In addition to the process for passing ordinances provided in section 77.080, the council of any city of the third classification with more than fifteen thousand but fewer than seventeen thousand inhabitants and located in any county of the first classification with more than sixty-five thousand but fewer than seventy-five thousand inhabitants may adopt or repeal any ordinance by passage of a bill that sets forth the ordinance and specifies that the ordinance so proposed shall be submitted to the registered voters of the city at the next municipal election. The bill shall be passed under the procedures in section 77.080, except that it shall take effect upon approval of a majority of the voters rather than upon the approval and signature of the mayor.

2. If the mayor approves and signs the bill, the question shall be submitted to the voters in substantially the following form:

Shall the following ordinance be (adopted) (repealed)? (Set out ordinance.)

[ ] YES [ ] NO

3. If a majority of the voters voting on the proposed ordinance vote in favor, such ordinance shall become a valid and binding ordinance of the city.

92.387. SALE OF LANDS SUBJECT TO COVENANTS AND EASEMENTS. — Any sale of lands under this chapter shall be subject to valid recorded covenants running with the land and valid easements of record or in use.

94.1060. TRANSIENT GUEST TAX—BALLOT LANGUAGE (CITIES OF JONESBURG AND NEW FLORENCE). — 1. The governing body of any city of the fourth classification with more than seven hundred but fewer than eight hundred inhabitants and located in any county of the third classification without a township form of government and with more than twelve thousand but fewer than fourteen thousand inhabitants may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or a portion thereof, which shall not be more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city submits to the voters of the city at a state general or primary election a proposal to authorize the governing body of the city to impose a tax under this section. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and the proceeds of such tax shall be used by the city for the promotion of tourism, growth of the region, and economic development. Such tax shall be stated separately from all other charges and taxes.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall ..... (insert the name of the city) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in ..... (name of city) at a rate of ..... (insert rate of percent) percent for the promotion of the city, growth of the region, and economic development?

[ ] YES [ ] NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax authorized by this section shall not become effective unless and until the question is resubmitted under this section to the qualified voters of the city and such question is approved by a majority of the qualified voters of the city voting on the question.

3. As used in this section, "transient guests" means persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.

99.845. TAX INCREMENT FINANCING ADOPTION — DIVISION OF AD VALOREM TAXES — PAYMENTS IN LIEU OF TAX, DEPOSIT, INCLUSION AND EXCLUSION OF CURRENT EQUALIZED ASSESSED VALUATION FOR CERTAIN PURPOSES, WHEN — OTHER TAXES INCLUDED, AMOUNT — SUPPLEMENTAL TAX INCREMENT FINANCING FUND ESTABLISHED, DISBURSEMENT. — 1. A municipality, either at the time a redevelopment project is approved or, in the event a municipality has undertaken acts establishing a redevelopment plan and redevelopment project and has designated a redevelopment area after the passage and approval of sections 99.800 to 99.865 but prior to August 13, 1982, which acts are in conformance with the procedures of sections 99.800 to 99.865, may adopt tax increment allocation financing by passing an ordinance providing that after the total equalized assessed valuation of the taxable real property in a redevelopment project exceeds the certified total initial equalized assessed valuation of the taxable real property in the redevelopment project, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in such redevelopment

project by taxing districts and tax rates determined in the manner provided in subsection 2 of section 99.855 each year after the effective date of the ordinance until redevelopment costs have been paid shall be divided as follows:

(1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;

(2) (a) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the municipal treasurer who shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation Fund" of the municipality for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable. The municipality may, in the ordinance, pledge the funds in the special allocation fund for the payment of such costs and obligations and provide for the collection of payments in lieu of taxes, the lien of which may be foreclosed in the same manner as a special assessment lien as provided in section 88.861. No part of the current equalized assessed valuation of each lot, block, tract, or parcel of property in the area selected for the redevelopment project attributable to any increase above the total initial equalized assessed value of such properties shall be used in calculating the general state school aid formula provided for in section 163.031 until such time as all redevelopment costs have been paid as provided for in this section and section 99.850;

(b) Notwithstanding any provisions of this section to the contrary, for purposes of determining the limitation on indebtedness of local government pursuant to article VI, section 26(b) of the Missouri Constitution, the current equalized assessed value of the property in an area selected for redevelopment attributable to the increase above the total initial equalized assessed valuation shall be included in the value of taxable tangible property as shown on the last completed assessment for state or county purposes;

(c) The county assessor shall include the current assessed value of all property within the taxing district in the aggregate valuation of assessed property entered upon the assessor's book and verified pursuant to section 137.245, and such value shall be utilized for the purpose of the debt limitation on local government pursuant to article VI, section 26(b) of the Missouri Constitution;

(3) For purposes of this section, "levies upon taxable real property in such redevelopment project by taxing districts" shall not include the blind pension fund tax levied under the authority of article III, section 38(b) of the Missouri Constitution, or the merchants' and manufacturers' inventory replacement tax levied under the authority of subsection 2 of section 6 of article X of the Missouri Constitution, except in redevelopment project areas in which tax increment financing has been adopted by ordinance pursuant to a plan approved by vote of the governing body of the municipality taken after August 13, 1982, and before January 1, 1998.

2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after July 12, 1990, and prior to August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest imposed by the municipality, or other taxing districts, which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the

redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, licenses, fees or special assessments other than payments in lieu of taxes and any penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant to section 94.660, for the purpose of public transportation, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Any provision of an agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of other municipal revenues to the special allocation fund shall be and remain enforceable.

3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest which are imposed by the municipality or other taxing districts, and which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, taxes levied for the purpose of public transportation pursuant to section 94.660, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, **[**or**]** any sales tax imposed by a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, for the purpose of sports stadium improvement or levied by such county under section 238.410 for the purpose of the county transit authority operating transportation facilities, **or for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 28, 2013, taxes imposed on sales pursuant to section 650.399 for the purpose of emergency communication systems,** shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund.

4. Beginning January 1, 1998, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance and which have complied with subsections 4 to 12 of this section, in addition to the payments in lieu of taxes and economic activity taxes described in subsections 1, 2 and 3 of this section, up to fifty percent of the new state revenues, as defined in subsection 8 of this section, estimated for the businesses within the project area and identified by the municipality in the application required by subsection 10 of this section, over and above the amount of such taxes reported by businesses within the project area as identified by the municipality in their application prior to the approval of the redevelopment project by ordinance, while tax increment financing remains in effect, may be available for appropriation by the general assembly as provided in subsection 10 of this section to the department of economic development supplemental tax increment financing fund, from the general revenue fund, for distribution to the treasurer or other designated financial officer of the municipality with approved plans or projects.

5. The treasurer or other designated financial officer of the municipality with approved plans or projects shall deposit such funds in a separate segregated account within the special allocation fund established pursuant to section 99.805.

6. No transfer from the general revenue fund to the Missouri supplemental tax increment financing fund shall be made unless an appropriation is made from the general revenue fund for that purpose. No municipality shall commit any state revenues prior to an appropriation being

made for that project. For all redevelopment plans or projects adopted or approved after December 23, 1997, appropriations from the new state revenues shall not be distributed from the Missouri supplemental tax increment financing fund into the special allocation fund unless the municipality's redevelopment plan ensures that one hundred percent of payments in lieu of taxes and fifty percent of economic activity taxes generated by the project shall be used for eligible redevelopment project costs while tax increment financing remains in effect. This account shall be separate from the account into which payments in lieu of taxes are deposited, and separate from the account into which economic activity taxes are deposited.

7. In order for the redevelopment plan or project to be eligible to receive the revenue described in subsection 4 of this section, the municipality shall comply with the requirements of subsection 10 of this section prior to the time the project or plan is adopted or approved by ordinance. The director of the department of economic development and the commissioner of the office of administration may waive the requirement that the municipality's application be submitted prior to the redevelopment plan's or project's adoption or the redevelopment plan's or project's approval by ordinance.

8. For purposes of this section, "new state revenues" means:

(1) The incremental increase in the general revenue portion of state sales tax revenues received pursuant to section 144.020, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law. In no event shall the incremental increase include any amounts attributable to retail sales unless the municipality or authority has proven to the Missouri development finance board and the department of economic development and such entities have made a finding that the sales tax increment attributable to retail sales is from new sources which did not exist in the state during the baseline year. The incremental increase in the general revenue portion of state sales tax revenues for an existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan as provided in subsection 10 of this section; or

(2) The state income tax withheld on behalf of new employees by the employer pursuant to section 143.221 at the business located within the project as identified by the municipality. The state income tax withholding allowed by this section shall be the municipality's estimate of the amount of state income tax withheld by the employer within the redevelopment area for new employees who fill new jobs directly created by the tax increment financing project.

9. Subsection 4 of this section shall apply only to blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256, blighted areas located in federal empowerment zones, or to blighted areas located in central business districts or urban core areas of cities which districts or urban core areas at the time of approval of the project by ordinance, provided that the enterprise zones, federal empowerment zones or blighted areas contained one or more buildings at least fifty years old; and

(1) Suffered from generally declining population or property taxes over the twenty-year period immediately preceding the area's designation as a project area by ordinance; or

(2) Was a historic hotel located in a county of the first classification without a charter form of government with a population according to the most recent federal decennial census in excess of one hundred fifty thousand and containing a portion of a city with a population according to the most recent federal decennial census in excess of three hundred fifty thousand.

10. The initial appropriation of up to fifty percent of the new state revenues authorized pursuant to subsections 4 and 5 of this section shall not be made to or distributed by the department of economic development to a municipality until all of the following conditions have been satisfied:

(1) The director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee have approved a tax increment financing application made by the municipality for the appropriation of the new state

revenues. The municipality shall include in the application the following items in addition to the items in section 99.810:

(a) The tax increment financing district or redevelopment area, including the businesses identified within the redevelopment area;

(b) The base year of state sales tax revenues or the base year of state income tax withheld on behalf of existing employees, reported by existing businesses within the project area prior to approval of the redevelopment project;

(c) The estimate of the incremental increase in the general revenue portion of state sales tax revenue or the estimate for the state income tax withheld by the employer on behalf of new employees expected to fill new jobs created within the redevelopment area after redevelopment;

(d) The official statement of any bond issue pursuant to this subsection after December 23, 1997;

(e) An affidavit that is signed by the developer or developers attesting that the provisions of subdivision (1) of subsection 1 of section 99.810 have been met and specifying that the redevelopment area would not be reasonably anticipated to be developed without the appropriation of the new state revenues;

(f) The cost-benefit analysis required by section 99.810 includes a study of the fiscal impact on the state of Missouri; and

(g) The statement of election between the use of the incremental increase of the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area;

(h) The name, street and mailing address, and phone number of the mayor or chief executive officer of the municipality;

(i) The street address of the development site;

(j) The three-digit North American Industry Classification System number or numbers characterizing the development project;

(k) The estimated development project costs;

(l) The anticipated sources of funds to pay such development project costs;

(m) Evidence of the commitments to finance such development project costs;

(n) The anticipated type and term of the sources of funds to pay such development project costs;

(o) The anticipated type and terms of the obligations to be issued;

(p) The most recent equalized assessed valuation of the property within the development project area;

(q) An estimate as to the equalized assessed valuation after the development project area is developed in accordance with a development plan;

(r) The general land uses to apply in the development area;

(s) The total number of individuals employed in the development area, broken down by full-time, part-time, and temporary positions;

(t) The total number of full-time equivalent positions in the development area;

(u) The current gross wages, state income tax withholdings, and federal income tax withholdings for individuals employed in the development area;

(v) The total number of individuals employed in this state by the corporate parent of any business benefitting from public expenditures in the development area, and all subsidiaries thereof, as of December thirty-first of the prior fiscal year, broken down by full-time, part-time, and temporary positions;

(w) The number of new jobs to be created by any business benefitting from public expenditures in the development area, broken down by full-time, part-time, and temporary positions;

(x) The average hourly wage to be paid to all current and new employees at the project site, broken down by full-time, part-time, and temporary positions;

(y) For project sites located in a metropolitan statistical area, as defined by the federal Office of Management and Budget, the average hourly wage paid to nonmanagerial employees in this state for the industries involved at the project, as established by the United States Bureau of Labor Statistics;

(z) For project sites located outside of metropolitan statistical areas, the average weekly wage paid to nonmanagerial employees in the county for industries involved at the project, as established by the United States Department of Commerce;

(aa) A list of other community and economic benefits to result from the project;

(bb) A list of all development subsidies that any business benefitting from public expenditures in the development area has previously received for the project, and the name of any other granting body from which such subsidies are sought;

(cc) A list of all other public investments made or to be made by this state or units of local government to support infrastructure or other needs generated by the project for which the funding pursuant to this section is being sought;

(dd) A statement as to whether the development project may reduce employment at any other site, within or without the state, resulting from automation, merger, acquisition, corporate restructuring, relocation, or other business activity;

(ee) A statement as to whether or not the project involves the relocation of work from another address and if so, the number of jobs to be relocated and the address from which they are to be relocated;

(ff) A list of competing businesses in the county containing the development area and in each contiguous county;

(gg) A market study for the development area;

(hh) A certification by the chief officer of the applicant as to the accuracy of the development plan;

(2) The methodologies used in the application for determining the base year and determining the estimate of the incremental increase in the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area shall be approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. Upon approval of the application, the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee shall issue a certificate of approval. The department of economic development may request the appropriation following application approval;

(3) The appropriation shall be either a portion of the estimate of the incremental increase in the general revenue portion of state sales tax revenues in the redevelopment area or a portion of the estimate of the state income tax withheld by the employer on behalf of new employees who fill new jobs created in the redevelopment area as indicated in the municipality's application, approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. At no time shall the annual amount of the new state revenues approved for disbursements from the Missouri supplemental tax increment financing fund exceed thirty-two million dollars;

(4) Redevelopment plans and projects receiving new state revenues shall have a duration of up to fifteen years, unless prior approval for a longer term is given by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee; except that, in no case shall the duration exceed twenty-three years.

11. In addition to the areas authorized in subsection 9 of this section, the funding authorized pursuant to subsection 4 of this section shall also be available in a federally approved levee district, where construction of a levee begins after December 23, 1997, and which is contained within a county of the first classification without a charter form of government with a population

between fifty thousand and one hundred thousand inhabitants which contains all or part of a city with a population in excess of four hundred thousand or more inhabitants.

12. There is hereby established within the state treasury a special fund to be known as the "Missouri Supplemental Tax Increment Financing Fund", to be administered by the department of economic development. The department shall annually distribute from the Missouri supplemental tax increment financing fund the amount of the new state revenues as appropriated as provided in the provisions of subsections 4 and 5 of this section if and only if the conditions of subsection 10 of this section are met. The fund shall also consist of any gifts, contributions, grants or bequests received from federal, private or other sources. Moneys in the Missouri supplemental tax increment financing fund shall be disbursed per project pursuant to state appropriations.

13. Redevelopment project costs may include, at the prerogative of the state, the portion of salaries and expenses of the department of economic development and the department of revenue reasonably allocable to each redevelopment project approved for disbursements from the Missouri supplemental tax increment financing fund for the ongoing administrative functions associated with such redevelopment project. Such amounts shall be recovered from new state revenues deposited into the Missouri supplemental tax increment financing fund created under this section.

14. For redevelopment plans or projects approved by ordinance that result in net new jobs from the relocation of a national headquarters from another state to the area of the redevelopment project, the economic activity taxes and new state tax revenues shall not be based on a calculation of the incremental increase in taxes as compared to the base year or prior calendar year for such redevelopment project, rather the incremental increase shall be the amount of total taxes generated from the net new jobs brought in by the national headquarters from another state. In no event shall this subsection be construed to allow a redevelopment project to receive an appropriation in excess of up to fifty percent of the new state revenues.

137.090. TANGIBLE PERSONAL PROPERTY TO BE ASSESSED IN COUNTY OF OWNER'S RESIDENCE — EXCEPTIONS — APPORTIONMENT OF ASSESSMENT OF TRACTORS AND TRAILERS.. — **1.** All tangible personal property of whatever nature and character situate in a county other than the one in which the owner resides shall be assessed in the county where the owner resides; except that, houseboats, cabin cruisers, floating boat docks, and manufactured homes, as defined in section 700.010, used for lodging shall be assessed in the county where they are located, and tangible personal property belonging to estates shall be assessed in the county in which the probate division of the circuit court has jurisdiction. Tangible personal property, other than motor vehicles as the term is defined in section 301.010, used exclusively in connection with farm operations of the owner and kept on the farmland, shall not be assessed by a city, town or village unless the farmland is totally within the boundaries of the city, town or village. No tangible personal property shall be simultaneously assessed in more than one county.

2. The assessed valuation of any tractor or trailer as defined in section 301.010 owned by an individual, partner, or member and used in interstate commerce must be apportioned to Missouri based on the ratio of miles traveled in this state to miles traveled in the United States in interstate commerce during the preceding tax year or on the basis of the most recent annual mileage figures available.

137.095. CORPORATE PROPERTY, WHERE TAXED — TRACTORS AND TRAILERS. — 1. The real and tangible personal property of all corporations operating in any county in the state of Missouri and in the city of St. Louis, and subject to assessment by county or township assessors, shall be assessed and taxed in the county in which the property is situated on the first day of January of the year for which the taxes are assessed, and every general or business corporation having or owning tangible personal property on the first day of January in each year,

which is situated in any other county than the one in which the corporation is located, shall make return to the assessor of the county or township where the property is situated, in the same manner as other tangible personal property is required by law to be returned, except that all motor vehicles which are the property of the corporation and which are subject to regulation under chapter 390 shall be assessed for tax purposes in the county in which the motor vehicles are based.

2. For the purposes of subsection 1 of this section, the term "based" means the place where the vehicle is most frequently dispatched, garaged, serviced, maintained, operated or otherwise controlled, except that leased passenger vehicles shall be assessed at the residence of the driver or, if the residence of the driver is unknown, at the location of the lessee.

3. The assessed valuation of any tractor or trailer as defined in section 301.010 owned by a corporation and used in interstate commerce must be apportioned to Missouri based on the ratio of miles traveled in this state to miles traveled in the United States in interstate commerce during the preceding tax year or on the basis of the most recent annual mileage figures available.

137.720. PERCENTAGE OF AD VALOREM PROPERTY TAX COLLECTIONS TO BE DEDUCTED FOR DEPOSIT IN COUNTY ASSESSMENT FUND — ADDITIONAL DEDUCTIONS (ST. LOUIS CITY AND ALL COUNTIES). — 1. A percentage of all ad valorem property tax collections allocable to each taxing authority within the county and the county shall be deducted from the collections of taxes each year and shall be deposited into the assessment fund of the county as required pursuant to section 137.750. The percentage shall be one-half of one percent for all counties of the first and second classification and cities not within a county and one percent for counties of the third and fourth classification.

2. Prior to July 1, 2009, for counties of the first classification, counties with a charter form of government, and any city not within a county, an additional one-eighth of one percent of all ad valorem property tax collections shall be deducted from the collections of taxes each year and shall be deposited into the assessment fund of the county as required pursuant to section 137.750, and for counties of the second, third, and fourth classification, an additional one-quarter of one percent of all ad valorem property tax collections shall be deducted from the collections of taxes each year and shall be deposited into the assessment fund of the county as required pursuant to section 137.750, provided that such additional amounts shall not exceed one hundred thousand dollars in any year for any county of the first classification and any county with a charter form of government and fifty thousand dollars in any year for any county of the second, third, or fourth classification.

3. Effective July 1, 2009, for counties of the first classification, counties with a charter form of government, and any city not within a county, an additional one-eighth of one percent of all ad valorem property tax collections shall be deducted from the collections of taxes each year and shall be deposited into the assessment fund of the county as required pursuant to section 137.750, and for counties of the second, third, and fourth classification, an additional one-half of one percent of all ad valorem property tax collections shall be deducted from the collections of taxes each year and shall be deposited into the assessment fund of the county as required pursuant to section 137.750, provided that such additional amounts shall not exceed one hundred twenty-five thousand dollars in any year for any county of the first classification and any county with a charter form of government and seventy-five thousand dollars in any year for any county of the second, third, or fourth classification.

4. The county shall bill any taxing authority collecting its own taxes. The county may also provide additional moneys for the fund. To be eligible for state cost-share funds provided pursuant to section 137.750, every county shall provide from the county general revenue fund an amount equal to an average of the three most recent years of the amount provided from general revenue to the assessment fund; provided, however, that capital expenditures and equipment expenses identified in a memorandum of understanding signed by the county's

governing body and the county assessor prior to transfer of county general revenue funds to the assessment fund shall be deducted from a year's contribution before computing the three-year average, except that a lesser amount shall be acceptable if unanimously agreed upon by the county assessor, the county governing body, and the state tax commission. The county shall deposit the county general revenue funds in the assessment fund as agreed to in its original or amended maintenance plan, state reimbursement funds shall be withheld until the amount due is properly deposited in such fund.

5. For all years beginning on or after January 1, 2010, any property tax collections deposited into the county assessment funds provided for in subsection 2 of this section shall be disallowed in any year in which the state tax commission notifies the county that state assessment reimbursement funds have been withheld from the county for three consecutive quarters due to noncompliance by the assessor or county commission with the county's assessment maintenance plan.

[6. The provisions of subsections 2, 3, and 5 of this section shall expire on December 31, 2015.**]**

137.1018. STATEWIDE AVERAGE RATE OF PROPERTY TAXES LEVIED, ASCERTAINED BY THE COMMISSION — REPORT SUBMITTED — TAXES COLLECTED, HOW DETERMINED — TAX CREDIT AUTHORIZED — SUNSET PROVISION. — 1. The commission shall ascertain the statewide average rate of property taxes levied the preceding year, based upon the total assessed valuation of the railroad and street railway companies and the total property taxes levied upon the railroad and street railway companies. It shall determine total property taxes levied from reports prescribed by the commission from the railroad and street railway companies. Total taxes levied shall not include revenues from the surtax on subclass three real property.

2. The commission shall report its determination of average property tax rate for the preceding year, together with the taxable distributable assessed valuation of each freight line company for the current year to the director no later than October first of each year.

3. Taxes on property of such freight line companies shall be collected at the state level by the director on behalf of the counties and other local public taxing entities and shall be distributed in accordance with sections 137.1021 and 137.1024. The director shall tax such property based upon the distributable assessed valuation attributable to Missouri of each freight line company, using the average tax rate for the preceding year of the railroad and street railway companies certified by the commission. Such tax shall be due and payable on or before December thirty-first of the year levied and, if it becomes delinquent, shall be subject to a penalty equal to that specified in section 140.100.

4. (1) As used in this subsection, the following terms mean:

(a) "Eligible expenses", expenses incurred in this state to manufacture, maintain, or improve a freight line company's qualified rolling stock;

(b) "Qualified rolling stock", any freight, stock, refrigerator, or other railcars subject to the tax levied under this section.

(2) For all taxable years beginning on or after January 1, 2009, a freight line company shall, subject to appropriation, be allowed a credit against the tax levied under this section for the applicable tax year. The tax credit amount shall be equal to the amount of eligible expenses incurred during the calendar year immediately preceding the tax year for which the credit under this section is claimed. The amount of the tax credit issued shall not exceed the freight line company's liability for the tax levied under this section for the tax year for which the credit is claimed.

(3) A freight line company may apply for the credit by submitting to the commission an application in the form prescribed by the state tax commission.

(4) Subject to appropriation, the state shall reimburse, on an annual basis, any political subdivision of this state for any decrease in revenue due to the provisions of this subsection.

5. Pursuant to section 23.253 of the Missouri sunset act:

(1) **[**The provisions of the new program authorized under this section shall automatically sunset six years after August 28, 2008, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized,**]** The program authorized under this section shall **[**automatically sunset twelve years after the effective date of the reauthorization of this section**] expire on August 28, 2020**; and

[(3)**] (2)** This section shall terminate on September **[**first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset**] 1, 2021**.

144.010. DEFINITIONS. — 1. The following words, terms, and phrases when used in sections 144.010 to 144.525 have the meanings ascribed to them in this section, except when the context indicates a different meaning:

(1) "Admission" includes seats and tables, reserved or otherwise, and other similar accommodations and charges made therefor and amount paid for admission, exclusive of any admission tax imposed by the federal government or by sections 144.010 to 144.525;

(2) "Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either direct or indirect, and the classification of which business is of such character as to be subject to the terms of sections 144.010 to 144.525. **A person is "engaging in business" in this state for purposes of sections 144.010 to 144.525 if such person "engages in business in this state" or "maintains a place of business in this state" under section 144.605.** The isolated or occasional sale of tangible personal property, service, substance, or thing, by a person not engaged in such business, does not constitute engaging in business within the meaning of sections 144.010 to 144.525 unless the total amount of the gross receipts from such sales, exclusive of receipts from the sale of tangible personal property by persons which property is sold in the course of the partial or complete liquidation of a household, farm or nonbusiness enterprise, exceeds three thousand dollars in any calendar year. The provisions of this subdivision shall not be construed to make any sale of property which is exempt from sales tax or use tax on June 1, 1977, subject to that tax thereafter;

(3) "Captive wildlife", includes but is not limited to exotic partridges, gray partridge, northern bobwhite quail, ring-necked pheasant, captive waterfowl, captive white-tailed deer, captive elk, and captive furbearers held under permit issued by the Missouri department of conservation for hunting purposes. The provisions of this subdivision shall not apply to sales tax on a harvested animal;

(4) "Gross receipts", except as provided in section 144.012, means the total amount of the sale price of the sales at retail including any services other than charges incident to the extension of credit that are a part of such sales made by the businesses herein referred to, capable of being valued in money, whether received in money or otherwise; except that, the term "gross receipts" shall not include the sale price of property returned by customers when the full sale price thereof is refunded either in cash or by credit. In determining any tax due under sections 144.010 to 144.525 on the gross receipts, charges incident to the extension of credit shall be specifically exempted. For the purposes of sections 144.010 to 144.525 the total amount of the sale price above mentioned shall be deemed to be the amount received. It shall also include the lease or rental consideration where the right to continuous possession or use of any article of tangible personal property is granted under a lease or contract and such transfer of possession would be taxable if outright sale were made and, in such cases, the same shall be taxable as if outright sale were made and considered as a sale of such article, and the tax shall be computed and paid by the lessee upon the rentals paid;

(5) "Livestock", cattle, calves, sheep, swine, ratite birds, including but not limited to, ostrich and emu, aquatic products as defined in section 277.024, llamas, alpaca, buffalo, elk documented

as obtained from a legal source and not from the wild, goats, horses, other equine, or rabbits raised in confinement for human consumption;

(6) "Motor vehicle leasing company" shall be a company obtaining a permit from the director of revenue to operate as a motor vehicle leasing company. Not all persons renting or leasing trailers or motor vehicles need to obtain such a permit; however, no person failing to obtain such a permit may avail itself of the optional tax provisions of subsection 5 of section 144.070, as hereinafter provided;

(7) "Person" includes any individual, firm, copartnership, joint adventure, association, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or agency, except the state transportation department, estate, trust, business trust, receiver or trustee appointed by the state or federal court, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number;

(8) "Purchaser" means a person who purchases tangible personal property or to whom are rendered services, receipts from which are taxable under sections 144.010 to 144.525;

(9) "Research or experimentation activities" are the development of an experimental or pilot model, plant process, formula, invention or similar property, and the improvement of existing property of such type. Research or experimentation activities do not include activities such as ordinary testing or inspection of materials or products for quality control, efficiency surveys, advertising promotions or research in connection with literary, historical or similar projects;

(10) "Sale" or "sales" includes installment and credit sales, and the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale, and means any transfer, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for valuable consideration and the rendering, furnishing or selling for a valuable consideration any of the substances, things and services herein designated and defined as taxable under the terms of sections 144.010 to 144.525;

(11) "Sale at retail" means any transfer made by any person engaged in business as defined herein of the ownership of, or title to, tangible personal property to the purchaser, for use or consumption and not for resale in any form as tangible personal property, for a valuable consideration; except that, for the purposes of sections 144.010 to 144.525 and the tax imposed thereby: (i) purchases of tangible personal property made by duly licensed physicians, dentists, optometrists and veterinarians and used in the practice of their professions shall be deemed to be purchases for use or consumption and not for resale; and (ii) the selling of computer printouts, computer output or microfilm or microfiche and computer-assisted photo compositions to a purchaser to enable the purchaser to obtain for his or her own use the desired information contained in such computer printouts, computer output on microfilm or microfiche and computer-assisted photo compositions shall be considered as the sale of a service and not as the sale of tangible personal property. Where necessary to conform to the context of sections 144.010 to 144.525 and the tax imposed thereby, the term "sale at retail" shall be construed to embrace:

(a) Sales of admission tickets, cash admissions, charges and fees to or in places of amusement, entertainment and recreation, games and athletic events;

(b) Sales of electricity, electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(c) Sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations, and the sale, rental or leasing of all equipment or services pertaining or incidental thereto;

(d) Sales of service for transmission of messages by telegraph companies;

(e) Sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist camp, tourist cabin, or other place in which rooms, meals or drinks are regularly served to the public;

(f) Sales of tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane, and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(12) "Seller" means a person selling or furnishing tangible personal property or rendering services, on the receipts from which a tax is imposed pursuant to section 144.020;

(13) The noun "tax" means either the tax payable by the purchaser of a commodity or service subject to tax, or the aggregate amount of taxes due from the vendor of such commodities or services during the period for which he or she is required to report his or her collections, as the context may require;

(14) "Telecommunications service", for the purpose of this chapter, the transmission of information by wire, radio, optical cable, coaxial cable, electronic impulses, or other similar means. As used in this definition, "information" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. Telecommunications service does not include the following if such services are separately stated on the customer's bill or on records of the seller maintained in the ordinary course of business:

(a) Access to the internet, access to interactive computer services or electronic publishing services, except the amount paid for the telecommunications service used to provide such access;

(b) Answering services and one-way paging services;

(c) Private mobile radio services which are not two-way commercial mobile radio services such as wireless telephone, personal communications services or enhanced specialized mobile radio services as defined pursuant to federal law; or

(d) Cable or satellite television or music services; and

(15) "Product which is intended to be sold ultimately for final use or consumption" means tangible personal property, or any service that is subject to state or local sales or use taxes, or any tax that is substantially equivalent thereto, in this state or any other state.

2. For purposes of the taxes imposed under sections 144.010 to 144.525, and any other provisions of law pertaining to sales or use taxes which incorporate the provisions of sections 144.010 to 144.525 by reference, the term "manufactured homes" shall have the same meaning given it in section 700.010.

3. Sections 144.010 to 144.525 may be known and quoted as the "Sales Tax Law".

144.020. RATE OF TAX — TICKETS, NOTICE OF SALES TAX — LEASE OR RENTAL OF PERSONAL PROPERTY EXEMPT FROM TAX, WHEN. — 1. A tax is hereby levied and imposed **for the privilege of titling new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be titled under the laws of the state of Missouri and, except as provided in subdivision (9) of this subsection,** upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state. The rate of tax shall be as follows:

(1) Upon every retail sale in this state of tangible personal property, **[**including but not limited to**]** **excluding** motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats and outboard motors **required to be titled under the laws of the state of Missouri and subject to tax under subdivision (9) of this subsection**, a tax equivalent to four percent of the purchase price paid or charged, or in case such sale involves the exchange of property, a tax equivalent to four percent of the consideration paid or charged, including the fair market value of the property exchanged at the time and place of the exchange, except as otherwise provided in section 144.025;

(2) A tax equivalent to four percent of the amount paid for admission and seating accommodations, or fees paid to, or in any place of amusement, entertainment or recreation, games and athletic events;

(3) A tax equivalent to four percent of the basic rate paid or charged on all sales of electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(4) A tax equivalent to four percent on the basic rate paid or charged on all sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto; except that, the payment made by telecommunications subscribers or others, pursuant to section 144.060, and any amounts paid for access to the internet or interactive computer services shall not be considered as amounts paid for telecommunications services;

(5) A tax equivalent to four percent of the basic rate paid or charged for all sales of services for transmission of messages of telegraph companies;

(6) A tax equivalent to four percent on the amount of sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are regularly served to the public;

(7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(8) A tax equivalent to four percent of the amount paid or charged for rental or lease of tangible personal property, provided that if the lessor or renter of any tangible personal property had previously purchased the property under the conditions of "sale at retail" or leased or rented the property and the tax was paid at the time of purchase, lease or rental, the lessor, sublessor, renter or subrenter shall not apply or collect the tax on the subsequent lease, sublease, rental or subrental receipts from that property. The purchase, rental or lease of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors shall be taxed and the tax paid as provided in this section and section 144.070. In no event shall the rental or lease of boats and outboard motors be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of amusement, entertainment or recreation. Rental and leased boats or outboard motors shall be taxed under the provisions of the sales tax laws as provided under such laws for motor vehicles and trailers. Tangible personal property which is exempt from the sales or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the lease or rental thereof**[.];**

(9) A tax equivalent to four percent of the purchase price, as defined in section 144.070, of new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri. This tax is imposed on the person titling such property, and shall be paid according to the procedures in section 144.440.

2. All tickets sold which are sold under the provisions of sections 144.010 to 144.525 which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the words "This ticket is subject to a sales tax.".

144.021. IMPOSITION OF TAX—SELLER'S DUTIES. — The purpose and intent of sections 144.010 to 144.510 is to impose a tax upon the privilege of engaging in the business, in this state, of selling tangible personal property and those services listed in section 144.020 **and for the privilege of titling new and used motor vehicles, trailers, boats, and outboard motors**

purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri. **Except as otherwise provided,** the primary tax burden is placed upon the seller making the taxable sales of property or service and is levied at the rate provided for in section 144.020. Excluding **subdivision (9) of subsection 1 of section 144.020 and** sections 144.070, 144.440 and 144.450, the extent to which a seller is required to collect the tax from the purchaser of the taxable property or service is governed by section 144.285 and in no way affects sections 144.080 and 144.100, which require all sellers to report to the director of revenue their "gross receipts", defined herein to mean the aggregate amount of the sales price of all sales at retail, and remit tax at four percent of their gross receipts.

144.030. EXEMPTIONS FROM STATE AND LOCAL SALES AND USE TAXES. — 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.761 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.824; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) Motor vehicles registered in excess of fifty-four thousand pounds, and the trailers pulled by such motor vehicles, that are actually used in the normal course of business to haul property on the public highways of the state, and that are capable of hauling loads commensurate with the motor vehicle's registered weight; and the materials, replacement parts, and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of such vehicles. For

purposes of this subdivision "motor vehicle" and "public highway" shall have the meaning as ascribed in section 390.020;

(5) Replacement machinery, equipment, and parts and the materials and supplies solely required for the installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a "material recovery processing plant" means a facility that has as its primary purpose the recovery of materials into a useable product or a different form which is used in producing a new product and shall include a facility or equipment which are used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms motor vehicle and highway shall have the same meaning pursuant to section 301.010. Material recovery is not the reuse of materials within a manufacturing process or the use of a product previously recovered. The material recovery processing plant shall qualify under the provisions of this section regardless of ownership of the material being recovered;

(6) Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption;

(7) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

(8) Animals or poultry used for breeding or feeding purposes, or captive wildlife;

(9) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and other machinery, equipment, replacement parts and supplies used in producing newspapers published for dissemination of news to the general public;

(10) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

(11) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

(12) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, in the transportation of persons or property;

(13) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (5) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200. There shall be a rebuttable presumption that the raw materials used in the primary manufacture of automobiles contain at least twenty-five percent recovered materials. For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(14) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

(15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

(16) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

(17) Tangible personal property purchased by a rural water district;

(18) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation**, provided, however, that a municipality or other political subdivision may enter into revenue-sharing agreements with private persons, firms, or corporations providing goods or services, including management services, in or for the place of amusement, entertainment or recreation, games or athletic events, and provided further that nothing in this subdivision shall exempt from tax any amounts retained by any private person, firm, or corporation under such revenue-sharing agreement**;

(19) All sales of insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales or rental of medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and ambulatory aids, all sales or rental of manual and powered wheelchairs, stairway lifts, Braille writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales or rental of scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities, and drugs required by the Food and Drug Administration to meet the over-the-counter drug product labeling requirements in 21 CFR 201.66, or its successor, as prescribed by a health care practitioner licensed to prescribe;

(20) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

(21) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision (20) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

(22) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530;

(23) All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as defined in section 142.028, natural gas, propane, and electricity used by an eligible new generation cooperative or an eligible new generation processing entity as defined in section 348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and trailers, and any freight charges on any exempt item. As used in this subdivision, the term "feed additives" means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term "farm machinery and equipment" means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon and any accessories for and upgrades to such farm machinery and equipment, rotary mowers used exclusively for agricultural purposes, and supplies and lubricants used exclusively, solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and one-half of each purchaser's purchase of diesel fuel therefor which is:

(a) Used exclusively for agricultural purposes;

(b) Used on land owned or leased for the purpose of producing farm products; and

(c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(24) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use:

(a) "Domestic use" means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification "residential" and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales

made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(25) All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(26) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536 to eliminate all state and local sales taxes on such excise taxes;

(27) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(28) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100 in the exercise of the functions and activities of such agency as provided pursuant to the compact;

(29) Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

(30) All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(31) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

(32) Electrical energy or gas, whether natural, artificial or propane, water, or other utilities which are ultimately consumed in connection with the manufacturing of cellular glass products or in any material recovery processing plant as defined in subdivision (5) of this subsection;

(33) Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

(34) Tangible personal property and utilities purchased for use or consumption directly or exclusively in the research and development of agricultural/biotechnology and plant genomics products and prescription pharmaceuticals consumed by humans or animals;

(35) All sales of grain bins for storage of grain for resale;

(36) All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, and licensed pursuant to sections 273.325 to 273.357;

(37) All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption" shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the exemption. If the exemption certificate issued by the exempt entity to the contractor is later determined by the director of revenue to be invalid for any reason and the contractor has accepted the certificate in good faith, neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result of use of the invalid exemption certificate. Materials shall be exempt from all state and local sales and use taxes when purchased by a contractor for the purpose of fabricating tangible personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

(a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption certificates in accordance with the provisions of section 144.062; or

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

(38) All sales or other transfers of tangible personal property to a lessor who leases the property under a lease of one year or longer executed or in effect at the time of the sale or other transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100;

(39) Sales of tickets to any collegiate athletic championship event that is held in a facility owned or operated by a governmental authority or commission, a quasi-governmental agency, a state university or college or by the state or any political subdivision thereof, including a municipality, and that is played on a neutral site and may reasonably be played at a site located outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that is not located on the campus of a conference member institution participating in the event;

(40) All purchases by a sports complex authority created under section 64.920, and all sales of utilities by such authority at the authority's cost that are consumed in connection with the operation of a sports complex leased to a professional sports team;

(41) Beginning January 1, 2009, but not after January 1, 2015, materials, replacement parts, and equipment purchased for use directly upon, and for the modification, replacement, repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories;

(42) Sales of sporting clays, wobble, skeet, and trap targets to any shooting range or similar places of business for use in the normal course of business and money received by a shooting range or similar places of business from patrons and held by a shooting range or similar place of business for redistribution to patrons at the conclusion of a shooting event.

3. Any ruling, agreement, or contract, whether written or oral, express or implied, between a person and this state's executive branch, or any other state agency or department, stating, agreeing, or ruling that such person is not required to collect sales and use tax in this state despite the presence of a warehouse, distribution center, or fulfillment center in this state that is owned or operated by the person or an affiliated person shall be null and void unless it is specifically approved by a majority vote of each of the houses of the general assembly. For purposes of this subsection, an "affiliated person" means any person that is a member of the same "controlled group of corporations" as defined in Section 1563(a) of the Internal Revenue Code of 1986, as amended, as the vendor or any other entity that, notwithstanding its form of organization,

bears the same ownership relationship to the vendor as a corporation that is a member of the same "controlled group of corporations" as defined in Section 1563(a) of the Internal Revenue Code, as amended.

144.069. SALES OF MOTOR VEHICLES, TRAILERS, BOATS AND OUTBOARD MOTORS IMPOSED AT ADDRESS OF OWNER — SOME LEASES DEEMED IMPOSED AT ADDRESS OF LESSEE. — All sales **taxes associated with the titling** of motor vehicles, trailers, boats and outboard motors **under the laws of Missouri** shall be **[**deemed to be consummated**] imposed** at the **rate in effect at the location of the** address of the owner thereof, and all **sales taxes associated with the titling of vehicles under** leases of over sixty-day duration of motor vehicles, trailers, boats and outboard motors **[**subject to sales taxes under this chapter**]** shall be **[**deemed to be consummated**] imposed at the rate in effect,** unless the vehicle, trailer, boat or motor has been registered and sales taxes have been paid prior to the consummation of the lease agreement at the **location of the** address of the lessee thereof on the date the lease is consummated, and all applicable sales taxes levied by any political subdivision shall be collected **and remitted** on such sales **from the purchaser or lessee** by the state department of revenue on that basis.

144.071. RESCISSION OF SALE REQUIRES TAX REFUND, WHEN. — 1. In all cases where the purchaser of a motor vehicle, trailer, boat or outboard motor rescinds the sale of that motor vehicle, trailer, boat or outboard motor and receives a refund of the purchase price and returns the motor vehicle, trailer, boat or outboard motor to the seller within sixty calendar days from the date of the sale, **any [**the sales or use**]** tax paid to the department of revenue shall be refunded to the purchaser upon proper application to the director of revenue.

2. In any rescission whereby a seller reacquires title to the motor vehicle, trailer, boat or outboard motor sold by him and the reacquisition is within sixty calendar days from the date of the original sale, the person reacquiring the motor vehicle, trailer, boat or outboard motor shall be entitled to a refund of any **[**sales or use**]** tax paid as a result of the reacquisition of the motor vehicle, trailer, boat or outboard motor, upon proper application to the director of revenue.

3. Any city or county **[**sales or use**]** tax refunds shall be deducted by the director of revenue from the next remittance made to that city or county.

4. Each claim for refund must be made within one year after payment of the tax on which the refund is claimed.

5. As used in this section, the term "boat" includes all motorboats and vessels as the terms "motorboat" and "vessel" are defined in section 306.010.

144.440. PURCHASE PRICE OF MOTOR VEHICLES, TRAILERS, BOATS AND OUTBOARD MOTORS TO BE DISCLOSED, WHEN — PAYMENT OF TAX, WHEN — INAPPLICABILITY TO MANUFACTURED HOMES. — 1. **[**In addition to all other taxes now or hereafter levied and imposed upon every person for the privilege of using the highways or waterways of this state, there is hereby levied and imposed a tax equivalent to four percent of the purchase price, as defined in section 144.070, which is paid or charged on new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri.

2.**]** At the time the owner of any **[**such**]** motor vehicle, trailer, boat, or outboard motor makes application to the director of revenue for an official certificate of title and the registration of the same as otherwise provided by law, he shall present to the director of revenue evidence satisfactory to the director showing the purchase price paid by or charged to the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, or that the motor vehicle, trailer, boat, or outboard motor is not subject to the tax herein provided and, if the motor vehicle, trailer, boat, or outboard motor is subject to the tax herein provided, the applicant shall pay or cause to be paid to the director of revenue the tax provided herein.

[3.**]** **2.** In the event that the purchase price is unknown or undisclosed, or that the evidence thereof is not satisfactory to the director of revenue, the same shall be fixed by appraisement by the director.

[4.**]** **3.** No certificate of title shall be issued for such motor vehicle, trailer, boat, or outboard motor unless the tax for the privilege of using the highways or waters of this state has been paid or the vehicle, trailer, boat, or outboard motor is registered under the provisions of subsection **[**5**]** **4** of this section.

[5.**]** **4.** The owner of any motor vehicle, trailer, boat, or outboard motor which is to be used exclusively for rental or lease purposes may pay the tax due thereon required in section 144.020 at the time of registration or in lieu thereof may pay a **[**use**]** **sales** tax as provided in sections 144.010, 144.020, 144.070 and 144.440. A **[**use**]** **sales** tax shall be charged and paid on the amount charged for each rental or lease agreement while the motor vehicle, trailer, boat, or outboard motor is domiciled in the state. If the owner elects to pay upon each rental or lease, he shall make an affidavit to that effect in such form as the director of revenue shall require and shall remit the tax due at such times as the director of revenue shall require.

[6.**]** **5.** In the event that any leasing company which rents or leases motor vehicles, trailers, boats, or outboard motors elects to collect a **[**use**]** **sales** tax, all of its lease receipt**s** would be subject to the **[**use**]** **sales** tax**[**,**]** regardless of whether **[**or not**]** the leasing company previously paid a sales tax when the vehicle, trailer, boat, or outboard motor was originally purchased.

[7.**]** **6.** The provisions of this section, and the tax imposed by this section, shall not apply to manufactured homes.

144.450. EXEMPTIONS FROM USE TAX. — In order to avoid double taxation under the provisions of sections 144.010 to 144.510, any person who purchases a motor vehicle, trailer, manufactured home, boat, or outboard motor in any other state and seeks to register or obtain a certificate of title for it in this state shall be credited with the amount of any sales tax or use tax shown to have been previously paid by him on the purchase price of such motor vehicle, trailer, boat, or outboard motor in such other state. The tax imposed by **subdivision (9) of subsection 1 of** section **[**144.440**]** **144.020** shall not apply:

(1) **[**To motor vehicles, trailers, boats, or outboard motors on account of which the sales tax provided by sections 144.010 to 144.510 shall have been paid;

(2)**]** To motor vehicles, trailers, boats, or outboard motors brought into this state by a person moving any such vehicle, trailer, boat, or outboard motor into Missouri from another state who shall have registered and in good faith regularly operated any such motor vehicle, trailer, boat, or outboard motor in such other state at least ninety days prior to the time it is registered in this state;

[(3)**]** **(2)** To motor vehicles, trailers, boats, or outboard motors acquired by registered dealers for resale;

[(4)**]** **(3)** To motor vehicles, trailers, boats, or outboard motors purchased, owned or used by any religious, charitable or eleemosynary institution for use in the conduct of regular religious, charitable or eleemosynary functions and activities;

[(5)**]** **(4)** To motor vehicles owned and used by religious organizations in transferring pupils to and from schools supported by such organization;

[(6)**]** **(5)** Where the motor vehicle, trailer, boat, or outboard motor has been acquired by the applicant for a certificate of title therefor by gift or under a will or by inheritance, and the tax hereby imposed has been paid by the donor or decedent;

[(7)**]** **(6)** To any motor vehicle, trailer, boat, or outboard motor owned or used by the state of Missouri or any other political subdivision thereof, or by an educational institution supported by public funds; or

[(8)**]** **(7)** To farm tractors.

144.455. TAX ON MOTOR VEHICLES AND TRAILERS, PURPOSE OF — RECEIPTS CREDITED AS CONSTITUTIONALLY REQUIRED. — The tax imposed by **subdivision (9) of subsection 1 of** section **[**144.440**]** **144.020** on **the titling of** motor vehicles and trailers is levied for the purpose of providing revenue to be used by this state to defray in whole or in part the cost of constructing, widening, reconstructing, maintaining, resurfacing and repairing the public highways, roads and streets of this state, and the cost and expenses incurred in the administration and enforcement of **subdivision (9) of subsection 1 of section 144.020 and** sections 144.440 to 144.455, and for no other purpose whatsoever, and all revenue collected or received by the director of revenue from the tax imposed by **subdivision (9) of subsection 1 of** section **[**144.440**]** **144.020** on motor vehicles and trailers shall be promptly deposited **[**in the state treasury to the credit of the state highway department fund**]** **as dictated by article IV, section 30(b) of the Constitution of Missouri**.

144.525. MOTOR VEHICLES, HAULERS, BOATS AND OUTBOARD MOTORS, STATE AND LOCAL TAX, RATE, HOW COMPUTED, EXCEPTION — OUTBOARD MOTORS, WHEN, COMPUTATION. — Notwithstanding any other provision of law, the amount of any state and local sales **[**or use**]** taxes due on the purchase of a motor vehicle, trailer, boat or outboard motor required to be registered under the provisions of sections 301.001 to 301.660 and sections 306.010 to 306.900 shall be computed on the rate of such taxes in effect on the date the purchaser submits application for a certificate of ownership to the director of revenue; except that, in the case of a sale at retail, of an outboard motor by a retail business which is not required to be registered under the provisions of section 301.251, the amount of state and local **[**sales and use**]** taxes due shall be computed on the rate of such taxes in effect as of the calendar date of the retail sale.

144.605. DEFINITIONS. — The following words and phrases as used in sections 144.600 to 144.745 mean and include:

(1) "Calendar quarter", the period of three consecutive calendar months ending on March thirty-first, June thirtieth, September thirtieth or December thirty-first;

(2) "Engages in business activities within this state" includes:

(a) **[**Purposefully or systematically exploiting the market provided by this state by any media-assisted, media-facilitated, or media-solicited means, including, but not limited to, direct mail advertising, distribution of catalogs, computer-assisted shopping, telephone, television, radio, or other electronic media, or magazine or newspaper advertisements, or other media; or

(b) Being owned or controlled by the same interests which own or control any seller engaged in the same or similar line of business in this state; or

(c)**]** Maintaining or having a franchisee or licensee operating under the seller's trade name in this state if the franchisee or licensee is required to collect sales tax pursuant to sections 144.010 to 144.525; **[**or**]**

[(d)**]** **(b)** Soliciting sales or taking orders by sales agents or traveling representatives;

(c) A vendor is presumed to "engage in business activities within this state" if any person, other than a common carrier acting in its capacity as such, that has substantial nexus with this state:

a. Sells a similar line of products as the vendor and does so under the same or a similar business name;

b. Maintains an office, distribution facility, warehouse, or storage place, or similar place of business in the state to facilitate the delivery of property or services sold by the vendor to the vendor's customers;

c. Delivers, installs, assembles, or performs maintenance services for the vendor's customers within the state;

d. Facilitates the vendor's delivery of property to customers in the state by allowing the vendor's customers to pick up property sold by the vendor at an office, distribution

facility, warehouse, storage place, or similar place of business maintained by the person in the state; or

e. Conducts any other activities in the state that are significantly associated with the vendor's ability to establish and maintain a market in the state for the sales;

(d) The presumption in paragraph (c) may be rebutted by demonstrating that the person's activities in the state are not significantly associated with the vendor's ability to establish or maintain a market in this state for the vendor's sales;

(e) Notwithstanding paragraph (c), a vendor shall be presumed to engage in business activities within this state if the vendor enters into an agreement with one or more residents of this state under which the resident, for a commission or other consideration, directly or indirectly refers potential customers, whether by a link on an internet website, an in-person oral presentation, telemarketing, or otherwise, to the vendor, if the cumulative gross receipts from sales by the vendor to customers in the state who are referred to the vendor by all residents with this type of an agreement with the vendor is in excess of ten thousand dollars during the preceding twelve months;

(f) The presumption in paragraph (e) may be rebutted by submitting proof that the residents with whom the vendor has an agreement did not engage in any activity within the state that was significantly associated with the vendor's ability to establish or maintain the vendor's market in the state during the preceding twelve months. Such proof may consist of sworn written statements from all of the residents with whom the vendor has an agreement stating that they did not engage in any solicitation in the state on behalf of the vendor during the preceding year provided that such statements were provided and obtained in good faith;

(3) "Maintains a place of business in this state" includes maintaining, occupying, or using, permanently or temporarily, directly or indirectly, **[**or through a subsidiary, or agent,**]** by whatever name called, an office, place of distribution, sales or sample room or place, warehouse or storage place, or other place of business **in this state, whether owned or operated by the vendor or by any other person other than a common carrier acting in its capacity as such**;

(4) "Person", any individual, firm, copartnership, joint venture, association, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or agency, except the state transportation department, estate, trust, business trust, receiver or trustee appointed by the state or federal court, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number;

(5) "Purchase", the acquisition of the ownership of, or title to, tangible personal property, through a sale, as defined herein, for the purpose of storage, use or consumption in this state;

(6) "Purchaser", any person who is the recipient for a valuable consideration of any sale of tangible personal property acquired for use, storage or consumption in this state;

(7) "Sale", any transfer, barter or exchange of the title or ownership of tangible personal property, or the right to use, store or consume the same, for a consideration paid or to be paid, and any transaction whether called leases, rentals, bailments, loans, conditional sales or otherwise, and notwithstanding that the title or possession of the property or both is retained for security. For the purpose of this law the place of delivery of the property to the purchaser, user, storer or consumer is deemed to be the place of sale, whether the delivery be by the vendor or by common carriers, private contractors, mails, express, agents, salesmen, solicitors, hawkers, representatives, consignors, peddlers, canvassers or otherwise;

(8) "Sales price", the consideration including the charges for services, except charges incident to the extension of credit, paid or given, or contracted to be paid or given, by the purchaser to the vendor for the tangible personal property, including any services that are a part of the sale, valued in money, whether paid in money or otherwise, and any amount for which credit is given to the purchaser by the vendor, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service cost, losses or any other

expenses whatsoever, except that cash discounts allowed and taken on sales shall not be included and "sales price" shall not include the amount charged for property returned by customers upon rescission of the contract of sales when the entire amount charged therefor is refunded either in cash or credit or the amount charged for labor or services rendered in installing or applying the property sold, the use, storage or consumption of which is taxable pursuant to sections 144.600 to 144.745. In determining the amount of tax due pursuant to sections 144.600 to 144.745, any charge incident to the extension of credit shall be specifically exempted;

(9) "Selling agent", every person acting as a representative of a principal, when such principal is not registered with the director of revenue of the state of Missouri for the collection of the taxes imposed pursuant to sections 144.010 to 144.525 or sections 144.600 to 144.745 and who receives compensation by reason of the sale of tangible personal property of the principal, if such property is to be stored, used, or consumed in this state;

(10) "Storage", any keeping or retention in this state of tangible personal property purchased from a vendor, except property for sale or property that is temporarily kept or retained in this state for subsequent use outside the state;

(11) "Tangible personal property", all items subject to the Missouri sales tax as provided in subdivisions (1) and (3) of section 144.020;

(12) "Taxpayer", any person remitting the tax or who should remit the tax levied by sections 144.600 to 144.745;

(13) "Use", the exercise of any right or power over tangible personal property incident to the ownership or control of that property, except that it does not include the temporary storage of property in this state for subsequent use outside the state, or the sale of the property in the regular course of business;

(14) "Vendor", every person engaged in making sales of tangible personal property by mail order, by advertising, by agent or peddling tangible personal property, soliciting or taking orders for sales of tangible personal property, for storage, use or consumption in this state, all salesmen, solicitors, hawkers, representatives, consignees, peddlers or canvassers, as agents of the dealers, distributors, consignors, supervisors, principals or employers under whom they operate or from whom they obtain the tangible personal property sold by them, and every person who maintains a place of business in this state, maintains a stock of goods in this state, or engages in business activities within this state and every person who engages in this state in the business of acting as a selling agent for persons not otherwise vendors as defined in this subdivision. Irrespective of whether they are making sales on their own behalf or on behalf of the dealers, distributors, consignors, supervisors, principals or employers, they must be regarded as vendors and the dealers, distributors, consignors, supervisors, principals or employers must be regarded as vendors for the purposes of sections 144.600 to 144.745. **[**A person shall not be considered a vendor for the purposes of sections 144.600 to 144.745 if all of the following apply:

(a) The person's total gross receipts did not exceed five hundred thousand dollars in this state, or twelve and one-half million dollars in the entire United States, in the immediately preceding calendar year;

(b) The person maintains no place of business in this state; and

(c) The person has no selling agents in this state.**]**

144.610. TAX IMPOSED, PROPERTY SUBJECT, EXCLUSIONS, WHO LIABLE. — 1. A tax is imposed for the privilege of storing, using or consuming within this state any article of tangible personal property**, excluding motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors required to be titled under the laws of the state of Missouri and subject to tax under subdivision (9) of subsection 1 of section 144.020,** purchased on or after the effective date of sections 144.600 to 144.745 in an amount equivalent to the percentage imposed on the sales price in the sales tax law in section 144.020. This tax does not apply with respect to the storage, use or consumption of any article of tangible personal property purchased, produced or manufactured outside this state until the transportation of the article has

finally come to rest within this state or until the article has become commingled with the general mass of property of this state.

2. Every person storing, using or consuming in this state tangible personal property **subject to the tax in subsection 1 of this section** is liable for the tax imposed by this law, and the liability shall not be extinguished until the tax is paid to this state, but a receipt from a vendor authorized by the director of revenue under the rules and regulations that he prescribes to collect the tax, given to the purchaser in accordance with the provisions of section 144.650, relieves the purchaser from further liability for the tax to which receipt refers.

3. Because this section no longer imposes a Missouri use tax on the storage, use, or consumption of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors required to be titled under the laws of the state of Missouri, in that the state sales tax is now imposed on the titling of such property, the local sales tax, rather than the local use tax, applies.

144.613. BOATS AND BOAT MOTORS — TAX TO BE PAID BEFORE REGISTRATION ISSUED. — Notwithstanding the provisions of section 144.655, at the time the owner of any new or used boat or boat motor which was acquired after December 31, 1979, in a transaction subject to **[**use**]** tax under **[**the Missouri use tax law**]** **this chapter** makes application to the director of revenue for the registration of the boat or boat motor, he shall present to the director of revenue evidence satisfactory to the director of revenue showing the purchase price, exclusive of any charge incident to the extension of credit, paid by or charged to the applicant in the acquisition of the boat or boat motor, or that no sales or use tax was incurred in its acquisition, and, if **[**sales or use**]** tax was incurred in its acquisition, that the same has been paid, or the applicant shall pay or cause to be paid to the director of revenue the **[**use**]** tax provided by **[**the Missouri use tax law**]** **this chapter** in addition to the registration fees now or hereafter required according to law, and the director of revenue shall not issue a registration for any new or used boat or boat motor subject to **[**use**]** tax **[**as provided in the Missouri use tax law**]** **in this chapter** until the tax levied for the use of the same under **[**sections 144.600 to 144.748**]** **this chapter** has been paid.

144.615. EXEMPTIONS. — There are specifically exempted from the taxes levied in sections 144.600 to 144.745:

(1) Property, the storage, use or consumption of which this state is prohibited from taxing pursuant to the constitution or laws of the United States or of this state;

(2) Property, the gross receipts from the sale of which are required to be included in the measure of the tax imposed pursuant to the Missouri sales tax law;

(3) Tangible personal property, the sale or other transfer of which, if made in this state, would be exempt from or not subject to the Missouri sales tax pursuant to the provisions of subsection 2 of section 144.030;

(4) Motor vehicles, trailers, boats, and outboard motors subject to the tax imposed by section **[**144.440**]** **144.020**;

(5) Tangible personal property which has been subjected to a tax by any other state in this respect to its sales or use; provided, if such tax is less than the tax imposed by sections 144.600 to 144.745, such property, if otherwise taxable, shall be subject to a tax equal to the difference between such tax and the tax imposed by sections 144.600 to 144.745;

(6) Tangible personal property held by processors, retailers, importers, manufacturers, wholesalers, or jobbers solely for resale in the regular course of business;

(7) Personal and household effects and farm machinery used while an individual was a bona fide resident of another state and who thereafter became a resident of this state, or tangible personal property brought into the state by a nonresident for his own storage, use or consumption while temporarily within the state.

169.270. DEFINITIONS. — Unless a different meaning is clearly required by the context, the following words and phrases as used in sections 169.270 to 169.400 shall have the following meanings:

(1) "Accumulated contributions", the sum of all amounts deducted from the compensation of a member or paid on behalf of the member by the employer and credited to the member's individual account together with interest thereon in the employees' contribution fund. The board of trustees shall determine the rate of interest allowed thereon as provided for in section 169.295;

(2) "Actuarial equivalent", a benefit of equal value when computed upon the basis of formulas and/or tables which have been approved by the board of trustees. The formulas and tables in effect at any time shall be set forth in a written document which shall be maintained at the offices of the retirement system and treated for all purposes as part of the documents governing the retirement system established by section 169.280. The formulas and tables may be changed from time to time if recommended by the retirement system's actuary and approved by the board of trustees;

(3) "Average final compensation", the highest average annual compensation received for any four consecutive years of service. In determining whether years of service are "consecutive", only periods for which creditable service is earned shall be considered, and all other periods shall be disregarded;

(4) "Beneficiary", any person designated by a member for a retirement allowance or other benefit as provided by sections 169.270 to 169.400;

(5) "Board of education", the board of directors or corresponding board, by whatever name, having charge of the public schools of the school district in which the retirement system is established;

(6) "Board of trustees", the board provided for in section 169.291 to administer the retirement system;

(7) "Break in service", an occurrence when a regular employee ceases to be a regular employee for any reason other than retirement (including termination of employment, resignation, or furlough but not including vacation, sick leave, excused absence or leave of absence granted by an employer) and such person does not again become a regular employee until after sixty consecutive calendar days have elapsed, or after fifteen consecutive school or work days have elapsed, whichever occurs later. A break in service also occurs when a regular employee retires under the retirement system established by section 169.280 and does not again become a regular employee until after fifteen consecutive school or work days have elapsed. A "school or work day" is a day on which the employee's employer requires (or if the position no longer exists, would require, based on past practice) employees having the former employee's last job description to report to their place of employment for any reason;

(8) "Charter school", any charter school established pursuant to sections 160.400 to 160.420 and located, at the time it is established, within the school district;

(9) "Compensation", the regular compensation as shown on the salary and wage schedules of the employer, including any amounts paid by the employer on a member's behalf pursuant to subdivision (5) of subsection 1 of section 169.350, but such term is not to include extra pay, overtime pay, consideration for entering into early retirement, or any other payments not included on salary and wage schedules. For any year beginning after December 31, 1988, the annual compensation of each member taken into account under the retirement system shall not exceed the limitation set forth in Section 401(a)(17) of the Internal Revenue Code of 1986, as amended;

(10) "Creditable service", the amount of time that a regular employee is a member of the retirement system and makes contributions thereto in accordance with the provisions of sections 169.270 to 169.400;

(11) "Employee", any person who is classified by the school district, a charter school, the library district or the retirement system established by section 169.280 as an employee of such employer and is reported contemporaneously for federal and state tax purposes as an employee of such employer. A person is not considered to be an employee for purposes of such retirement

system with respect to any service for which the person was not reported contemporaneously for federal and state tax purposes as an employee of such employer, regardless of whether the person is or may later be determined to be or to have been a common law employee of such employer, including but not limited to a person classified by the employer as independent contractors and persons employed by other entities which contract to provide staff and services to the employer. In no event shall a person reported for federal tax purposes as an employee of a private, for-profit entity be deemed to be an employee eligible to participate in the retirement system established by section 169.280 with respect to such employment;

(12) "Employer", the school district, any charter school, the library district, or the retirement system established by section 169.280, or any combination thereof, as required by the context to identify the employer of any member, or, for purposes only of subsection 2 of section 169.324, of any retirant;

(13) "Employer's board", the board of education, the governing board of any charter school, the board of trustees of the library district, the board of trustees, or any combination thereof, as required by the context to identify the governing body of an employer;

(14) "Library district", any urban public library district created from or within a school district under the provisions of section 182.703;

(15) "Medical board", the board of physicians provided for in section 169.291;

(16) "Member", any person who is a regular employee after the retirement system has been established hereunder ("active member"), and any person who (i) was an active member, (ii) has vested retirement benefits hereunder, and (iii) is not receiving a retirement allowance hereunder ("inactive member"). **A person shall cease to be a member if the person has a break in service before earning any vested retirement benefits or if the person withdraws his or her accumulated contributions from the retirement system**;

(17) "Minimum normal retirement age", **for any member who retires before January 1, 2014, or who is a member of the retirement system on December 31, 2013, and remains a member continuously to retirement,** the earlier of the date the member attains the age of sixty or the date the member has a total of at least seventy-five credits, with each year of creditable service and each year of age equal to one credit**[**,**]** **and** with both years of creditable service and years of age prorated for fractional years**; for any person who becomes a member of the retirement system on or after January 1, 2014, including any person who was previously a member of the retirement system before January 1, 2014, but ceased to be a member for any reason other than retirement, the earlier of the date the member attains the age of sixty-two or the date the member has a total of at least eighty credits, with each year of creditable service and each year of age equal to one credit and with both years of creditable service and years of age prorated for fractional years**;

(18) "Prior service", service prior to the date the system becomes operative which is creditable in accordance with the provisions of section 169.311. Prior service in excess of thirty-eight years shall be considered thirty-eight years;

(19) "Regular employee", any employee who is assigned to an established position which requires service of not less than twenty-five hours per week, and not less than nine calendar months a year. Any regular employee who is subsequently assigned without break in service to a position demanding less service than is required of a regular employee shall continue the employee's status as a regular employee. Except as stated in the preceding sentence, a temporary, part-time, or furloughed employee is not a regular employee;

(20) "Retirant", a former member receiving a retirement allowance hereunder;

(21) "Retirement allowance", annuity payments to a retirant or to such beneficiary as is entitled to same;

(22) "School district", any school district in which a retirement system shall be established under section 169.280.

169.291. BOARD OF TRUSTEES, QUALIFICATIONS, TERMS — SUPERINTENDENT OF SCHOOL DISTRICT TO BE MEMBER — VACANCIES — LAPSE OF CORPORATE ORGANIZATION, EFFECT OF — OATHS — OFFICERS — EXPENSES — POWERS AND DUTIES — MEDICAL BOARD, APPOINTMENT — CONTRIBUTION RATES OF EMPLOYERS, AMOUNT. — 1. The general administration and the responsibility for the proper operation of the retirement system are hereby vested in a board of trustees of twelve persons who shall be resident taxpayers of the school district, as follows:

(1) Four trustees to be appointed for terms of four years by the board of education; provided, however, that the terms of office of the first four trustees so appointed shall begin immediately upon their appointment and shall expire one, two, three and four years from the date the retirement system becomes operative, respectively;

(2) Four trustees to be elected for terms of four years by and from the members of the retirement system; provided, however, that the terms of office of the first four trustees so elected shall begin immediately upon their election and shall expire one, two, three and four years from the date the retirement system becomes operative, respectively;

(3) The ninth trustee shall be the superintendent of schools of the school district;

(4) The tenth trustee shall be one retirant of the retirement system elected for a term of four years beginning the first day of January immediately following August 13, 1986, by the retirants of the retirement system;

(5) The eleventh trustee shall be appointed for a term of four years beginning the first day of January immediately following August 13, 1990, by the board of trustees described in subdivision (3) of section 182.701;

(6) The twelfth trustee shall be a retirant of the retirement system elected for a term of four years beginning the first day of January immediately following August 28, 1992, by the retirants of the retirement system.

2. If a vacancy occurs in the office of a trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled, except that the board of trustees may appoint a qualified person to fill the vacancy in the office of an elected member until the next regular election at which time a member shall be elected for the unexpired term. No vacancy or vacancies on the board of trustees shall impair the power of the remaining trustees to administer the retirement system pending the filling of such vacancy or vacancies.

3. In the event of a lapse of the school district's corporate organization as described in subsections 1 and 4 of section 162.081, the general administration and responsibility for the proper operation of the retirement system shall continue to be vested in a twelve-person board of trustees, all of whom shall be resident taxpayers of a city, other than a city not within a county, of four hundred thousand or more. In such event, if vacancies occur in the offices of the four trustees appointed, prior to the lapse, by the board of education, or in the offices of the four trustees elected, prior to the lapse, by the members of the retirement system, or in the office of trustee held, prior to the lapse, by the superintendent of schools in the school district, as provided in subdivisions (1), (2) and (3) of subsection 1 of this section, the board of trustees shall appoint a qualified person to fill each vacancy and subsequent vacancies in the office of trustee for terms of up to four years, as determined by the board of trustees.

4. Each trustee shall, before assuming the duties of a trustee, take the oath of office before the court of the judicial circuit or one of the courts of the judicial circuit in which the school district is located that so far as it devolves upon the trustee, such trustee shall diligently and honestly administer the affairs of the board of trustees and that the trustee will not knowingly violate or willingly permit to be violated any of the provisions of the law applicable to the retirement system. Such oath shall be subscribed to by the trustee making it and filed in the office of the clerk of the circuit court.

5. Each trustee shall be entitled to one vote in the board of trustees. Seven trustees shall constitute a quorum at any meeting of the board of trustees. At any meeting of the board of trustees where a quorum is present, the vote of at least seven of the trustees in support of a

motion, resolution or other matter is necessary to be the decision of the board; provided, however, that in the event of a lapse in the school district's corporate organization as described in subsections 1 and 4 of section 162.081, a majority of the trustees then in office shall constitute a quorum at any meeting of the board of trustees, and the vote of a majority of the trustees then in office in support of a motion, resolution or other matter shall be necessary to be the decision of the board.

6. The board of trustees shall have exclusive original jurisdiction in all matters relating to or affecting the funds herein provided for, including, in addition to all other matters, all claims for benefits or refunds, and its action, decision or determination in any matter shall be reviewable in accordance with chapter 536 or chapter 621. Subject to the limitations of sections 169.270 to 169.400, the board of trustees shall, from time to time, establish rules and regulations for the administration of funds of the retirement system, for the transaction of its business, and for the limitation of the time within which claims may be filed.

7. The trustees shall serve without compensation. The board of trustees shall elect from its membership a chairman and a vice chairman. The board of trustees shall appoint an executive director who shall serve as the administrative officer of the retirement system and as secretary to the board of trustees. It shall employ one or more persons, firms or corporations experienced in the investment of moneys to serve as investment counsel to the board of trustees. The compensation of all persons engaged by the board of trustees and all other expenses of the board necessary for the operation of the retirement system shall be paid at such rates and in such amounts as the board of trustees shall approve, and shall be paid from the investment income.

8. The board of trustees shall keep in convenient form such data as shall be necessary for actuarial valuations of the various funds of the retirement system and for checking the experience of the system.

9. The board of trustees shall keep a record of all its proceedings which shall be open to public inspection. It shall prepare annually and furnish to the board of education and to each member of the retirement system who so requests a report showing the fiscal transactions of the retirement system for the preceding fiscal year, the amount of accumulated cash and securities of the system, and the last balance sheet showing the financial condition of the system by means of an actuarial valuation of the assets and liabilities of the retirement system.

10. The board of trustees shall have, in its own name, power to sue and to be sued, to enter into contracts, to own property, real and personal, and to convey the same; but the members of such board of trustees shall not be personally liable for obligations or liabilities of the board of trustees or of the retirement system.

11. The board of trustees shall arrange for necessary legal advice for the operation of the retirement system.

12. The board of trustees shall designate a medical board to be composed of three or more physicians who shall not be eligible for membership in the system and who shall pass upon all medical examinations required under the provisions of sections 169.270 to 169.400, shall investigate all essential statements and certificates made by or on behalf of a member in connection with an application for disability retirement and shall report in writing to the board of trustees its conclusions and recommendations upon all matters referred to it.

13. The board of trustees shall designate an actuary who shall be the technical advisor of the board of trustees on matters regarding the operation of the retirement system and shall perform such other duties as are required in connection therewith. Such person shall be qualified as an actuary by membership as a Fellow of the Society of Actuaries or by similar objective standards.

14. At least once in each five-year period the actuary shall make an investigation into the actuarial experience of the members, retirants and beneficiaries of the retirement system and, taking into account the results of such investigation, the board of trustees shall adopt for the retirement system such actuarial assumptions as the board of trustees deems necessary for the financial soundness of the retirement system.

15. On the basis of such actuarial assumptions as the board of trustees adopts, the actuary shall make annual valuations of the assets and liabilities of the funds of the retirement system.

16. The rate of contribution payable by the **[**employer**]** **employers** shall equal one and ninety-nine one-hundredths percent, effective July 1, 1993; three and ninety-nine one-hundredths percent, effective July 1, 1995; five and ninety-nine one-hundredths percent, effective July 1, 1996; seven and one-half percent effective January 1, 1999, and for **[**all**]** subsequent **calendar** years **through 2013. For calendar year 2014 and each subsequent year, the rate of contribution payable by the employers for each year shall be determined by the actuary for the retirement system in the manner provided in subsection 4 of section 169.350 and shall be certified by the board of trustees to the employers at least six months prior to the date such rate is to be effective**.

17. In the event of a lapse of a school district's corporate organization as described in subsections 1 and 4 of section 162.081, no retirement system, nor any of the assets of any retirement system, shall be transferred to or merged with another retirement system without prior approval of such transfer or merge by the board of trustees of the retirement system.

169.301. RETIREMENT BENEFITS TO VEST, WHEN — AMOUNT, HOW COMPUTED — OPTION OF CERTAIN MEMBERS TO TRANSFER PLANS, REQUIREMENTS — RETIRANT BECOMING ACTIVE MEMBER, EFFECT ON BENEFITS — TERMINATION OF SYSTEM, EFFECT OF — MILITARY SERVICE, EFFECT OF. — 1. Any active member who has completed five or more years of actual (not purchased) creditable service shall be entitled to a vested retirement benefit equal to the annual service retirement allowance provided in sections 169.270 to 169.400 payable after attaining the minimum normal retirement age and calculated in accordance with the law in effect on the last date such person was a regular employee; provided, that such member does not withdraw such person's accumulated contributions pursuant to section 169.328 prior to attaining the minimum normal retirement age.

2. Any member who elected on October 13, 1961, or within thirty days thereafter, to continue to contribute and to receive benefits under sections 169.270 to 169.400 may continue to be a member of the retirement system under the terms and conditions of the plan in effect immediately prior to October 13, 1961, or may, upon written request to the board of trustees, transfer to the present plan, provided that the member pays into the system any additional contributions with interest the member would have credited to the member's account if such person had been a member of the current plan since its inception or, if the person's contributions and interest are in excess of what the person would have paid, such person will receive a refund of such excess. The board of trustees shall adopt appropriate rules and regulations governing the operation of the plan in effect immediately prior to October 13, 1961.

3. Should a retirant again become an active member, such person's retirement allowance payments shall cease during such membership and shall be recalculated upon subsequent retirement to include any creditable service earned during the person's latest period of active membership in accordance with subsection 2 of section 169.324.

4. In the event of the complete termination of the retirement system established by section 169.280 or the complete discontinuance of contributions to such retirement system, the rights of all members to benefits accrued to the date of such termination or discontinuance, to the extent then funded, shall be fully vested and nonforfeitable.

5. If a member leaves employment with an employer to perform qualified military service, as defined in Section 414(u) of the Internal Revenue Code of 1986, as amended, and dies while in such service, the member's survivors shall be entitled to any additional benefits (other than benefit accruals relating to the period of qualified military service) that would have been provided had the member resumed employment with the employer and then terminated on account of death in accordance with the requirements of Sections **[**407(a)(37)**]** **401(a)(37)** and 414(u) of the Internal Revenue Code of 1986, as amended. In such event, the member's period of qualified

military [services] **service** shall be counted as creditable service for purposes of vesting but not for purposes of determining the amount of the member's retirement allowance.

169.324. RETIREMENT ALLOWANCES, AMOUNTS — RETIRANTS MAY SUBSTITUTE WITHOUT AFFECTING ALLOWANCE, LIMITATION — ANNUAL DETERMINATION OF ABILITY TO PROVIDE BENEFITS, STANDARDS — ACTION PLAN FOR USE OF MINORITY AND WOMEN MONEY MANAGERS, BROKERS AND INVESTMENT COUNSELORS. — 1. The annual service retirement allowance payable pursuant to section 169.320 [in equal monthly installments for life shall be the retirant's number of years of creditable service multiplied by one and three-fourths percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation. For any member who retires as an active member on or after June 30, 1999, the annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life shall be the retirant's number of years of creditable service multiplied by two percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation. Any member whose number of years of creditable service is greater than thirty-four and one-quarter on August 28, 1993, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service as of August 28, 1993, multiplied by one and three-fourths percent of the person's average final compensation but shall not receive a greater annual service retirement allowance based on additional years of creditable service after August 28, 1993. Provided, however, that,] **shall be the retirant's number of years of creditable service multiplied by a percentage of the retirant's average final compensation, determined as follows:**

(1) A retirant whose last employment as a regular employee ended prior to June 30, 1999, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service multiplied by one and three-fourths percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation;

(2) A retirant whose number of years of creditable service is greater than thirty-four and one-quarter on August 28, 1993, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service as of August 28, 1993, multiplied by one and three-fourths percent of the person's average final compensation but shall not receive a greater annual service retirement allowance based on additional years of creditable service after August 28, 1993;

(3) A retirant who was an active member of the retirement system at any time on or after June 30, 1999, and who either retires before January 1, 2014, or is a member of the retirement system on December 31, 2013, and remains a member continuously to retirement shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service multiplied by two percent of the person's average final compensation, subject to a maximum of sixty percent of the person's final compensation;

(4) A retirant who becomes a member of the retirement system on or after January 1, 2014, including any retirant who was a member of the retirement system before January 1, 2014, but ceased to be a member for any reason other than retirement, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service multiplied by one and three-fourths percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation;

(5) Notwithstanding the provisions of subdivisions (1) to (4) of this subsection, effective January 1, 1996, any **[**retiree**]** **retirant** who retired on, before or after January 1, 1996, with at least twenty years of creditable service shall receive at least three hundred dollars each month as a retirement allowance, or the actuarial equivalent thereof if the **[**retiree**]** **retirant** elected any of the options available under section 169.326. **[**Provided, further, any retiree**]** **Any retirant** who retired with at least ten years of creditable service shall receive at least one hundred fifty dollars each month as a retirement allowance, plus fifteen dollars for each additional full year of creditable service greater than ten years but less than twenty years (or the actuarial equivalent thereof if the **[**retiree**]** **retirant** elected any of the options available under section 169.326). Any beneficiary of a deceased **[**retiree**]** **retirant** who retired with at least ten years of creditable service and elected one of the options available under section 169.326 shall also be entitled to the actuarial equivalent of the minimum benefit provided by this subsection, determined from the option chosen.

2. Except as otherwise provided in sections 169.331, 169.580 and 169.585, payment of a retirant's retirement allowance will be suspended for any month for which such person receives remuneration from the person's employer or from any other employer in the retirement system established by section 169.280 for the performance of services except any such person other than a person receiving a disability retirement allowance under section 169.322 may serve as a nonregular substitute, part-time or temporary employee for not more than six hundred hours in any school year without becoming a member and without having the person's retirement allowance discontinued, provided that through such substitute, part-time, or temporary employment, the person may earn no more than fifty percent of the annual salary or wages the person was last paid by the employer before the person retired and commenced receiving a retirement allowance, adjusted for inflation. If a person exceeds such hours limit or such compensation limit, payment of the person's retirement allowance shall be suspended for the month in which such limit was exceeded and each subsequent month in the school year for which the person receives remuneration from any employer in the retirement system. If a retirant is reemployed by any employer in any capacity, whether pursuant to this section, or section 169.331, 169.580, or 169.585, or as a regular employee, the amount of such person's retirement allowance attributable to service prior to the person's first retirement date shall not be changed by the reemployment. If the person again becomes an active member and earns additional creditable service, upon the person's second retirement the person's retirement allowance shall be the sum of:

(1) The retirement allowance the person was receiving at the time the person's retirement allowance was suspended, pursuant to the payment option elected as of the first retirement date, plus the amount of any increase in such retirement allowance the person would have received pursuant to subsection 3 of this section had payments not been suspended during the person's reemployment; and

(2) An additional retirement allowance computed using the benefit formula in effect on the person's second retirement date, the person's creditable service following reemployment, and the person's average final annual compensation as of the second retirement date. The sum calculated pursuant to this subsection shall not exceed the greater of sixty percent of the person's average final compensation as of the second retirement date or the amount determined pursuant to subdivision (1) of this subsection. Compensation earned prior to the person's first retirement date shall be considered in determining the person's average final compensation as of the second retirement date if such compensation would otherwise be included in determining the person's average final compensation.

3. The board of trustees shall determine annually whether the investment return on funds of the system can provide for an increase in benefits for retirants eligible for such increase. A retirant shall and will be eligible for an increase awarded pursuant to this section as of the second January following the date the retirant commenced receiving retirement benefits. Any such

increase shall also apply to any monthly joint and survivor retirement allowance payable to such retirant's beneficiaries, regardless of age. The board shall make such determination as follows:

(1) After determination by the actuary of the investment return for the preceding year as of December thirty-first (the "valuation year"), the actuary shall recommend to the board of trustees what portion of the investment return is available to provide such benefits increase, if any, and shall recommend the amount of such benefits increase, if any, to be implemented as of the first day of the thirteenth month following the end of the valuation year, and **[**the**]** first payable on or about the first day of the fourteenth month following the end of the valuation year. The actuary shall make such recommendations so as not to affect the financial soundness of the retirement system, recognizing the following safeguards:

(a) The retirement system's funded ratio as of January first of the year preceding the year of a proposed increase shall be at least one hundred percent after adjusting for the effect of the proposed increase. The funded ratio is the ratio of assets to the pension benefit obligation;

(b) The actuarially required contribution rate, after adjusting for the effect of the proposed increase, may not exceed the **[**statutory**] then applicable employer and member** contribution rate **as determined under subsection 4 of section 169.350**;

(c) The actuary shall certify to the board of trustees that the proposed increase will not impair the actuarial soundness of the retirement system;

(d) A benefit increase, under this section, once awarded, cannot be reduced in succeeding years;

(2) The board of trustees shall review the actuary's recommendation and report and shall, in their discretion, determine if any increase is prudent and, if so, shall determine the amount of increase to be awarded.

4. This section does not guarantee an annual increase to any retirant.

5. If an inactive member becomes an active member after June 30, 2001, and after a break in service, unless the person earns at least four additional years of creditable service without another break in service, upon retirement the person's retirement allowance shall be calculated separately for each separate period of service ending in a break in service. The retirement allowance shall be the sum of the separate retirement allowances computed for each such period of service using the benefit formula in effect, the person's average final compensation as of the last day of such period of service and the creditable service the person earned during such period of service; provided, however, if the person earns at least four additional years of creditable service without another break in service, all of the person's creditable service prior to and including such service shall be aggregated and, upon retirement, the retirement allowance shall be computed using the benefit formula in effect and the person's average final compensation as of the last day of such period of four or more years and all of the creditable service the person earned prior to and during such period.

6. Notwithstanding anything contained in this section to the contrary, the amount of the annual service retirement allowance payable to any retirant pursuant to the provisions of sections 169.270 to 169.400, including any adjustments made pursuant to subsection 3 of this section, shall at all times comply with the provisions and limitations of Section 415 of the Internal Revenue Code of 1986, as amended, and the regulations thereunder, the terms of which are specifically incorporated herein by reference.

7. All retirement systems established by the laws of the state of Missouri shall develop a procurement action plan for utilization of minority and women money managers, brokers and investment counselors. Such retirement systems shall report their progress annually to the joint committee on public employee retirement and the governor's minority advocacy commission.

169.350. ASSETS HELD IN TWO FUNDS — SOURCE AND DISBURSEMENT — DEDUCTIONS — CONTRIBUTIONS, EMPLOYER MAY ELECT TO PAY PART OR ALL OF EMPLOYEE'S CONTRIBUTION, PROCEDURE — RATE OF CONTRIBUTIONS TO BE CALCULATED. — 1. All of the assets of the retirement system (other than tangible real or personal property owned by the

retirement system for use in carrying out its duties, such as office supplies and furniture) shall be credited, according to the purpose for which they are held, in either the employees' contribution fund or the general reserve fund.

(1) The employees' contribution fund shall be the fund in which shall be accumulated the contributions of the members. The employer shall, except as provided in subdivision (5) of this subsection, cause to be deducted from the compensation of each member on each and every payroll, for each and every payroll period, the pro rata portion of five and nine-tenths percent of his annualized compensation. Effective January 1, 1999, **through December 31, 2013,** the employer shall deduct an additional one and six-tenths percent of the member's annualized compensation. **For 2014 and for each subsequent year, the employer shall deduct from each member's annualized compensation the rate of contribution determined for such year by the actuary for the retirement system in the manner provided in subsection 4 of this section.**

(2) The employer shall pay all such deductions and any amount it may elect to pay pursuant to subdivision (5) of this subsection to the retirement system at once. The retirement system shall credit such deductions and such amounts to the individual account of each member from whose compensation the deduction was made or with respect to whose compensation the amount was paid pursuant to subdivision (5) of this subsection. In determining the deduction for a member in any payroll period, the board of trustees may consider the rate of compensation payable to such member on the first day of the payroll period as continuing throughout such period.

(3) The deductions provided for herein are declared to be a part of the compensation of the member and the making of such deductions shall constitute payments by the member out of the person's compensation and such deductions shall be made notwithstanding that the amount actually paid to the member after such deductions is less than the minimum compensation provided by law for any member. Every member shall be deemed to consent to the deductions made and provided for herein, and shall receipt for the person's full compensation, and the making of the deduction and the payment of compensation less the deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for services rendered during the period covered by the payment except as to benefits provided by sections 169.270 to 169.400.

(4) The accumulated contributions with interest of a member withdrawn by the person or paid to the person's estate or designated beneficiary in the event of the person's death before retirement shall be paid from the employees' contribution fund. Upon retirement of a member the member's accumulated contributions with interest shall be transferred from the employees' contribution fund to the general reserve fund.

(5) The employer may elect to pay on behalf of all members all or part of the amount that the members would otherwise be required to contribute to the employees' contribution fund pursuant to subdivision (1) of this subsection. Such amounts paid by the employer shall be in lieu of members' contributions and shall be treated for all purposes of sections 169.270 to 169.400 as contributions made by members. Notwithstanding any other provision of this chapter to the contrary, no member shall be entitled to receive such amounts directly. The election shall be made by a duly adopted resolution of the employer's board and shall remain in effect for at least one year from the effective date thereof. The election may be thereafter terminated only by an affirmative act of the employer's board notwithstanding any limitation in the term thereof in the adopting resolution. Any such termination resolution shall be adopted at least sixty days prior to the effective date thereof, and the effective date thereof shall coincide with a fiscal year-end of the employer. In the absence of such a termination resolution, the election shall remain in effect from fiscal year to fiscal year.

2. The general reserve fund shall be the fund in which shall be accumulated all reserves for the payment of all benefit expenses and other demands whatsoever upon the retirement system except those items heretofore allocated to the employees' contribution fund.

(1) All contributions by the employer, except those the employer elects to make on behalf of the members pursuant to subdivision (5) of subsection 1 of this section, shall be credited to the general reserve fund.

(2) Should a retirant be restored to active service and again become a member of the retirement system, the excess, if any, of the person's accumulated contributions over benefits received by the retirant shall be transferred from the general reserve fund to the employees' contribution fund and credited to the person's account.

3. Gifts, devises, bequests and legacies may be accepted by the board of trustees and deposited in the general reserve fund to be held, invested and used at its discretion for the benefit of the retirement system except where specific direction for the use of a gift is made by a donor.

4. Beginning in 2013, the actuary for the retirement system shall annually calculate the rate of employer contributions and member contributions for 2014 and for each subsequent calendar year, expressed as a level percentage of the annualized compensation of the members, subject to the following:

(1) The rate of contribution for any calendar year shall be determined based on an actuarial valuation of the retirement system as of the first day of the prior calendar year. Such actuarial valuation shall be performed using the actuarial cost method and actuarial assumptions adopted by the board of trustees and in accordance with accepted actuarial standards of practice in effect at the time the valuation is performed, as promulgated by the actuarial standards board or its successor;

(2) The target combined employer and member contribution rate shall be the amount actuarially required to cover the normal cost and amortize any unfunded accrued actuarial liability over a period that shall not exceed thirty years from the date of the valuation;

(3) The target combined rate as so determined shall be allocated equally between the employer contribution rate and the member contribution rate, provided, however, that the level rate of contributions to be paid by the employers and the level rate of contributions to be deducted from the compensation of members for any calender year shall each be limited as follows:

(a) The contribution rate shall not be less than seven and one-half percent;

(b) The contribution rate shall not exceed nine percent; and

(c) Changes in the contribution rate from year to year shall be in increments of one-half percent such that the contribution rate for any year shall not be greater than or less than the rate in effect for the prior year by more than one-half percent;

(4) The board of trustees shall certify to the employers the contribution rate for the following calendar year no later than six months prior to the date such rate is to be effective.

184.800. LAW, HOW CITED. — Sections 184.800 to 184.880 shall be known as the "Missouri Museum **and Cultural** District Act".

184.805. DEFINITIONS. — 1. As used in sections 184.800 to 184.880, the following terms mean:

(1) "Board", the board of directors of a district;

(2) **"Cultural asset", a building or area used for the purposes of promoting community culture and the arts, recreation and knowledge, including for purposes of supporting or promoting the performing arts, theater, music, entertainment, public spaces, public libraries or other public assets;**

(3) "Disaster area", an area located within a municipality for which public and individual assistance has been declared by the President under Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. Section 5121, et seq.,

provided that the municipality adopts or has adopted an ordinance approving a redevelopment plan within three years after the President declares such disaster;

(4) "District", a museum **and cultural** district organized pursuant to sections 184.800 to 184.880;

[(3)**] (5)** "Museum", a building or area used for the purpose of exhibiting and/or preserving objects or specimens of interest to the public, including but not limited to **photographs,** art, **historical** items**, items** of natural history, and items connected with wildlife **[**and**],** conservation**, and historical events**;

[(4)**] (6)** "Owner of real property", the owner of the fee interest in the real property**[**, except that when the real property is subject to a lease of ten or more years, the lessee rather than the owner of the fee interest shall be considered as the "owner of real property"**]**. An owner may be either a natural person or a **[**juridical**] legal** entity.

2. For the purposes of sections 11(c), 16 and 22 of article X of the Constitution of Missouri, section 137.073, and as used in sections 184.800 to 184.880, the following terms shall have the meanings given:

(1) "Approval of the required majority" **[**or "direct voter approval"**]**, a simple majority;

(2) "Qualified voters", the owners of real property located within the proposed district **[**or any person residing in the district who is a legal voter within the district**]**.

184.810. AUTHORIZED PURPOSES OF A DISTRICT — DISTRICT IS A POLITICAL SUBDIVISION — LIMITATION ON NAMES OF STRUCTURES. — 1. A district **where the majority of the property is located within a disaster area** may be created to fund, promote, plan, design, construct, improve, maintain and operate one or more projects relating to **[**a museum**] one or more museums and cultural assets** or to assist in such activity.

2. A district is a political subdivision of the state.

3. No structures operated by a museum **and cultural** district board pursuant to sections 184.800 to 184.880 shall be named for a commercial venture.

184.815. PETITION FOR CREATION OF DISTRICT TO BE FILED, WHEN — SIZE OF DISTRICT — PETITION CONTENTS — OBJECTIONS TO PETITION, WHEN RAISED. — 1. Whenever the creation of a district is desired, the owners of real property who own at least two-thirds of the real property within the proposed district may file a petition requesting the creation of a district. The petition shall be filed in the circuit court of the county in which the proposed district is located. Any petition to create a museum **and cultural** district pursuant to the provisions of sections 184.800 to 184.880 shall be filed **[**on or before December 31, 1998**] within five years after the Presidential declaration establishing the disaster area**.

2. The proposed district area **[**shall be contiguous and**]** may contain **one or more parcels of real property, which may or may not be contiguous and may further include** any portion of one or more municipalities.

3. The petition shall set forth:

(1) The name and address of each owner of real property located within the proposed district **[**or who is a legal voter resident within the proposed district**]**;

(2) A specific description of the proposed district boundaries including a map illustrating such boundaries;

(3) A general description of the purpose or purposes for which the district is being formed, including a description of the proposed museum or museums **and cultural asset or cultural assets** and a general plan for **[**its**]** operation **of each museum and each cultural asset within the district**; and

(4) The name of the proposed district.

4. In the event any owner of real property within the proposed district who is named in the petition **[**or any legal voter resident within the district**]** shall not join in the petition or file an entry of appearance and waiver of service of process in the case, a copy of the petition shall be

served upon said owner **[**or legal voter**]** in the manner provided by supreme court rule for the service of petitions generally. Any objections to the petition shall be raised by answer within the time provided by supreme court rule for the filing of an answer to a petition.

184.820. PETITIONS, WHO MAY FILE — HEARING ON PETITION — APPEALS. — 1. Any owner of real property within the proposed district **[**and any legal voter who is a resident within the proposed district**]** may join in or file a petition supporting or answer opposing the creation of the district and seeking a judgment respecting these same issues.

2. The court shall hear the case without a jury. If the court determines the petition is defective or the proposed district or its plan of operation is unconstitutional, it shall enter its judgment to that effect and shall refuse to incorporate the district as requested in the pleadings. If the court determines the petition is not legally defective and the proposed district and plan of operation are not unconstitutional, the court shall determine and declare the district organized and incorporated and shall approve the plan of operation stated in the petition.

3. Any party having filed a petition or answer to a petition may appeal the circuit court's order or judgment in the same manner as provided for other appeals. Any order either refusing to incorporate the district or incorporating the district shall be deemed a final judgment for purposes of appeal.

184.827. MUSEUM AND CULTURAL DISTRICT BOARD, MEMBERS. — A museum **and cultural** district created pursuant to sections 184.800 to 184.880 shall be governed by a board of directors consisting of **[**eight**] five** members**[**. Five of the members**] who** shall be elected as provided in section 184.830. **[**Three members of the board of directors shall be appointed by the governor with the advice and consent of the senate for a three-year term. Not more than two of the three members appointed by the governor shall be of the same political party. The governor shall appoint an interim director to complete the unexpired term of a director caused by resignation or disqualification who was appointed by the governor.**]**

184.830. NOTICE OF ORDER DECLARING DISTRICT, PUBLICATION, ELECTION OF BOARD OF DIRECTORS — ELECTION OF CHAIRMAN AND SECRETARY PROCEDURES — TERM OF A DIRECTOR AND AGE QUALIFICATION. — 1. Within thirty days after the order declaring the district organized has become final, the circuit clerk of the county in which the petition was filed shall, give notice by causing publication to be made once a week for two consecutive weeks in a newspaper of general circulation in the county, the last publication of which shall be at least ten days before the day of the meeting required by this section, call a meeting of the owners of real property within the district at a day and hour specified in a public place in the county in which the petition was filed for the purpose of electing a board of five directors, to be composed of owners or representatives of owners of real property in the district.

2. The owners of real property, when assembled, shall organize by the election of a chairman and secretary of the meeting who shall conduct the election. At the election, each acre of real property within the district shall be considered as a voting interest, and each owner of real property shall have one vote in person or by proxy for every acre of real property owned within the district for each director to be elected. A director need not be a legal voter of the district.

3. Each director shall serve for a term of three years and until his **or her** successor is duly elected and qualified. Successor directors shall be elected in the same manner as the initial directors at a meeting of the owners of real property called by the board. Each successor director shall serve a three-year term. The remaining directors shall have the authority to elect an interim director to complete any unexpired term of a director caused by resignation or disqualification.

4. Directors shall be at least twenty-one years of age.

184.835. POWERS OF BOARD OF DIRECTORS — ELECTION OF OFFICERS — EMPLOYEES QUORUM NECESSARY FOR BOARD ACTION — REIMBURSEMENT OF EXPENSES. — 1. The board shall possess and exercise all of the district's legislative and executive powers.

2. Within thirty days after the election of the initial directors, the board shall meet. At its first meeting and after each election of new board members the board shall elect a chairman, a secretary, a treasurer and such other officers as it deems necessary from its members. A director may fill more than one office, except that a director may not fill both the office of chairman and secretary.

3. **[**The board may employ such employees as it deems necessary; provided, however, that the board shall not employ any employee who is related within the fourth degree by blood or marriage to a member of the board.

4.**]** At the first meeting, the board, by resolution, shall define the first and subsequent fiscal years of the district, and shall adopt a corporate seal.

[5.**]** **4.** A simple majority of the board shall constitute a quorum. If a quorum exists, a **simple** majority of those voting shall have the authority to act in the name of the board, and approve any board resolution.

[6.**]** **5.** Each director shall devote such time to the duties of the office as the faithful discharge thereof may require and may be reimbursed for his or her actual expenditures in the performance of his or her duties on behalf of the district.

184.840. FUNDING, AUTHORITY TO RECEIVE AND EXPEND — APPROPRIATIONS. — 1. A district may receive and use funds for the purposes of planning, designing, constructing, reconstructing, maintaining and operating **[**a museum**]** **one or more museums and cultural assets**, conducting educational programs in connection therewith **[**for any public purpose**]** which is reasonably connected with the museum **or cultural asset** and for any other purposes authorized by sections 184.840 to 184.880. Such funds may be derived from any funding method which is authorized by sections 184.800 to 184.880 and from any other source, including but not limited to funds from federal sources, the state of Missouri or an agency thereof, a political subdivision of the state or private sources.

2. The general assembly may annually for a period of twenty years after **[**July 7, 1997**]** **January 1, 2013**, make appropriations from general revenue to a district which is created pursuant to the provisions of sections 184.800 to 184.880.

184.845. SALES TAX, BOARD MAY IMPOSE MUSEUM DISTRICT SALES TAX, HOW IMPOSED — RATE OF TAX — VIOLATIONS, PENALTIES. — 1. The board of the district may impose a museum **and cultural** district sales tax by resolution on all retail sales made in such museum **and cultural** district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525. Such museum **and cultural** district sales tax may be imposed for any museum **or cultural** purpose designated by the board of the museum **and cultural** district. If the resolution is adopted the board of the district may submit the question of whether to impose a sales tax authorized by this section to **[**either the legal voters of the district and/or to the owners of real property within the district**]** **the qualified voters,** who shall have the same voting interests as with the election of members of the board of the district.

2. The sales tax authorized by this section shall become effective on the first day of the second calendar quarter following adoption of the tax by the **board or qualified voters, if the board elects to submit the question of whether to impose a sales tax to the** qualified voters.

3. In each museum **and cultural** district in which a sales tax has been imposed in the manner provided by this section, every retailer shall add the tax imposed by the museum **and cultural** district pursuant to this section to the retailer's sale price, and when so added such tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

4. In order to permit sellers required to collect and report the sales tax authorized by this section to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the museum **and cultural** district may establish appropriate brackets which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets provided in section **[**144.825**]** **144.285**.

5. All revenue received by a museum **and cultural** district from the tax authorized by this section which has been designated for a certain museum **or cultural** purpose shall be deposited in a special trust fund and shall be used solely for such designated purpose. All funds remaining in the special trust fund shall continue to be used solely for such designated museum **or cultural** purpose. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors in accordance with applicable laws relating to the investment of other museum **or cultural** district funds.

6. The sales tax may be imposed at a rate of one-half of one percent, three-fourths of one percent or one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the museum **and cultural** district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525. Any museum **and cultural** district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the district.

7. On and after the effective date of any tax imposed pursuant to this section, the museum **and cultural** district shall perform all functions incident to the administration, collection, enforcement, and operation of the tax. The tax imposed pursuant to this section shall be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the museum **and cultural** district.

8. All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax, sections 32.085 and 32.087, and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section. **All revenue collected under this section by the director of the department of revenue on behalf of the museum and cultural districts, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the "Missouri Museum Cultural District Tax Fund", and shall be used solely for such designated purpose. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the fund and credited to the district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such county.**

9. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services pursuant to the provisions of sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax imposed by this section.

10. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the museum **and cultural** district may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

11. The penalties provided in section 32.057 and sections 144.010 to 144.525 for violation of those sections are hereby made applicable to violations of this section.

12. For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-

state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order shall be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which the employee works.

13. All sales taxes collected by the museum **and cultural** district shall be deposited by the museum **and cultural** district in a special fund to be expended for the purposes authorized in this section. The museum **and cultural** district shall keep accurate records of the amount of money which was collected pursuant to this section, and the records shall be open to the inspection by the officers and directors of each museum **and cultural** district and the Missouri department of revenue. Tax returns filed by businesses within the district shall otherwise be considered as confidential in the same manner as sales tax returns filed with the Missouri department of revenue.

14. No museum **and cultural** district imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued to finance any project or projects.

184.847. ADMISSION FEE AUTHORIZED, RATE — DEPOSIT IN SPECIAL TRUST FUND. — 1. The board of a district may impose an admissions fee on every person, firm, association, company or partnership of whatever form offering or managing any form of entertainment, amusement, athletic or other commercial or nonprofit event or venue for which admission is charged and which is presented within the district. The fee shall be at a rate of no more than one dollar per seat or admission sold. This fee is in addition to any state or local tax. Such admission fee may be imposed for any museum and cultural purpose designated by the board of the museum and cultural district. If the resolution is adopted, the board of the district may submit the question of whether to impose such admission fee authorized by this section to the qualified voters, who shall have the same voting interests as with the election of members of the board of the district. The question shall specify the particular types of events or venues that shall be subject to such admission fee.

2. The admission fee authorized by this section shall become effective on the first day of the second calendar quarter following the adoption of the admission fee by the qualified voters.

3. All revenue received by a museum and cultural district from the admission fee authorized by this section shall be deposited into a special trust fund and shall be used solely for such designated purpose. All funds remaining in the special trust fund shall continue to be used solely for such designated museum or cultural purpose. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors in accordance with applicable laws relating to the investment of other museum and cultural district funds.

4. On and after the effective date of any admission fee imposed pursuant to this section, the museum and cultural district shall perform all functions incident to the administration, collection, enforcement, and operation of the admission fee. The admission fee imposed under this section shall be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the museum and cultural district.

184.850. POWERS OF DISTRICT. — 1. A district may contract and incur obligations appropriate to accomplish its purposes.

2. A district may enter into any lease or lease-purchase agreement for or with respect to any real or personal property necessary or convenient for its purposes.

3. A district may enter into operating agreements and/or management agreements **[**with not-for-profit corporations**]** to operate **[**the**] a** museum **or cultural asset** or carry out any other authorized purposes or functions of the district.

4. A district may borrow money for its purposes at such rates of interest as the district may determine.

5. A district may issue bonds, notes and other obligations, and may secure any of such obligations by mortgage, pledge, assignment, security agreement or deed of trust of any or all of the property and income of the district, subject to the restrictions provided in sections 184.800 to 184.880. The district shall also have the power and authority to secure financing on the issuance of bonds for financing through another political subdivision or an agency of the state.

6. A district may enter into labor agreements, establish all bid conditions, decide all contract awards, pay all contractors and generally supervise the construction of **[**the**] a** museum **or cultural asset** project.

7. A district may hire employees, enter leases and contracts, and otherwise take such actions and enter into such agreements as are necessary or incidental to the ownership, operation, and maintenance of each museum and each cultural asset within the district.

184.865. CONTRACTS WITH OTHER POLITICAL SUBDIVISIONS OR OTHER ENTITIES. — The district may contract with a federal agency, a state or its agencies and political subdivisions, a corporation, partnership **or limited partnership, limited liability company,** or individual regarding funding, promotion, planning, designing, constructing, improving, maintaining, or operating **[**a project**] any museum or cultural asset within the district** or to assist in such activity**[**; provided, however, that any contract providing for the overall management and operation of the museum for the district shall only be with a governmental entity or a not-for-profit corporation**]**.

198.345. APARTMENTS FOR SENIORS, DISTRICTS MAY ESTABLISH (COUNTIES OF THIRD AND FOURTH CLASSIFICATION). — Nothing in sections 198.200 to 198.350 shall prohibit a nursing home district from establishing and maintaining apartments for seniors that provide at a minimum housing**[**,**] and** food services**[**, and emergency call buttons to the apartment residents**]** in any county of the third **or fourth** classification **[**without a township form of government and with more than twenty-eight thousand two hundred but fewer than twenty-eight thousand three hundred inhabitants or any county of the third classification without a township form of government and with more than nine thousand five hundred fifty but fewer than nine thousand six hundred fifty inhabitants**] within its corporate limits**. Such nursing home districts shall not lease such apartments for less than fair market rent as reported by the United States Department of Housing and Urban Development.

302.060. LICENSE NOT TO BE ISSUED TO WHOM, EXCEPTIONS — REINSTATEMENT REQUIREMENTS. — 1. The director shall not issue any license and shall immediately deny any driving privilege:

(1) To any person who is under the age of eighteen years, if such person operates a motor vehicle in the transportation of persons or property as classified in section 302.015;

(2) To any person who is under the age of sixteen years, except as hereinafter provided;

(3) To any person whose license has been suspended, during such suspension, or to any person whose license has been revoked, until the expiration of one year after such license was revoked;

(4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;

(5) To any person who has previously been adjudged to be incapacitated and who at the time of application has not been restored to partial capacity;

(6) To any person who, when required by this law to take an examination, has failed to pass such examination;

(7) To any person who has an unsatisfied judgment against such person, as defined in chapter 303, until such judgment has been satisfied or the financial responsibility of such person, as defined in section 303.120, has been established;

(8) To any person whose application shows that the person has been convicted within one year prior to such application of violating the laws of this state relating to failure to stop after an accident and to disclose the person's identity or driving a motor vehicle without the owner's consent;

(9) To any person who has been convicted more than twice of violating state law, or a county or municipal ordinance where the defendant was represented by or waived the right to an attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten years from the date of conviction of the last offense of violating such law or ordinance relating to driving while intoxicated, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction, including the results of a criminal history check as defined in section 302.010. If the court finds that the petitioner has not been convicted, pled guilty to or been found guilty of, and has no pending charges for any offense related to alcohol, controlled substances or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525 during the preceding ten years and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court **[**may**]** **shall** order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540. No person may obtain a license pursuant to the provisions of this subdivision through court action more than one time;

(10) To any person who has pled guilty to or been convicted of the crime of involuntary manslaughter while operating a motor vehicle in an intoxicated condition, or to any person who has been convicted twice within a five-year period of violating state law, county or municipal ordinance of driving while intoxicated, or any other intoxication-related traffic offense as defined in section 577.023, except that, after the expiration of five years from the date of conviction of the last offense of violating such law or ordinance, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction, including the results of a criminal history check as defined in section 302.010. If the court finds that the petitioner has not been convicted, pled guilty to, or been found guilty of, and has no pending charges for any offense related to alcohol, controlled substances, or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525 during the preceding five years, and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court **[**may**]** **shall** order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540;

(11) To any person who is otherwise disqualified pursuant to the provisions of sections 302.010 to 302.780, chapter 303, or section 544.046;

(12) To any person who is under the age of eighteen years, if such person's parents or legal guardians file a certified document with the department of revenue stating that the director shall not issue such person a driver's license. Each document filed by the person's parents or legal guardians shall be made upon a form furnished by the director and shall include identifying information of the person for whom the parents or legal guardians are denying the driver's license. The document shall also contain identifying information of the person's parents or legal guardians. The document shall be certified by the parents or legal guardians to be true and correct. This provision shall not apply to any person who is legally emancipated. The parents or legal guardians may later file an additional document with the department of revenue which reinstates the person's ability to receive a driver's license.

2. Any person whose license is reinstated under the provisions of **[**subdivisions (9) and (10)**]** **subdivision (9) or (10)** of subsection 1 of this section shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device required for reinstatement under this subsection and for obtaining a limited driving privilege under paragraph (a) or (b) of subdivision (8) of subsection 3 of section 302.309 shall have photo identification technology and global positioning system features. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended for an additional six months. If the person fails to maintain such proof with the director, the license shall be suspended for the remainder of the six-month period or until proof as required by this section is filed with the director. Upon the completion of the six-month period, the license shall be shown as reinstated, if the person is otherwise eligible.

3. Any person who petitions the court for reinstatement of his or her license pursuant to subdivision (9) or (10) of subsection 1 of this section shall make application with the Missouri state highway patrol as provided in section 43.540, and shall submit two sets of fingerprints collected pursuant to standards as determined by the highway patrol. One set of fingerprints shall be used by the highway patrol to search the criminal history repository and the second set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files. At the time of application, the applicant shall supply to the highway patrol the court name and case number for the court where he or she has filed his or her petition for reinstatement. The applicant shall pay the fee for the state criminal history check pursuant to section 43.530 and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record. The Missouri highway patrol, upon receipt of the results of the criminal history check, shall forward a copy of the results to the circuit court designated by the applicant and to the department. Notwithstanding the provisions of section 610.120, all records related to any criminal history check shall be accessible and available to the director and the court.

[302.060. LICENSE NOT TO BE ISSUED TO WHOM, EXCEPTIONS — REINSTATEMENT REQUIREMENTS. — 1. The director shall not issue any license and shall immediately deny any driving privilege:

(1) To any person who is under the age of eighteen years, if such person operates a motor vehicle in the transportation of persons or property as classified in section 302.015;

(2) To any person who is under the age of sixteen years, except as hereinafter provided;

(3) To any person whose license has been suspended, during such suspension, or to any person whose license has been revoked, until the expiration of one year after such license was revoked;

(4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;

(5) To any person who has previously been adjudged to be incapacitated and who at the time of application has not been restored to partial capacity;

(6) To any person who, when required by this law to take an examination, has failed to pass such examination;

(7) To any person who has an unsatisfied judgment against such person, as defined in chapter 303, until such judgment has been satisfied or the financial responsibility of such person, as defined in section 303.120, has been established;

(8) To any person whose application shows that the person has been convicted within one year prior to such application of violating the laws of this state relating to failure to stop after an accident and to disclose the person's identity or driving a motor vehicle without the owner's consent;

(9) To any person who has been convicted more than twice of violating state law, or a county or municipal ordinance where the defendant was represented by or waived the right to an attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten years from the date of conviction of the last offense of violating such law or ordinance relating to driving while intoxicated, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction, including the results of a criminal history check as defined in section 302.010. If the court finds that the petitioner has not been convicted, pled guilty to or been found guilty of, and has no pending charges for any offense related to alcohol, controlled substances or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525 during the preceding ten years and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court may order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540. No person may obtain a license pursuant to the provisions of this subdivision through court action more than one time;

(10) To any person who has pled guilty to or been convicted of the crime of involuntary manslaughter while operating a motor vehicle in an intoxicated condition, or to any person who has been convicted twice within a five-year period of violating state law, county or municipal ordinance of driving while intoxicated, or any other intoxication-related traffic offense as defined in section 577.023, except that, after the expiration of five years from the date of conviction of the last offense of violating such law or ordinance, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction, including the results of a criminal history check as defined in section 302.010. If the court finds that the petitioner has not been convicted, pled guilty to, or been found guilty of, and has no pending charges for any offense related to alcohol, controlled substances, or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525 during the preceding five years, and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court may order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540;

(11) To any person who is otherwise disqualified pursuant to the provisions of sections 302.010 to 302.780, chapter 303, or section 544.046;

(12) To any person who is under the age of eighteen years, if such person's parents or legal guardians file a certified document with the department of revenue stating that the director shall not issue such person a driver's license. Each document filed by the person's parents or legal guardians shall be made upon a form furnished by the director and shall include identifying information of the person for whom the parents or legal guardians are denying the driver's license. The document shall also contain identifying information of the person's parents or legal guardians. The document shall be certified by the parents or legal guardians to be true and correct. This provision shall not apply to any person who is legally emancipated. The parents

or legal guardians may later file an additional document with the department of revenue which reinstates the person's ability to receive a driver's license.

2. Any person whose license is reinstated under the provisions of subdivisions (9) and (10) of subsection 1 of this section shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the person fails to maintain such proof with the director, the license shall be suspended for the remainder of the six-month period or until proof as required by this section is filed with the director. Upon the completion of the six-month period, the license shall be shown as reinstated, if the person is otherwise eligible.

3. Any person who petitions the court for reinstatement of his or her license pursuant to subdivision (9) or (10) of subsection 1 of this section shall make application with the Missouri state highway patrol as provided in section 43.540, and shall submit two sets of fingerprints collected pursuant to standards as determined by the highway patrol. One set of fingerprints shall be used by the highway patrol to search the criminal history repository and the second set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files. At the time of application, the applicant shall supply to the highway patrol the court name and case number for the court where he or she has filed his or her petition for reinstatement. The applicant shall pay the fee for the state criminal history check pursuant to section 43.530 and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record. The Missouri highway patrol, upon receipt of the results of the criminal history check, shall forward a copy of the results to the circuit court designated by the applicant and to the department. Notwithstanding the provisions of section 610.120, all records related to any criminal history check shall be accessible and available to the director and the court.**]**

302.302. POINT SYSTEM — ASSESSMENT FOR VIOLATION — ASSESSMENT OF POINTS STAYED, WHEN, PROCEDURE. — 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

(1) Any moving violation of a state law or county or municipal or federal traffic ordinance or regulation not listed in this section, other than a violation of vehicle equipment provisions or a court-ordered supervision as provided in section 302.303. . . . . 2 points
(except any violation of municipal stop sign ordinance where no accident is involved. . . . . 1 point)

(2) Speeding
In violation of a state law. . . . . 3 points
In violation of a county or municipal ordinance. . . . . 2 points

(3) Leaving the scene of an accident
in violation of section 577.060. . . . . 12 points
In violation of any county or municipal ordinance. . . . . 6 points

(4) Careless and imprudent driving
in violation of subsection 4 of section 304.016. . . . . 4 points

In violation of a county or municipal ordinance. . . . . 2 points

(5) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020:

(a) For the first conviction. . . . . 2 points

(b) For the second conviction. . . . . 4 points

(c) For the third conviction. . . . . 6 points

(6) Operating with a suspended or revoked license prior to restoration of operating privileges. . . . . 12 points

(7) Obtaining a license by misrepresentation. . . . . 12 points

(8) For the first conviction of driving while in an intoxicated condition or under the influence of controlled substances or drugs. . . . . 8 points

(9) For the second or subsequent conviction of any of the following offenses however combined: driving while in an intoxicated condition, driving under the influence of controlled substances or drugs or driving with a blood alcohol content of eight-hundredths of one percent or more by weight. . . . . 12 points

(10) For the first conviction for driving with blood alcohol content eight-hundredths of one percent or more by weight

In violation of state law. . . . . 8 points

In violation of a county or municipal ordinance or federal law or regulation. . . . . 8 points

(11) Any felony involving the use of a motor vehicle. . . . . 12 points

(12) Knowingly permitting unlicensed operator to operate a motor vehicle. . . . . 4 points

(13) For a conviction for failure to maintain financial responsibility pursuant to county or municipal ordinance or pursuant to section 303.025. . . . . 4 points

(14) Endangerment of a highway worker in violation of section 304.585. . . . . 4 points

(15) Aggravated endangerment of a highway worker in violation of section 304.585. . . . . 12 points

(16) For a conviction of violating a municipal ordinance that prohibits tow truck operators from stopping at or proceeding to the scene of an

accident unless they have been requested to stop or proceed to such scene by a party involved in such accident or by an officer of a public safety agency. . . . . 4 points

2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section 302.020, when the director issues such operator a license or permit pursuant to the provisions of sections 302.010 to 302.340.

3. An additional two points shall be assessed when personal injury or property damage results from any violation listed in subdivisions (1) to (13) of subsection 1 of this section and if found to be warranted and certified by the reporting court.

4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this section constitutes both a violation of a state law and a violation of a county or municipal ordinance, points may be assessed for either violation but not for both. Notwithstanding that an offense arising out of the same occurrence could be construed to be a violation of subdivisions (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for offenses arising out of the same occurrence.

5. The director of revenue shall put into effect a system for staying the assessment of points against an operator. The system shall provide that the satisfactory completion of a driver-improvement program or, in the case of violations committed while operating a motorcycle, a motorcycle-rider training course approved by the state highways and transportation commission, by an operator, when so ordered and verified by any court having jurisdiction over any law of this state or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a commercial motor vehicle as defined in section 302.700 or a violation committed by an individual who has been issued a commercial driver's license or is required to obtain a commercial driver's license in this state or any other state, shall be accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2) or (4) of subsection 1 of this section or pursuant to subsection 3 of this section. **The operator shall be given the option to complete the driver-improvement program through an online or in-person course.** A court using a centralized violation bureau established under section 476.385 may elect to have the bureau order and verify completion of a driver-improvement program or motorcycle-rider training course as prescribed by order of the court. For the purposes of this subsection, the driver-improvement program shall meet or exceed the standards of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which occurred during the operation of a motorcycle, the program shall meet the standards established by the state highways and transportation commission pursuant to sections 302.133 to 302.137. The completion of a driver-improvement program or a motorcycle-rider training course shall not be accepted in lieu of points more than one time in any thirty-six-month period and shall be completed within sixty days of the date of conviction in order to be accepted in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions of this subsection shall, within fifteen days after completion of the driver-improvement program or motorcycle-rider training course by an operator, forward a record of the completion to the director, all other provisions of the law to the contrary notwithstanding. The director shall establish procedures for record keeping and the administration of this subsection.

302.304. NOTICE OF POINTS — SUSPENSION OR REVOCATION OF LICENSE, WHEN, DURATION — REINSTATEMENT, CONDITION, POINT REDUCTION, FEE — FAILURE TO MAINTAIN PROOF OF FINANCIAL RESPONSIBILITY, EFFECT — POINT REDUCTION PRIOR TO CONVICTION, EFFECT — SURRENDER OF LICENSE — REINSTATEMENT OF LICENSE WHEN DRUGS OR ALCOHOL INVOLVED, ASSIGNMENT RECOMMENDATION, JUDICIAL REVIEW —

FEES FOR PROGRAM — SUPPLEMENTAL FEES. — 1. The director shall notify by ordinary mail any operator of the point value charged against the operator's record when the record shows four or more points have been accumulated in a twelve-month period.

2. In an action to suspend or revoke a license or driving privilege under this section points shall be accumulated on the date of conviction. No case file of any conviction for a driving violation for which points may be assessed pursuant to section 302.302 may be closed until such time as a copy of the record of such conviction is forwarded to the department of revenue.

3. The director shall suspend the license and driving privileges of any person whose driving record shows the driver has accumulated eight points in eighteen months.

4. The license and driving privilege of any person whose license and driving privilege have been suspended under the provisions of sections 302.010 to 302.540 except those persons whose license and driving privilege have been suspended under the provisions of subdivision (8) of subsection 1 of section 302.302 or has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 and who has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, and is otherwise eligible, shall be reinstated as follows:

(1) In the case of an initial suspension, thirty days after the effective date of the suspension;

(2) In the case of a second suspension, sixty days after the effective date of the suspension;

(3) In the case of the third and subsequent suspensions, ninety days after the effective date of the suspension.

Unless proof of financial responsibility is filed with the department of revenue, a suspension shall continue in effect for two years from its effective date.

5. The period of suspension of the driver's license and driving privilege of any person under the provisions of subdivision (8) of subsection 1 of section 302.302 or who has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving privilege as defined in section 302.010. Upon completion of such period of restricted driving privilege, upon compliance with other requirements of law and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. If a person, otherwise subject to the provisions of this subsection, files proof of installation with the department of revenue that any vehicle operated by such person is equipped with a functioning, certified ignition interlock device, **[**then the**]** **there shall be no** period of suspension **[**shall be fifteen days, followed by a seventy-five**]**. **However, in lieu of a suspension the person shall instead complete a ninety-day** period of restricted driving privilege. If the person fails to maintain such proof of the device with the director of revenue as required, the restricted driving privilege shall be terminated. Upon completion of such **[**seventy-five day**]** **ninety-day** period of restricted driving privilege, upon compliance with other requirements of law, and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. However, if the monthly monitoring reports during such **[**seventy-five day**]** **ninety-day** period indicate that the ignition interlock device has registered a **confirmed** blood alcohol concentration level above the alcohol setpoint established by the department of transportation or such reports indicate that the ignition interlock device has been tampered with or circumvented, then the license and driving privilege of such person shall not be reinstated until the person completes an additional **[**seventy-five day**]** **thirty-day** period of restricted driving privilege **[**without any such violations**]**.

6. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, or, if applicable, if the person fails to maintain proof that any vehicle operated is equipped with a functioning, certified ignition interlock device installed pursuant to subsection 5 of this section, the person's driving privilege and license shall be resuspended.

7. The director shall revoke the license and driving privilege of any person when the person's driving record shows such person has accumulated twelve points in twelve months or

eighteen points in twenty-four months or twenty-four points in thirty-six months. The revocation period of any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303 and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, the person's license and driving privilege shall be rerevoked. Any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of the revocation from the director, pass the complete driver examination and apply for a new license before again operating a motor vehicle upon the highways of this state.

8. If, prior to conviction for an offense that would require suspension or revocation of a person's license under the provisions of this section, the person's total points accumulated are reduced, pursuant to the provisions of section 302.306, below the number of points required for suspension or revocation pursuant to the provisions of this section, then the person's license shall not be suspended or revoked until the necessary points are again obtained and accumulated.

9. If any person shall neglect or refuse to surrender the person's license, as provided herein, the director shall direct the state highway patrol or any peace or police officer to secure possession thereof and return it to the director.

10. Upon the issuance of a reinstatement or termination notice after a suspension or revocation of any person's license and driving privilege under the provisions of sections 302.010 to 302.540, the accumulated point value shall be reduced to four points, except that the points of any person serving as a member of the Armed Forces of the United States outside the limits of the United States during a period of suspension or revocation shall be reduced to zero upon the date of the reinstatement or termination of notice. It shall be the responsibility of such member of the Armed Forces to submit copies of official orders to the director of revenue to substantiate such overseas service. Any other provision of sections 302.010 to 302.540 to the contrary notwithstanding, the effective date of the four points remaining on the record upon reinstatement or termination shall be the date of the reinstatement or termination notice.

11. No credit toward reduction of points shall be given during periods of suspension or revocation or any period of driving under a limited driving privilege granted by a court or the director of revenue.

12. Any person or nonresident whose license or privilege to operate a motor vehicle in this state has been suspended or revoked under this or any other law shall, before having the license or privilege to operate a motor vehicle reinstated, pay to the director a reinstatement fee of twenty dollars which shall be in addition to all other fees provided by law.

13. Notwithstanding any other provision of law to the contrary, if after two years from the effective date of any suspension or revocation issued under this chapter, the person or nonresident has not paid the reinstatement fee of twenty dollars, the director shall reinstate such license or privilege to operate a motor vehicle in this state.

14. No person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision (8), (9) or (10) of subsection 1 of section 302.302 shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, or a program determined to be comparable by the department of mental health. Assignment recommendations, based upon the needs assessment as described in subdivision **[**(22)**]** **(24)** of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state

courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.023 or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

15. The fees for the program authorized in subsection 14 of this section, or a portion thereof to be determined by the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee in an amount to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 and section 577.001 or a program determined to be comparable by the department of mental health. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rate established pursuant to the provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053.

16. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program.

17. Any person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a **[**violation under subdivision (9) of subsection 1 of section 302.302**]** **conviction for an intoxication-related traffic offense as defined under section 577.023, and who has a prior alcohol-related enforcement contact as defined under section 302.525,** shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement of the license. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended for an additional six months. If the person fails to maintain such

proof with the director, the license shall be resuspended or revoked and the person shall be guilty of a class A misdemeanor.

[302.304. NOTICE OF POINTS — SUSPENSION OR REVOCATION OF LICENSE, WHEN, DURATION — REINSTATEMENT, CONDITION, POINT REDUCTION, FEE — FAILURE TO MAINTAIN PROOF OF FINANCIAL RESPONSIBILITY, EFFECT — POINT REDUCTION PRIOR TO CONVICTION, EFFECT — SURRENDER OF LICENSE — REINSTATEMENT OF LICENSE WHEN DRUGS OR ALCOHOL INVOLVED, ASSIGNMENT RECOMMENDATION, JUDICIAL REVIEW — FEES FOR PROGRAM — SUPPLEMENTAL FEES. — 1. The director shall notify by ordinary mail any operator of the point value charged against the operator's record when the record shows four or more points have been accumulated in a twelve-month period.

2. In an action to suspend or revoke a license or driving privilege under this section points shall be accumulated on the date of conviction. No case file of any conviction for a driving violation for which points may be assessed pursuant to section 302.302 may be closed until such time as a copy of the record of such conviction is forwarded to the department of revenue.

3. The director shall suspend the license and driving privileges of any person whose driving record shows the driver has accumulated eight points in eighteen months.

4. The license and driving privilege of any person whose license and driving privilege have been suspended under the provisions of sections 302.010 to 302.540 except those persons whose license and driving privilege have been suspended under the provisions of subdivision (8) of subsection 1 of section 302.302 or has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 and who has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, and is otherwise eligible, shall be reinstated as follows:

(1) In the case of an initial suspension, thirty days after the effective date of the suspension;

(2) In the case of a second suspension, sixty days after the effective date of the suspension;

(3) In the case of the third and subsequent suspensions, ninety days after the effective date of the suspension.

Unless proof of financial responsibility is filed with the department of revenue, a suspension shall continue in effect for two years from its effective date.

5. The period of suspension of the driver's license and driving privilege of any person under the provisions of subdivision (8) of subsection 1 of section 302.302 or who has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving privilege as defined in section 302.010. Upon completion of such period of restricted driving privilege, upon compliance with other requirements of law and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated.

6. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, the person's driving privilege and license shall be resuspended.

7. The director shall revoke the license and driving privilege of any person when the person's driving record shows such person has accumulated twelve points in twelve months or eighteen points in twenty-four months or twenty-four points in thirty-six months. The revocation period of any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 and who has filed

proof of financial responsibility with the department of revenue in accordance with chapter 303 and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, the person's license and driving privilege shall be rerevoked. Any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of the revocation from the director, pass the complete driver examination and apply for a new license before again operating a motor vehicle upon the highways of this state.

8. If, prior to conviction for an offense that would require suspension or revocation of a person's license under the provisions of this section, the person's total points accumulated are reduced, pursuant to the provisions of section 302.306, below the number of points required for suspension or revocation pursuant to the provisions of this section, then the person's license shall not be suspended or revoked until the necessary points are again obtained and accumulated.

9. If any person shall neglect or refuse to surrender the person's license, as provided herein, the director shall direct the state highway patrol or any peace or police officer to secure possession thereof and return it to the director.

10. Upon the issuance of a reinstatement or termination notice after a suspension or revocation of any person's license and driving privilege under the provisions of sections 302.010 to 302.540, the accumulated point value shall be reduced to four points, except that the points of any person serving as a member of the Armed Forces of the United States outside the limits of the United States during a period of suspension or revocation shall be reduced to zero upon the date of the reinstatement or termination of notice. It shall be the responsibility of such member of the Armed Forces to submit copies of official orders to the director of revenue to substantiate such overseas service. Any other provision of sections 302.010 to 302.540 to the contrary notwithstanding, the effective date of the four points remaining on the record upon reinstatement or termination shall be the date of the reinstatement or termination notice.

11. No credit toward reduction of points shall be given during periods of suspension or revocation or any period of driving under a limited driving privilege granted by a court or the director of revenue.

12. Any person or nonresident whose license or privilege to operate a motor vehicle in this state has been suspended or revoked under this or any other law shall, before having the license or privilege to operate a motor vehicle reinstated, pay to the director a reinstatement fee of twenty dollars which shall be in addition to all other fees provided by law.

13. Notwithstanding any other provision of law to the contrary, if after two years from the effective date of any suspension or revocation issued under this chapter, the person or nonresident has not paid the reinstatement fee of twenty dollars, the director shall reinstate such license or privilege to operate a motor vehicle in this state.

14. No person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision (8), (9) or (10) of subsection 1 of section 302.302 shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, or a program determined to be comparable by the department of mental health. Assignment recommendations, based upon the needs assessment as described in subdivision (22) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to

have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.023 or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

15. The fees for the program authorized in subsection 14 of this section, or a portion thereof to be determined by the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee in an amount to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 and section 577.001 or a program determined to be comparable by the department of mental health. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rate established pursuant to the provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053.

16. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program.

17. Any person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision (9) of subsection 1 of section 302.302 shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement of the license. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the person fails to maintain such proof with the

director, the license shall be resuspended or revoked and the person shall be guilty of a class A misdemeanor.**]**

[302.309. RETURN OF LICENSE, WHEN — LIMITED DRIVING PRIVILEGE, WHEN GRANTED, APPLICATION, WHEN DENIED — JUDICIAL REVIEW OF DENIAL BY DIRECTOR OF REVENUE — RULEMAKING. RETURN OF LICENSE, WHEN — LIMITED DRIVING PRIVILEGE, WHEN GRANTED, APPLICATION, WHEN DENIED — JUDICIAL REVIEW OF DENIAL BY DIRECTOR OF REVENUE — RULEMAKING. — 1. Whenever any license is suspended pursuant to sections 302.302 to 302.309, the director of revenue shall return the license to the operator immediately upon the termination of the period of suspension and upon compliance with the requirements of chapter 303.

2. Any operator whose license is revoked pursuant to these sections, upon the termination of the period of revocation, shall apply for a new license in the manner prescribed by law.

3. (1) All circuit courts, the director of revenue, or a commissioner operating under section 478.007 shall have jurisdiction to hear applications and make eligibility determinations granting limited driving privileges. Any application may be made in writing to the director of revenue and the person's reasons for requesting the limited driving privilege shall be made therein.

(2) When any court of record having jurisdiction or the director of revenue finds that an operator is required to operate a motor vehicle in connection with any of the following:

(a) A business, occupation, or employment;

(b) Seeking medical treatment for such operator;

(c) Attending school or other institution of higher education;

(d) Attending alcohol or drug treatment programs;

(e) Seeking the required services of a certified ignition interlock device provider; or

(f) Any other circumstance the court or director finds would create an undue hardship on the operator;

the court or director may grant such limited driving privilege as the circumstances of the case justify if the court or director finds undue hardship would result to the individual, and while so operating a motor vehicle within the restrictions and limitations of the limited driving privilege the driver shall not be guilty of operating a motor vehicle without a valid license.

(3) An operator may make application to the proper court in the county in which such operator resides or in the county in which is located the operator's principal place of business or employment. Any application for a limited driving privilege made to a circuit court shall name the director as a party defendant and shall be served upon the director prior to the grant of any limited privilege, and shall be accompanied by a copy of the applicant's driving record as certified by the director. Any applicant for a limited driving privilege shall have on file with the department of revenue proof of financial responsibility as required by chapter 303. Any application by a person who transports persons or property as classified in section 302.015 may be accompanied by proof of financial responsibility as required by chapter 303, but if proof of financial responsibility does not accompany the application, or if the applicant does not have on file with the department of revenue proof of financial responsibility, the court or the director has discretion to grant the limited driving privilege to the person solely for the purpose of operating a vehicle whose owner has complied with chapter 303 for that vehicle, and the limited driving privilege must state such restriction. When operating such vehicle under such restriction the person shall carry proof that the owner has complied with chapter 303 for that vehicle.

(4) No limited driving privilege shall be issued to any person otherwise eligible under the provisions of paragraph (a) of subdivision (6) of this subsection on a license revocation resulting from a conviction under subdivision (9) of subsection 1 of section 302.302, or a license denial under paragraph (a) or (b) of subdivision (8) of this subsection, until the applicant has filed proof with the department of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of limited driving privilege.

(5) The court order or the director's grant of the limited or restricted driving privilege shall indicate the termination date of the privilege, which shall be not later than the end of the period of suspension or revocation. A copy of any court order shall be sent by the clerk of the court to the director, and a copy shall be given to the driver which shall be carried by the driver whenever such driver operates a motor vehicle. The director of revenue upon granting a limited driving privilege shall give a copy of the limited driving privilege to the applicant. The applicant shall carry a copy of the limited driving privilege while operating a motor vehicle. A conviction which results in the assessment of points pursuant to section 302.302, other than a violation of a municipal stop sign ordinance where no accident is involved, against a driver who is operating a vehicle pursuant to a limited driving privilege terminates the privilege, as of the date the points are assessed to the person's driving record. If the date of arrest is prior to the issuance of the limited driving privilege, the privilege shall not be terminated. Failure of the driver to maintain proof of financial responsibility, as required by chapter 303, or to maintain proof of installation of a functioning, certified ignition interlock device, as applicable, shall terminate the privilege. The director shall notify by ordinary mail the driver whose privilege is so terminated.

(6) Except as provided in subdivision (8) of this subsection, no person is eligible to receive a limited driving privilege who at the time of application for a limited driving privilege has previously been granted such a privilege within the immediately preceding five years, or whose license has been suspended or revoked for the following reasons:

(a) A conviction of violating the provisions of section 577.010 or 577.012, or any similar provision of any federal or state law, or a municipal or county law where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney in writing, until the person has completed the first thirty days of a suspension or revocation imposed pursuant to this chapter;

(b) A conviction of any felony in the commission of which a motor vehicle was used;

(c) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5), (6), (7), (8), (9), (10) or (11) of section 302.060;

(d) Because of operating a motor vehicle under the influence of narcotic drugs, a controlled substance as defined in chapter 195, or having left the scene of an accident as provided in section 577.060;

(e) Due to a revocation for the first time for failure to submit to a chemical test pursuant to section 577.041 or due to a refusal to submit to a chemical test in any other state, if such person has not completed the first ninety days of such revocation;

(f) Violation more than once of the provisions of section 577.041 or a similar implied consent law of any other state; or

(g) Due to a suspension pursuant to subsection 2 of section 302.525 and who has not completed the first thirty days of such suspension, provided the person is not otherwise ineligible for a limited driving privilege; or due to a revocation pursuant to subsection 2 of section 302.525 if such person has not completed such revocation.

(7) No person who possesses a commercial driver's license shall receive a limited driving privilege issued for the purpose of operating a commercial motor vehicle if

such person's driving privilege is suspended, revoked, cancelled, denied, or disqualified. Nothing in this section shall prohibit the issuance of a limited driving privilege for the purpose of operating a noncommercial motor vehicle provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege.

(8) (a) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of ten years, as prescribed in subdivision (9) of subsection 1 of section 302.060, to apply for a limited driving privilege pursuant to this subsection if such person has served at least three years of such disqualification or revocation. Such person shall present evidence satisfactory to the court or the director that such person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding three years and that the person's habits and conduct show that the person no longer poses a threat to the public safety of this state. The court or the director shall review the results of a criminal history check prior to granting any limited privilege under this subdivision. If the court or the director finds that the petitioner has been convicted, pled guilty to, or been found guilty of, or has a pending charge for any offense related to alcohol, controlled substances, or drugs, or has any other alcohol-related enforcement contact as defined in section 302.525 during the preceding three years, the court or the director shall not grant a limited driving privilege to the applicant.

(b) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege or convicted of involuntary manslaughter while operating a motor vehicle in an intoxicated condition, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of five years because of two convictions of driving while intoxicated, as prescribed in subdivision (10) of subsection 1 of section 302.060, to apply for a limited driving privilege pursuant to this subsection if such person has served at least two years of such disqualification or revocation. Such person shall present evidence satisfactory to the court or the director that such person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding two years and that the person's habits and conduct show that the person no longer poses a threat to the public safety of this state. The court or the director shall review the results of a criminal history check prior to granting any limited privilege under this subdivision. If the court or director finds that the petitioner has been convicted, pled guilty to, or been found guilty of, or has a pending charge for any offense related to alcohol, controlled substances, or drugs, or has any other alcohol-related enforcement contact as defined in section 302.525 during the preceding two years, the court or the director shall not grant a limited driving privilege to the applicant. Any person who is denied a license permanently in this state because of an alcohol-related conviction subsequent to a restoration of such person's driving privileges pursuant to subdivision (9) of section 302.060 shall not be eligible for limited driving privilege pursuant to the provisions of this subdivision.

(9) A DWI docket or court established under section 478.007 may grant a limited driving privilege to a participant in or graduate of the program who would otherwise be ineligible for such privilege under another provision of law. The DWI docket or court shall not grant a limited driving privilege to a participant during his or her initial forty-five days of participation.

4. Any person who has received notice of denial of a request of limited driving privilege by the director of revenue may make a request for a review of the director's determination in the circuit court of the county in which the person resides or the county in which is located the person's principal place of business or employment within thirty days of the date of mailing of the notice of denial. Such review shall be based upon the records of the department of revenue and other competent evidence and shall be limited to a review of whether the applicant was statutorily entitled to the limited driving privilege.

5. Any person who petitions a court or makes application with the director for a limited driving privilege pursuant to paragraph (a) or (b) of subdivision (8) of subsection 3 of this section shall make application with the Missouri state highway patrol as provided in section 43.540 and shall submit two sets of fingerprints collected pursuant to standards as determined by the highway patrol. One set of fingerprints shall be used by the highway patrol to search the criminal history repository and the second set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files. At the time of application, the applicant shall supply to the highway patrol the court name and case number for the court where he or she has filed his or her petition for limited driving privileges. The applicant shall pay the fee for the state criminal history record information pursuant to section 43.530 and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record. The Missouri highway patrol, upon receipt of the results of the criminal history check, shall forward the results to the circuit court designated by the applicant and to the department. Notwithstanding the provisions of section 610.120, all records related to any criminal history check shall be accessible and available to the director and the court.

6. The director of revenue shall promulgate rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.**]**

302.309. RETURN OF LICENSE, WHEN — LIMITED DRIVING PRIVILEGE, WHEN GRANTED, APPLICATION, WHEN DENIED — JUDICIAL REVIEW OF DENIAL BY DIRECTOR OF REVENUE — RULEMAKING. RETURN OF LICENSE, WHEN — LIMITED DRIVING PRIVILEGE, WHEN GRANTED, APPLICATION, WHEN DENIED — JUDICIAL REVIEW OF DENIAL BY DIRECTOR OF REVENUE — RULEMAKING. — 1. Whenever any license is suspended pursuant to sections 302.302 to 302.309, the director of revenue shall return the license to the operator immediately upon the termination of the period of suspension and upon compliance with the requirements of chapter 303.

2. Any operator whose license is revoked pursuant to these sections, upon the termination of the period of revocation, shall apply for a new license in the manner prescribed by law.

3. (1) All circuit courts, the director of revenue, or a commissioner operating under section 478.007 shall have jurisdiction to hear applications and make eligibility determinations granting limited driving privileges**, except as provided under subdivision (8) of this subsection**. Any application may be made in writing to the director of revenue and the person's reasons for requesting the limited driving privilege shall be made therein.

(2) When any court of record having jurisdiction or the director of revenue finds that an operator is required to operate a motor vehicle in connection with any of the following:

(a) A business, occupation, or employment;
(b) Seeking medical treatment for such operator;
(c) Attending school or other institution of higher education;
(d) Attending alcohol or drug treatment programs;
(e) Seeking the required services of a certified ignition interlock device provider; or
(f) Any other circumstance the court or director finds would create an undue hardship on the operator**[**;**]**,

the court or director may grant such limited driving privilege as the circumstances of the case justify if the court or director finds undue hardship would result to the individual, and while so operating a motor vehicle within the restrictions and limitations of the limited driving privilege the driver shall not be guilty of operating a motor vehicle without a valid license.

(3) An operator may make application to the proper court in the county in which such operator resides or in the county in which is located the operator's principal place of business or employment. Any application for a limited driving privilege made to a circuit court shall name the director as a party defendant and shall be served upon the director prior to the grant of any limited privilege, and shall be accompanied by a copy of the applicant's driving record as certified by the director. Any applicant for a limited driving privilege shall have on file with the department of revenue proof of financial responsibility as required by chapter 303. Any application by a person who transports persons or property as classified in section 302.015 may be accompanied by proof of financial responsibility as required by chapter 303, but if proof of financial responsibility does not accompany the application, or if the applicant does not have on file with the department of revenue proof of financial responsibility, the court or the director has discretion to grant the limited driving privilege to the person solely for the purpose of operating a vehicle whose owner has complied with chapter 303 for that vehicle, and the limited driving privilege must state such restriction. When operating such vehicle under such restriction the person shall carry proof that the owner has complied with chapter 303 for that vehicle.

(4) No limited driving privilege shall be issued to any person otherwise eligible under the provisions of paragraph (a) of subdivision (6) of this subsection on a license revocation resulting from a conviction under subdivision (9) of subsection 1 of section 302.302, or a license denial under paragraph (a) or (b) of subdivision (8) of this subsection, or a license revocation under paragraph (h) of subdivision (6) of this subsection, until the applicant has filed proof with the department of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of limited driving privilege. The ignition interlock device required for obtaining a limited driving privilege under paragraph (a) or (b) of subdivision (8) of this subsection shall have photo identification technology and global positioning system features.

(5) The court order or the director's grant of the limited or restricted driving privilege shall indicate the termination date of the privilege, which shall be not later than the end of the period of suspension or revocation. The court order or the director's grant of the limited or restricted driving privilege shall also indicate whether a functioning, certified ignition interlock device is required as a condition of operating a motor vehicle with the limited driving privilege. A copy of any court order shall be sent by the clerk of the court to the director, and a copy shall be given to the driver which shall be carried by the driver whenever such driver operates a motor vehicle. The director of revenue upon granting a limited driving privilege shall give a copy of the limited driving privilege to the applicant. The applicant shall carry a copy of the limited driving privilege while operating a motor vehicle. A conviction which results in the assessment of points pursuant to section 302.302, other than a violation of a municipal stop sign ordinance where no accident is involved, against a driver who is operating a vehicle pursuant to a limited driving privilege terminates the privilege, as of the date the points are assessed to the person's driving record. If the date of arrest is prior to the issuance of the limited driving privilege, the privilege shall not be terminated. Failure of the driver to maintain proof of financial responsibility, as required by chapter 303, or to maintain proof of installation of a functioning, certified ignition

interlock device, as applicable, shall terminate the privilege. The director shall notify by ordinary mail the driver whose privilege is so terminated.

(6) Except as provided in subdivision (8) of this subsection, no person is eligible to receive a limited driving privilege **[**who**]** **whose license** at the time of application **[**for a limited driving privilege has previously been granted such a privilege within the immediately preceding five years, or whose license**]** has been suspended or revoked for the following reasons:

(a) A conviction of violating the provisions of section 577.010 or 577.012, or any similar provision of any federal or state law, or a municipal or county law where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney in writing, until the person has completed the first thirty days of a suspension or revocation imposed pursuant to this chapter;

(b) A conviction of any felony in the commission of which a motor vehicle was used;

(c) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5), (6), (7), (8), (9), (10) or (11) of **subsection 1 of** section 302.060;

(d) Because of operating a motor vehicle under the influence of narcotic drugs, a controlled substance as defined in chapter 195, or having left the scene of an accident as provided in section 577.060;

(e) Due to a revocation for **[**the first time for**]** failure to submit to a chemical test pursuant to section 577.041 or due to a refusal to submit to a chemical test in any other state, **[**if**]** **unless** such person has **[**not**]** completed the first ninety days of such revocation**[**;

(f) Violation more than once of the provisions of section 577.041 or a similar implied consent law of any other state**]** **and files proof of installation with the department of revenue that any vehicle operated by such person is equipped with a functioning, certified ignition interlock device, provided the person is not otherwise ineligible for a limited driving privilege**;

[(g)**]** **(f)** Due to a suspension pursuant to subsection 2 of section 302.525 and who has not completed the first thirty days of such suspension, provided the person is not otherwise ineligible for a limited driving privilege; or

[(h)**]** **(g)** Due to a revocation pursuant to subsection 2 of section 302.525 if such person has not completed the first forty-five days of such revocation, provided the person is not otherwise ineligible for a limited driving privilege.

(7) No person who possesses a commercial driver's license shall receive a limited driving privilege issued for the purpose of operating a commercial motor vehicle if such person's driving privilege is suspended, revoked, cancelled, denied, or disqualified. Nothing in this section shall prohibit the issuance of a limited driving privilege for the purpose of operating a noncommercial motor vehicle provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege.

(8) (a) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of ten years, as prescribed in subdivision (9) of **subsection 1 of** section 302.060, to apply for a limited driving privilege pursuant to this subsection **[**if such person has served at least forty-five days of such disqualification or revocation**]**. Such person shall present evidence satisfactory to the court or the director that such **[**person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding forty-five days and that the**]** person's habits and conduct show that the person no longer poses a threat to the public safety of this state. **A circuit court shall grant a limited driving privilege to any individual who otherwise is eligible to receive a limited driving privilege, has filed proof of installation of a certified ignition interlock device, and has had no alcohol-related enforcement contacts since the alcohol-related enforcement contact that resulted in the person's license denial.**

(b) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege or convicted of involuntary manslaughter while operating a motor vehicle in an intoxicated condition, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of five years because of two convictions of driving while intoxicated, as prescribed in subdivision (10) of **subsection 1 of** section 302.060, to apply for a limited driving privilege pursuant to this subsection **[**if such person has served at least forty-five days of such disqualification or revocation**]**. Such person shall present evidence satisfactory to the court or the director that such **[**person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding forty-five days and that the**]** person's habits and conduct show that the person no longer poses a threat to the public safety of this state. Any person who is denied a license permanently in this state because of an alcohol-related conviction subsequent to a restoration of such person's driving privileges pursuant to subdivision (9) of section 302.060 shall not be eligible for limited driving privilege pursuant to the provisions of this subdivision. **A circuit court shall grant a limited driving privilege to any individual who otherwise is eligible to receive a limited driving privilege, has filed proof of installation of a certified ignition interlock device, and has had no alcohol-related enforcement contacts since the alcohol-related enforcement contact that resulted in the person's license denial.**

(9) A DWI docket or court established under section 478.007 may grant a limited driving privilege to a participant in or graduate of the program who would otherwise be ineligible for such privilege under another provision of law. The DWI docket or court shall not grant a limited driving privilege to a participant during his or her initial forty-five days of participation.

4. Any person who has received notice of denial of a request of limited driving privilege by the director of revenue may make a request for a review of the director's determination in the circuit court of the county in which the person resides or the county in which is located the person's principal place of business or employment within thirty days of the date of mailing of the notice of denial. Such review shall be based upon the records of the department of revenue and other competent evidence and shall be limited to a review of whether the applicant was statutorily entitled to the limited driving privilege.

5. The director of revenue shall promulgate rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

302.341. MOVING TRAFFIC VIOLATION, FAILURE TO PREPAY FINE OR APPEAR IN COURT, LICENSE SUSPENDED, PROCEDURE — EXCESSIVE REVENUE FROM FINES TO BE DISTRIBUTED TO SCHOOLS — DEFINITION, STATE HIGHWAYS. — 1. If a Missouri resident charged with a moving traffic violation of this state or any county or municipality of this state fails to dispose of the charges of which the resident is accused through authorized prepayment of fine and court costs and fails to appear on the return date or at any subsequent date to which the case has been continued, or without good cause fails to pay any fine or court costs assessed against the resident for any such violation within the period of time specified or in such installments as approved by the court or as otherwise provided by law, any court having jurisdiction over the charges shall within ten days of the failure to comply inform the defendant by ordinary mail at the last address shown on the court records that the court will order the director of revenue to suspend the defendant's driving privileges if the charges are not disposed of and fully paid within thirty days from the date of mailing. Thereafter, if the defendant fails to timely act to dispose of the charges

and fully pay any applicable fines and court costs, the court shall notify the director of revenue of such failure and of the pending charges against the defendant. Upon receipt of this notification, the director shall suspend the license of the driver, effective immediately, and provide notice of the suspension to the driver at the last address for the driver shown on the records of the department of revenue. Such suspension shall remain in effect until the court with the subject pending charge requests setting aside the noncompliance suspension pending final disposition, or satisfactory evidence of disposition of pending charges and payment of fine and court costs, if applicable, is furnished to the director by the individual. **[**Upon proof of disposition of charges and payment of fine and court costs, if applicable, and payment of the reinstatement fee as set forth in section 302.304, the director shall return the license and remove the suspension from the individual's driving record if the individual was not operating a commercial motor vehicle or a commercial driver's license holder at the time of the offense.**]** The filing of financial responsibility with the bureau of safety responsibility, department of revenue, shall not be required as a condition of reinstatement of a driver's license suspended solely under the provisions of this section.

2. If any city, town or village receives more than thirty-five percent of its annual general operating revenue from fines and court costs for traffic violations occurring on state highways, all revenues from such violations in excess of thirty-five percent of the annual general operating revenue of the city, town or village shall be sent to the director of the department of revenue and shall be distributed annually to the schools of the county in the same manner that proceeds of all penalties, forfeitures and fines collected for any breach of the penal laws of the state are distributed. For the purpose of this section the words "state highways" shall mean any state or federal highway, including any such highway continuing through the boundaries of a city, town or village with a designated street name other than the state highway number. The director of the department of revenue shall set forth by rule a procedure whereby excess revenues as set forth above shall be sent to the department of revenue. If any city, town, or village disputes a determination that it has received excess revenues required to be sent to the department of revenue, such city, town, or village may submit to an annual audit by the state auditor under the authority of article IV, section 13 of the Missouri Constitution. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

302.525. SUSPENSION OR REVOCATION, WHEN EFFECTIVE, DURATION — RESTRICTED DRIVING PRIVILEGE — EFFECT OF SUSPENSION OR REVOCATION BY COURT ON CHARGES ARISING OUT OF SAME OCCURRENCE — REVOCATION DUE TO ALCOHOL-RELATED OFFENSES, REQUIREMENTS. — 1. The license suspension or revocation shall become effective fifteen days after the subject person has received the notice of suspension or revocation as provided in section 302.520, or is deemed to have received the notice of suspension or revocation by mail as provided in section 302.515. If a request for a hearing is received by or postmarked to the department within that fifteen-day period, the effective date of the suspension or revocation shall be stayed until a final order is issued following the hearing; provided, that any delay in the hearing which is caused or requested by the subject person or counsel representing that person without good cause shown shall not result in a stay of the suspension or revocation during the period of delay.

2. The period of license suspension or revocation under this section shall be as follows:

(1) If the person's driving record shows no prior alcohol-related enforcement contacts during the immediately preceding five years, the period of suspension shall be thirty days after

the effective date of suspension, followed by a sixty-day period of restricted driving privilege as defined in section 302.010 and issued by the director of revenue. The restricted driving privilege shall not be issued until he or she has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, and is otherwise eligible. The restricted driving privilege shall indicate whether a functioning, certified ignition interlock device is required as a condition of operating a motor vehicle. A copy of the restricted driving privilege shall be given to the person and such person shall carry a copy of the restricted driving privilege while operating a motor vehicle. In no case shall restricted driving privileges be issued pursuant to this section or section 302.535 until the person has completed the first thirty days of a suspension under this section. If a person otherwise subject to the provisions of this subdivision files proof of installation with the department of revenue that any vehicle **[**operated**]** **that he or she operates** is equipped with a functioning, certified ignition interlock device, **[**then the**]** **there shall be no** period of suspension **[**shall be fifteen days, followed by a seventy-five**]**. **However, in lieu of a suspension the person shall instead complete a ninety-day** period of restricted driving privilege. Upon completion of such **[**seventy-five day**]** **ninety-day** period of restricted driving privilege, **[**upon**]** compliance with other requirements of law, and **[**upon**]** filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. However, if the monthly monitoring reports during such **[**seventy-five day**]** **ninety-day** period indicate that the ignition interlock device has registered a **confirmed** blood alcohol concentration level above the alcohol setpoint established by the department of transportation or such reports indicate that the ignition interlock device has been tampered with or circumvented, then the license and driving privilege of such person shall not be reinstated until the person completes an additional **[**seventy-five day**]** **thirty-day** period of restricted driving privilege **[**without any such violations**]**. If the person fails to maintain such proof of the device with the director of revenue as required, the restricted driving privilege shall be terminated;

(2) The period of revocation shall be one year if the person's driving record shows one or more prior alcohol-related enforcement contacts during the immediately preceding five years;

(3) In no case shall restricted driving privileges be issued under this section to any person whose driving record shows one or more prior alcohol-related enforcement contacts until the person has completed the first thirty days of a suspension under this section and has filed proof with the department of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of the restricted driving privilege. If the person fails to maintain such proof the restricted driving privilege shall be terminated.

3. For purposes of this section, "alcohol-related enforcement contacts" shall include any suspension or revocation under sections 302.500 to 302.540, any suspension or revocation entered in this or any other state for a refusal to submit to chemical testing under an implied consent law, and any conviction in this or any other state for a violation which involves driving while intoxicated, driving while under the influence of drugs or alcohol, or driving a vehicle while having an unlawful alcohol concentration.

4. Where a license is suspended or revoked under this section and the person is also convicted on charges arising out of the same occurrence for a violation of section 577.010 or 577.012 or for a violation of any county or municipal ordinance prohibiting driving while intoxicated or alcohol-related traffic offense, both the suspension or revocation under this section and any other suspension or revocation arising from such convictions shall be imposed, but the period of suspension or revocation under sections 302.500 to 302.540 shall be credited against any other suspension or revocation arising from such convictions, and the total period of suspension or revocation shall not exceed the longer of the two suspension or revocation periods.

5. Any person who has had a license to operate a motor vehicle revoked under this section or suspended under this section with one or more prior alcohol-related enforcement contacts showing on their driver record shall be required to file proof with the director of revenue that any

motor vehicle operated by that person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended for an additional six months. If the person fails to maintain such proof with the director, the license shall be resuspended or revoked, as applicable.

[302.525. SUSPENSION OR REVOCATION, WHEN EFFECTIVE, DURATION — RESTRICTED DRIVING PRIVILEGE — EFFECT OF SUSPENSION OR REVOCATION BY COURT ON CHARGES ARISING OUT OF SAME OCCURRENCE — REVOCATION DUE TO ALCOHOL-RELATED OFFENSES, REQUIREMENTS. — 1. The license suspension or revocation shall become effective fifteen days after the subject person has received the notice of suspension or revocation as provided in section 302.520, or is deemed to have received the notice of suspension or revocation by mail as provided in section 302.515. If a request for a hearing is received by or postmarked to the department within that fifteen-day period, the effective date of the suspension or revocation shall be stayed until a final order is issued following the hearing; provided, that any delay in the hearing which is caused or requested by the subject person or counsel representing that person without good cause shown shall not result in a stay of the suspension or revocation during the period of delay.

2. The period of license suspension or revocation under this section shall be as follows:

(1) If the person's driving record shows no prior alcohol-related enforcement contacts during the immediately preceding five years, the period of suspension shall be thirty days after the effective date of suspension, followed by a sixty-day period of restricted driving privilege as defined in section 302.010 and issued by the director of revenue. The restricted driving privilege shall not be issued until he or she has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, and is otherwise eligible. In no case shall restricted driving privileges be issued pursuant to this section or section 302.535 until the person has completed the first thirty days of a suspension under this section;

(2) The period of revocation shall be one year if the person's driving record shows one or more prior alcohol-related enforcement contacts during the immediately preceding five years;

(3) In no case shall restricted driving privileges be issued under this section to any person whose driving record shows one or more prior alcohol-related enforcement contacts until the person has completed the first thirty days of a suspension under this section and has filed proof with the department of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of the restricted driving privilege. If the person fails to maintain such proof the restricted driving privilege shall be terminated.

3. For purposes of this section, "alcohol-related enforcement contacts" shall include any suspension or revocation under sections 302.500 to 302.540, any suspension or revocation entered in this or any other state for a refusal to submit to chemical testing under an implied consent law, and any conviction in this or any other state for a violation which involves driving while intoxicated, driving while under the influence of drugs or alcohol, or driving a vehicle while having an unlawful alcohol concentration.

4. Where a license is suspended or revoked under this section and the person is also convicted on charges arising out of the same occurrence for a violation of section 577.010 or 577.012 or for a violation of any county or municipal ordinance prohibiting driving while intoxicated or alcohol-related traffic offense, both the suspension or revocation under this section and any other suspension or revocation arising from such convictions shall be imposed, but the period of suspension or revocation under sections 302.500 to 302.540 shall be credited against any other suspension or revocation arising from such convictions, and the total period of suspension or revocation shall not exceed the longer of the two suspension or revocation periods.

5. Any person who has had a license to operate a motor vehicle revoked under this section or suspended under this section with one or more prior alcohol-related enforcement contacts showing on their driver record shall be required to file proof with the director of revenue that any motor vehicle operated by that person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the person fails to maintain such proof with the director, the license shall be resuspended or revoked, as applicable.**]**

360.045. POWERS OF AUTHORITY — TRANSFER OF MONEYS TO REBUILD DAMAGED INFRASTRUCTURE FUND. — 1. The authority shall have the following powers together with all powers incidental thereto or necessary for the performance thereof:

(1) To have perpetual succession as a body politic and corporate;

(2) To adopt bylaws for the regulation of its affairs and the conduct of its business;

(3) To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;

(4) To have and to use a corporate seal and to alter the same at pleasure;

(5) To maintain an office at such place or places in the state of Missouri as it may designate;

(6) To determine the location and construction of any facility to be financed under the provisions of sections 360.010 to 360.140, and to construct, reconstruct, repair, alter, improve, extend, maintain, lease, and regulate the same; and to designate a participating health institution or a participating educational institution, as the case may be, as its agent to determine the location and construction of a facility undertaken by such participating health institution or participating educational institution, as the case may be, under the provisions of sections 360.010 to 360.140, to construct, reconstruct, repair, alter, improve, extend, maintain, and regulate the same, and to enter into contracts for any and all of such purposes including contracts for the management and operation of the facility;

(7) To lease to a participating health institution or a participating educational institution, as the case may be, the particular health or educational facility or facilities, as the case may be, upon such terms and conditions as the authority shall deem proper; to charge and collect rent therefor; to terminate any such lease upon the failure of the lessee to comply with any of the obligations thereof; to include in any such lease, if desired, provisions that the lessee thereof shall have options to renew the term of the lease for such period or periods at such rent as shall be determined by the authority or to purchase any or all of the particular leased facility or facilities; and, upon payment of all of the indebtedness incurred by the authority for the financing of the facility or facilities, to convey any or all of such facility or facilities to the lessee or lessees thereof. Every lease agreement between the authority and an institution must contain a clause obligating the institution not to use the leased land, nor any facility located thereon, for sectarian instruction or study or as a place of religious worship, or in connection with any part of the program of a school or department of divinity of any religious denomination; to insure that this

covenant is honored, each lease agreement shall allow the authority to conduct inspections, and every conveyance of title to an institution shall contain a restriction against use for any sectarian purpose;

(8) To issue its bonds, notes, or other obligations for any of its corporate purposes and to refund the same, all as provided in sections 360.010 to 360.140;

(9) **To transfer assets of the authority to the rebuild damaged infrastructure fund created in section 33.295;**

(10) To fix and revise from time to time and make and collect rates, rents, fees, and charges for the use of and services furnished or to be furnished by any facility or facilities or any portion thereof and to contract with any person, firm, or corporation or other body, public or private, in respect thereof; except that the authority shall have no jurisdiction over rates, rents, fees, and charges established by a participating educational institution for its students or established by a participating health institution for its patients other than to require that such rates, rents, fees, and charges by such an institution be sufficient to discharge the institution's obligations to the authority;

[(10)**]** **(11)** To establish rules and regulations for review by or on behalf of the authority of the retention or employment by a participating health institution or by a participating educational institution, as the case may be, of consulting engineers, architects, attorneys, accountants, construction and finance experts, superintendents, managers, and such other employees and agents as shall be determined to be necessary in connection with any such facility or facilities and for review by or on behalf of the authority of all reports, studies, or other material prepared in connection with any bond issue of the authority for any such facility or facilities. The costs incurred or to be incurred by a participating health institution or by a participating educational institution in connection with the review shall be deemed, where appropriate, an expense of constructing the facility or facilities or, where appropriate, shall be deemed an annual expense of operation and maintenance of the facility or facilities;

[(11)**]** **(12)** To receive and accept from any public agency loans or grants for or in aid of the construction of a facility or facilities, or any portion thereof, or for equipping the same and to receive and accept grants, gifts, or other contributions from any source;

[(12)**]** **(13)** To mortgage or pledge all or any portion of any facility or facilities, including any other health or educational facility or facilities conveyed to the authority for such purpose and the site or sites thereof, whether then owned or thereafter acquired, for the benefit of the holders of the bonds of the authority issued to finance such facility or facilities or any portion thereof or issued to refund or refinance outstanding indebtedness of a private health institution or a private institution of higher education as permitted by sections 360.010 to 360.140;

[(13)**]** **(14)** To make loans to any participating health institution or participating educational institution, as the case may be, for the cost of any facility or facilities in accordance with an agreement between the authority and such participating health institution or participating educational institution, as the case may be; except that no such loan shall exceed the total cost of such facility or facilities as determined by the participating health institution or participating educational institution, as the case may be, and approved by the authority;

[(14)**]** **(15)** To make loans to a participating health institution or participating educational institution, as the case may be, to refund outstanding obligations, mortgages, or advances issued, made, or given by the institution for the cost of its facility or facilities, including the power to issue bonds and make loans to a participating health institution or participating educational institution, as the case may be, to refinance indebtedness incurred for facilities undertaken and completed prior to or after September 28, 1975, whenever the authority finds that the financing is in the public interest, alleviates a financial hardship upon the participating health institution or participating educational institution, as the case may be, and results in a lesser cost of patient care or cost of education and a saving to third parties, including state or federal governments, and to others who must pay for the care or education;

[(15)**]** **(16)** To inspect any and all facilities assisted by the authority in any way to enforce the prohibition against sectarian or religious use at any time; and

[(16)**]** **(17)** To do all things necessary and convenient to carry out the purposes of sections 360.010 to 360.140.

2. Notwithstanding any provision of law to the contrary, including section 360.115, the authority shall transfer four million dollars of the assets of the authority to the rebuild damaged infrastructure fund created in section 33.295 on July 1, 2013.

374.150. FEES PAID TO DIRECTOR OF REVENUE, EXCEPTION — DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION DEDICATED FUND ESTABLISHED, PURPOSE — LAPSE INTO GENERAL REVENUE, WHEN — ANNUAL TRANSFER OF MONEYS TO GENERAL REVENUE. — 1. All fees due the state under the provisions of the insurance laws of this state shall be paid to the director of revenue and deposited in the state treasury to the credit of the insurance dedicated fund unless otherwise provided for in subsection 2 of this section.

2. There is hereby established in the state treasury a special fund to be known as the "Insurance Dedicated Fund". The fund shall be subject to appropriation of the general assembly and shall be devoted solely to the payment of expenditures incurred by the department attributable to duties performed by the department for the regulation of the business of insurance, regulation of health maintenance organizations and the operation of the division of consumer affairs as required by law which are not paid for by another source of funds. Other provisions of law to the contrary notwithstanding, beginning on January 1, 1991, all fees charged under any provision of chapter 325, 354, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384 or 385 due the state shall be paid into this fund. The state treasurer shall invest moneys in this fund in the same manner as other state funds and any interest or earnings on such moneys shall be credited to the insurance dedicated fund. The provisions of section 33.080 notwithstanding, moneys in the fund shall not lapse, be transferred to or placed to the credit of the general revenue fund unless and then only to the extent to which the unencumbered balance at the close of the biennium year exceeds two times the total amount appropriated, paid, or transferred to the fund during such fiscal year.

3. Notwithstanding provisions of this section to the contrary, five hundred thousand dollars of the insurance dedicated fund shall annually be transferred and placed to the credit of the state general revenue fund on July first beginning with fiscal year 2014.

476.385. SCHEDULE OF FINES COMMITTEE, APPOINTMENT, DUTIES, POWERS — ASSOCIATE CIRCUIT JUDGES MAY ADOPT SCHEDULE — CENTRAL VIOLATIONS BUREAU ESTABLISHED — POWERS, DUTIES. — 1. The judges of the supreme court may appoint a committee consisting of at least seven associate circuit judges, who shall meet en banc and establish and maintain a schedule of fines to be paid for violations of sections 210.104, 577.070, and 577.073, and chapters 252, 301, 302, 304, 306, 307 and 390, with such fines increasing in proportion to the severity of the violation. The associate circuit judges of each county may meet en banc and adopt the schedule of fines and participation in the centralized bureau pursuant to this section. Notice of such adoption and participation shall be given in the manner provided by supreme court rule. Upon order of the supreme court, the associate circuit judges of each county may meet en banc and establish and maintain a schedule of fines to be paid for violations of municipal ordinances for cities, towns and villages electing to have violations of its municipal ordinances heard by associate circuit judges, pursuant to section 479.040; and for traffic court divisions established pursuant to section 479.500. The schedule of fines adopted for violations of municipal ordinances may be modified from time to time as the associate circuit judges of each county en banc deem advisable. No fine established pursuant to this subsection may exceed the maximum amount specified by statute or ordinance for such violation.

2. In no event shall any schedule of fines adopted pursuant to this section include offenses involving the following:

(1) Any violation resulting in personal injury or property damage to another person;

(2) Operating a motor vehicle while intoxicated or under the influence of intoxicants or drugs;

(3) Operating a vehicle with a counterfeited, altered, suspended or revoked license;

(4) Fleeing or attempting to elude an officer.

3. There shall be a centralized bureau to be established by supreme court rule in order to accept pleas of not guilty or guilty and payments of fines and court costs for violations of the laws and ordinances described in subsection 1 of this section, made pursuant to a schedule of fines established pursuant to this section. The centralized bureau shall collect, with any plea of guilty and payment of a fine, all court costs which would have been collected by the court of the jurisdiction from which the violation originated.

4. If a person elects not to contest the alleged violation, the person shall send payment in the amount of the fine and any court costs established for the violation to the centralized bureau. Such payment shall be payable to the central violations bureau, shall be made by mail or in any other manner established by the centralized bureau, and shall constitute a plea of guilty, waiver of trial and a conviction for purposes of section 302.302, and for purposes of imposing any collateral consequence of a criminal conviction provided by law. By paying the fine and costs, the person also consents to attendance **either online or in person** at any driver-improvement program or motorcycle-rider training course ordered by the court and consents to verification of such attendance as directed by the bureau. Notwithstanding any provision of law to the contrary, the prosecutor shall not be required to sign any information, ticket or indictment if disposition is made pursuant to this subsection. In the event that any payment is made pursuant to this section by credit card or similar method, the centralized bureau may charge an additional fee in order to reflect any transaction cost, surcharge or fee imposed on the recipient of the credit card payment by the credit card company.

5. If a person elects to plead not guilty, such person shall send the plea of not guilty to the centralized bureau. The bureau shall send such plea and request for trial to the prosecutor having original jurisdiction over the offense. Any trial shall be conducted at the location designated by the court. The clerk of the court in which the case is to be heard shall notify in writing such person of the date certain for the disposition of such charges. The prosecutor shall not be required to sign any information, ticket or indictment until the commencement of any proceeding by the prosecutor with respect to the notice of violation.

6. In courts adopting a schedule of fines pursuant to this section, any person receiving a notice of violation pursuant to this section shall also receive written notification of the following:

(1) The fine and court costs established pursuant to this section for the violation or information regarding how the person may obtain the amount of the fine and court costs for the violation;

(2) That the person must respond to the notice of violation by paying the prescribed fine and court costs, or pleading not guilty and appearing at trial, and that other legal penalties prescribed by law may attach for failure to appear and dispose of the violation. The supreme court may modify the suggested forms for uniform complaint and summons for use in courts adopting the procedures provided by this section, in order to accommodate such required written notifications.

7. Any moneys received in payment of fines and court costs pursuant to this section shall not be considered to be state funds, but shall be held in trust by the centralized bureau for benefit of those persons or entities entitled to receive such funds pursuant to this subsection. All amounts paid to the centralized bureau shall be maintained by the centralized bureau, invested in the manner required of the state treasurer for state funds by sections 30.240, 30.250, 30.260 and 30.270, and disbursed as provided by the constitution and laws of this state. Any interest earned on such fund shall be payable to the director of the department of revenue for deposit into

a revolving fund to be established pursuant to this subsection. The state treasurer shall be the custodian of the revolving fund, and shall make disbursements, as allowed by lawful appropriations, only to the judicial branch of state government for goods and services related to the administration of the judicial system.

8. Any person who receives a notice of violation subject to this section who fails to dispose of such violation as provided by this section shall be guilty of failure to appear provided by section 544.665; and may be subject to suspension of driving privileges in the manner provided by section 302.341. The centralized bureau shall notify the appropriate prosecutor of any person who fails to either pay the prescribed fine and court costs, or plead not guilty and request a trial within the time allotted by this section, for purposes of application of section 544.665. The centralized bureau shall also notify the department of revenue of any failure to appear subject to section 302.341, and the department shall thereupon suspend the license of the driver in the manner provided by section 302.341, as if notified by the court.

9. In addition to the remedies provided by subsection 8 of this section, the centralized bureau and the courts may use the remedies provided by sections 488.010 to 488.020 for the collection of court costs payable to courts, in order to collect fines and court costs for violations subject to this section.

577.041. REFUSAL TO SUBMIT TO CHEMICAL TEST — NOTICE, REPORT OF PEACE OFFICER, CONTENTS — REVOCATION OF LICENSE, HEARING — EVIDENCE, ADMISSIBILITY — REINSTATEMENT OF LICENSES — SUBSTANCE ABUSE TRAFFIC OFFENDER PROGRAM — ASSIGNMENT RECOMMENDATIONS, JUDICIAL REVIEW — FEES. — 1. If a person under arrest, or who has been stopped pursuant to subdivision (2) or (3) of subsection 1 of section 577.020, refuses upon the request of the officer to submit to any test allowed pursuant to section 577.020, then evidence of the refusal shall be admissible in a proceeding pursuant to section 565.024, 565.060, or 565.082, or section 577.010 or 577.012. The request of the officer shall include the reasons of the officer for requesting the person to submit to a test and also shall inform the person that evidence of refusal to take the test may be used against such person and that the person's license shall be immediately revoked upon refusal to take the test. If a person when requested to submit to any test allowed pursuant to section 577.020 requests to speak to an attorney, the person shall be granted twenty minutes in which to attempt to contact an attorney. If upon the completion of the twenty-minute period the person continues to refuse to submit to any test, it shall be deemed a refusal. In this event, the officer shall, on behalf of the director of revenue, serve the notice of license revocation personally upon the person and shall take possession of any license to operate a motor vehicle issued by this state which is held by that person. The officer shall issue a temporary permit, on behalf of the director of revenue, which is valid for fifteen days and shall also give the person a notice of such person's right to file a petition for review to contest the license revocation.

2. The officer shall make a certified report under penalties of perjury for making a false statement to a public official. The report shall be forwarded to the director of revenue and shall include the following:

(1) That the officer has:

(a) Reasonable grounds to believe that the arrested person was driving a motor vehicle while in an intoxicated or drugged condition; or

(b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or

(c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater;

(2) That the person refused to submit to a chemical test;

(3) Whether the officer secured the license to operate a motor vehicle of the person;

(4) Whether the officer issued a fifteen-day temporary permit;

(5) Copies of the notice of revocation, the fifteen-day temporary permit and the notice of the right to file a petition for review, which notices and permit may be combined in one document; and

(6) Any license to operate a motor vehicle which the officer has taken into possession.

3. Upon receipt of the officer's report, the director shall revoke the license of the person refusing to take the test for a period of one year; or if the person is a nonresident, such person's operating permit or privilege shall be revoked for one year; or if the person is a resident without a license or permit to operate a motor vehicle in this state, an order shall be issued denying the person the issuance of a license or permit for a period of one year.

4. If a person's license has been revoked because of the person's refusal to submit to a chemical test, such person may petition for a hearing before a circuit division or associate division of the court in the county in which the arrest or stop occurred. The person may request such court to issue an order staying the revocation until such time as the petition for review can be heard. If the court, in its discretion, grants such stay, it shall enter the order upon a form prescribed by the director of revenue and shall send a copy of such order to the director. Such order shall serve as proof of the privilege to operate a motor vehicle in this state and the director shall maintain possession of the person's license to operate a motor vehicle until termination of any revocation pursuant to this section. Upon the person's request the clerk of the court shall notify the prosecuting attorney of the county and the prosecutor shall appear at the hearing on behalf of the director of revenue. At the hearing the court shall determine only:

(1) Whether or not the person was arrested or stopped;

(2) Whether or not the officer had:

(a) Reasonable grounds to believe that the person was driving a motor vehicle while in an intoxicated or drugged condition; or

(b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or

(c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer had reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater; and

(3) Whether or not the person refused to submit to the test.

5. If the court determines any issue not to be in the affirmative, the court shall order the director to reinstate the license or permit to drive.

6. Requests for review as provided in this section shall go to the head of the docket of the court wherein filed.

7. No person who has had a license to operate a motor vehicle suspended or revoked pursuant to the provisions of this section shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 577.001, or a program determined to be comparable by the department of mental health or the court. Assignment recommendations, based upon the needs assessment as described in subdivision **[**(23)**]** **(24)** of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be

unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.023, or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

8. The fees for the substance abuse traffic offender program, or a portion thereof to be determined by the division of alcohol and drug abuse of the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 and section 577.001. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rates established pursuant to the provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053.

9. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program.

10. Any person who has had a license to operate a motor vehicle revoked [more than once for violation of the provisions of this section] **under this section and who has a prior alcohol-related enforcement contact, as defined in section 302.525,** shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of license reinstatement. Such ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. **If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended for an additional six months.** If the person fails to maintain such proof with the director as required by this section, the license shall be rerevoked and the person shall be guilty of a class A misdemeanor.

11. The revocation period of any person whose license and driving privilege has been revoked under this section and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303 and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, the revocation

shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, the person's license and driving privilege shall be rerevoked and the person shall be guilty of a class A misdemeanor.

SECTION 1. NONSEVERABILITY CLAUSE. — Notwithstanding the provisions of section 1.140 to the contrary, the provisions of sections 32.087, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and 144.615, as amended by this act, shall be nonseverable, and if any provision is for any reason held to be invalid, such decision shall invalidate all of the remaining provisions of section 32.087, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and 144.615, as amended by this act.

SECTION B. EMERGENCY CLAUSE. — Because of the detrimental impact that lost local revenues has had on the domestic economy by placing Missouri dealers of motor vehicles, outboard motors, boats and trailers at a competitive disadvantage to non-Missouri dealers of motor vehicles, outboard motors, boats and trailers, and because of the necessity to provide funding for the reconstruction, replacement, or renovation of, or repair to, any infrastructure damaged by a presidentially declared natural disaster the repeal and reenactment of sections 32.087, 33.080, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, 144.615, 360.045 and 374.150 and the enactment of sections 33.295 and 1 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 32.087, 33.080, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, 144.615, 360.045 and 374.150 and the enactment of sections 33.295 and 1 of this act shall be in full force and effect upon its passage and approval.

SECTION C. EMERGENCY CLAUSE. — Because immediate action is necessary to ensure the safety of the citizens of this state, the repeal and reenactment of section 302.309 of this act, and the repeal of section 302.309 of this act, is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 302.309 of this act, and the repeal of section 302.309 of this act, shall be in full force and effect July 1, 2013, or upon its passage and approval, whichever later occurs.

SECTION D. DELAYED EFFECTIVE DATE. — The repeal and reenactment of sections 302.060, 302.302, 302.304, 302.525, 476.385, and 577.041, and the repeal of sections 302.060, 302.304, and 302.525 of this act shall become effective on March 3, 2014.

Approved July 5, 2013

SB 33 [CCS SCS SB 33]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Modifies provisions relating to individuals with mental disabilities

AN ACT to repeal sections 209.150, 209.152, and 209.200, RSMo, and to enact in lieu thereof four new sections relating to individuals with mental disabilities.

SECTION
A. Enacting clause.
9.149. PKS day designated for December fourth.
209.150. Rights of persons with visual, hearing or physical disabilities — guide, hearing or service dogs, no extra charge for — liability for actual damages.
209.152. Trainers of guide, hearing or service dogs, no extra charge for — liability for damages.
209.200. Definitions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 209.150, 209.152, and 209.200, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 9.149, 209.150, 209.152, and 209.200, to read as follows:

9.149. PKS DAY DESIGNATED FOR DECEMBER FOURTH. — December fourth shall be designated as "PKS Day" in Missouri. Pallister-Killian Mosaic Syndrome, commonly known as Pallister-Killian Syndrome or PKS, is a disorder usually caused by the presence of an abnormal extra chromosome and is characterized by vision and hearing impairments, seizure disorders, and early childhood, intellectual disability, distinctive facial features, sparse hair, areas of unusual skin coloring, weak muscle tone, and other birth defects. It is recommended to the people of the state that this day be appropriately observed by participating in awareness and educational activities on the symptoms and impact of Pallister-Killian Syndrome and to support programs of research, education, and community service.

209.150. RIGHTS OF PERSONS WITH VISUAL, HEARING OR PHYSICAL DISABILITIES — GUIDE, HEARING OR SERVICE DOGS, NO EXTRA CHARGE FOR — LIABILITY FOR ACTUAL DAMAGES. — 1. Every person with a visual, aural or **[**physical**] other** disability **including diabetes, as defined in section 213.010,** shall have the same rights afforded to a person with no such disability to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places.

2. Every person with a visual, aural or **[**physical**] other** disability **including diabetes, as defined in section 213.010,** is entitled to full and equal accommodations, advantages, facilities, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, taxis, streetcars, boats or any other public conveyances or modes of transportation, hotels, lodging places, places of public accommodation, amusement or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

3. Every person with a visual, aural or **[**physical**] other** disability **including diabetes, as defined in section 213.010,** shall have the right to be accompanied by a guide dog, hearing dog, or service dog, which is especially trained for the purpose, in any of the places listed in subsection 2 of this section without being required to pay an extra charge for the guide dog, hearing dog or service dog; provided that such person shall be liable for any damage done to the premises or facilities by such dog.

4. As used in sections 209.150 to 209.190, the term "service dog" means any dog specifically trained to assist a person with a physical **or mental** disability by performing necessary **[**physical**]** tasks **or doing work** which the person cannot perform. Such tasks shall include, but not be limited to, pulling a wheelchair, retrieving items, **[**and**]** carrying supplies**, and search and rescue of an individual with a disability**.

209.152. TRAINERS OF GUIDE, HEARING OR SERVICE DOGS, NO EXTRA CHARGE FOR — LIABILITY FOR DAMAGES. — **Not to exceed the provisions of the Americans With Disabilities Act,** any trainer, from a recognized training center, of a guide dog, hearing assistance dog or service dog**, or any member of a service dog team, as defined in section 209.200,** shall

have the right to be accompanied by such dog in or upon any of the premises listed in section 209.150 while engaged in the training of the dog without being required to pay an extra charge for such dog. Such trainer **or service dog team member** shall be liable for any damage done to the premise of facilities by such dog.

209.200. DEFINITIONS. — As used in sections 209.200 to 209.204, **not to exceed the provisions of the Americans With Disabilities Act,** the following terms shall mean:

(1) "Disability", as defined in section 213.010 **including diabetes**;

(2) "Service dog", a dog that is being or has been specially trained to do work or perform tasks which benefit a particular person with a disability. Service dog includes **but is not limited to**:

(a) "Guide dog", a dog that is being or has been specially trained to assist a particular blind or visually impaired person;

(b) "Hearing dog", a dog that is being or has been specially trained to assist a particular deaf or hearing-impaired person;

(c) "Medical alert or respond dog", a dog that is being or has been trained to alert a person with a disability that a particular medical event is about to occur or to respond to a medical event that has occurred;

(d) "Mobility dog", a dog that is being or has been specially trained to assist a person with a disability caused by physical impairments**;**

(e) "Professional therapy dog", a dog which is selected, trained, and tested to provide specific physical therapeutic functions, under the direction and control of a qualified handler who works with the dog as a team as a part of the handler's occupation or profession. Such dogs, with their handlers, perform such functions in institutional settings, community-based group settings, or when providing services to specific persons who have disabilities. Professional therapy dogs do not include dogs, certified or not, which are used by volunteers in visitation therapy;

(f) "Search and rescue dog", a dog that is being or has been trained to search for or prevent a person with a mental disability, including but not limited to verbal and nonverbal autism, from becoming lost;

(3) "Service dog team", a team consisting of a trained service dog, a disabled person or child, and a person who is an adult and who has been trained to handle the service dog.

Approved June 12, 2013

SB 35 [SB 35]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Creates an income tax return check-off program to provide funds for CureSearch for Children's Cancer

AN ACT to amend chapter 143, RSMo, by adding thereto one new section relating to the designation of tax refunds to certain funds.

SECTION

A. Enacting clause.

143.1026. Sahara's law — pediatric cancer research donation — fund created — sunset provision.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Chapter 143, RSMo, is amended by adding thereto one new section, to be known as section 143.1026, to read as follows:

143.1026. SAHARA'S LAW — PEDIATRIC CANCER RESEARCH DONATION — FUND CREATED — SUNSET PROVISION. — 1. This section shall be known and may be cited as "Sahara's Law".

2. For all taxable years beginning on or after January 1, 2013, each individual or corporation entitled to a tax refund in an amount sufficient to make a designation under this section may designate that one dollar or any amount in excess of one dollar on a single return, and two dollars or any amount in excess of two dollars on a combined return, of the refund due be credited to the pediatric cancer research trust fund. If any individual or corporation that is not entitled to a tax refund in an amount sufficient to make a designation under this section wishes to make a contribution to the fund, such individual or corporation may, by separate check, draft, or other negotiable instrument, send in with the payment of taxes, or may send in separately, that amount the individual or corporation wishes to contribute. Such amounts shall be clearly designated for the fund.

3. There is hereby created in the state treasury the "Pediatric Cancer Research Trust Fund", which shall consist of money collected under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the fund shall be used solely for the administration of this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. All moneys credited to the trust fund shall be considered nonstate funds under section 15, article IV, Constitution of Missouri. The treasurer shall distribute all moneys deposited in the fund at times the treasurer deems appropriate to CureSearch for children's cancer.

4. The director of revenue shall deposit at least monthly all contributions designated by individuals under this section to the state treasurer for deposit to the fund. The director of revenue shall deposit at least monthly all contributions designated by the corporations under this section, less an amount sufficient to cover the costs of collection and handling by the department of revenue, to the state treasury for deposit to the fund. A contribution designated under this section shall only be deposited in the fund after all other claims against the refund from which such contribution is to be made have been satisfied.

5. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset on December thirty-first six years after August 28, 2013, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset. The termination of the program as described in this subsection shall not be construed to preclude any taxpayer who claims any benefit under any program that is sunset under this subsection from claiming such benefit for all allowable activities related to such claim that were completed before the program was sunset, or to eliminate any responsibility of

the administering agency to verify the continued eligibility of projects receiving tax credits and to enforce other requirements of law that applied before the program was sunset.

Approved June 28, 2013

SB 36 [CCS SCS SB 36]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Modifies provisions related to juvenile offenders who have been certified as adults and found guilty in a court of general jurisdiction

AN ACT to repeal sections 211.071 and 211.073, RSMo, and to enact in lieu thereof three new sections relating to juvenile criminal offenders.

SECTION
A. Enacting clause.
211.069. Citation of law.
211.071. Certification of juvenile for trial as adult — procedure — mandatory hearing, certain offenses — misrepresentation of age, effect.
211.073. Transfer to court of general jurisdiction, dual jurisdiction of both criminal and juvenile codes — suspended execution of adult sentence, revocation of juvenile disposition — petition for transfer of custody, hearing — offender age seventeen, hearing — offender age twenty-one, hearing — credit for time served.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 211.071 and 211.073, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 211.069, 211.071, and 211.073, to read as follows:

211.069. CITATION OF LAW. — Sections 211.071 and 211.073 shall be known and may be cited as "Jonathan's Law".

211.071. CERTIFICATION OF JUVENILE FOR TRIAL AS ADULT — PROCEDURE — MANDATORY HEARING, CERTAIN OFFENSES — MISREPRESENTATION OF AGE, EFFECT. — 1. If a petition alleges that a child between the ages of twelve and seventeen has committed an offense which would be considered a felony if committed by an adult, the court may, upon its own motion or upon motion by the juvenile officer, the child or the child's custodian, order a hearing and may, in its discretion, dismiss the petition and such child may be transferred to the court of general jurisdiction and prosecuted under the general law; except that if a petition alleges that any child has committed an offense which would be considered first degree murder under section 565.020, second degree murder under section 565.021, first degree assault under section 565.050, forcible rape under section 566.030, forcible sodomy under section 566.060, first degree robbery under section 569.020, or distribution of drugs under section 195.211, or has committed two or more prior unrelated offenses which would be felonies if committed by an adult, the court shall order a hearing, and may in its discretion, dismiss the petition and transfer the child to a court of general jurisdiction for prosecution under the general law.

2. Upon apprehension and arrest, jurisdiction over the criminal offense allegedly committed by any person between seventeen and twenty-one years of age over whom the juvenile court has retained continuing jurisdiction shall automatically terminate and that offense shall be dealt with in the court of general jurisdiction as provided in section 211.041.

3. Knowing and willful age misrepresentation by a juvenile subject shall not affect any action or proceeding which occurs based upon the misrepresentation. Any evidence obtained during the period of time in which a child misrepresents his or her age may be used against the child and will be subject only to rules of evidence applicable in adult proceedings.

4. Written notification of a transfer hearing shall be given to the juvenile and his or her custodian in the same manner as provided in sections 211.101 and 211.111. Notice of the hearing may be waived by the custodian. Notice shall contain a statement that the purpose of the hearing is to determine whether the child is a proper subject to be dealt with under the provisions of this chapter, and that if the court finds that the child is not a proper subject to be dealt with under the provisions of this chapter, the petition will be dismissed to allow for prosecution of the child under the general law.

5. The juvenile officer may consult with the office of prosecuting attorney concerning any offense for which the child could be certified as an adult under this section. The prosecuting or circuit attorney shall have access to police reports, reports of the juvenile or deputy juvenile officer, statements of witnesses and all other records or reports relating to the offense alleged to have been committed by the child. The prosecuting or circuit attorney shall have access to the disposition records of the child when the child has been adjudicated pursuant to subdivision (3) of subsection 1 of section 211.031. The prosecuting attorney shall not divulge any information regarding the child and the offense until the juvenile court at a judicial hearing has determined that the child is not a proper subject to be dealt with under the provisions of this chapter.

6. A written report shall be prepared in accordance with this chapter developing fully all available information relevant to the criteria which shall be considered by the court in determining whether the child is a proper subject to be dealt with under the provisions of this chapter and whether there are reasonable prospects of rehabilitation within the juvenile justice system. These criteria shall include but not be limited to:

(1) The seriousness of the offense alleged and whether the protection of the community requires transfer to the court of general jurisdiction;

(2) Whether the offense alleged involved viciousness, force and violence;

(3) Whether the offense alleged was against persons or property with greater weight being given to the offense against persons, especially if personal injury resulted;

(4) Whether the offense alleged is a part of a repetitive pattern of offenses which indicates that the child may be beyond rehabilitation under the juvenile code;

(5) The record and history of the child, including experience with the juvenile justice system, other courts, supervision, commitments to juvenile institutions and other placements;

(6) The sophistication and maturity of the child as determined by consideration of his home and environmental situation, emotional condition and pattern of living;

(7) The age of the child;

(8) The program and facilities available to the juvenile court in considering disposition;

(9) Whether or not the child can benefit from the treatment or rehabilitative programs available to the juvenile court; and

(10) Racial disparity in certification.

7. If the court dismisses the petition to permit the child to be prosecuted under the general law, the court shall enter a dismissal order containing:

(1) Findings showing that the court had jurisdiction of the cause and of the parties;

(2) Findings showing that the child was represented by counsel;

(3) Findings showing that the hearing was held in the presence of the child and his counsel; and

(4) Findings showing the reasons underlying the court's decision to transfer jurisdiction.

8. A copy of the petition and order of the dismissal shall be sent to the prosecuting attorney.

9. When a petition has been dismissed thereby permitting a child to be prosecuted under the general law **and the prosecution of the child results in a conviction**, the jurisdiction of the

juvenile court over that child is forever terminated, except as provided in subsection 10 of this section, for an act that would be a violation of a state law or municipal ordinance.

10. If a petition has been dismissed thereby permitting a child to be prosecuted under the general law and the child is found not guilty by a court of general jurisdiction, the juvenile court shall have jurisdiction over any later offense committed by that child which would be considered a misdemeanor or felony if committed by an adult, subject to the certification provisions of this section.

11. If the court does not dismiss the petition to permit the child to be prosecuted under the general law, it shall set a date for the hearing upon the petition as provided in section 211.171.

211.073. TRANSFER TO COURT OF GENERAL JURISDICTION, DUAL JURISDICTION OF BOTH CRIMINAL AND JUVENILE CODES — SUSPENDED EXECUTION OF ADULT SENTENCE, REVOCATION OF JUVENILE DISPOSITION — PETITION FOR TRANSFER OF CUSTODY, HEARING — OFFENDER AGE SEVENTEEN, HEARING — OFFENDER AGE TWENTY-ONE, HEARING — CREDIT FOR TIME SERVED. — 1. The court **[**may**]** **shall**, in a case when the offender is under seventeen years **and six months** of age and has been transferred to a court of general jurisdiction pursuant to section 211.071, and whose prosecution results in a conviction or a plea of guilty, **[**invoke**]** **consider** dual jurisdiction of both the criminal and juvenile codes, as set forth in this section. The court is authorized to impose a juvenile disposition under this chapter and simultaneously impose an adult criminal sentence, the execution of which shall be suspended pursuant to the provisions of this section. Successful completion of the juvenile disposition ordered shall be a condition of the suspended adult criminal sentence. The court may order an offender into the custody of the division of youth services pursuant to this section **[**if:

(1) A facility is designed and built by the division of youth services specifically for offenders sentenced pursuant to this section and if the division determines that there is space available, based on design capacity, in the facility; and

(2)**]:**

(1) Upon agreement of the division **of youth services; and**

(2) If the division of youth services determines that there is space available in a facility designed to serve offenders sentenced under this section.

If the division of youth services agrees to accept a youth and the court does not impose a juvenile disposition, the court shall make findings on the record as to why the division of youth services was not appropriate for the offender prior to imposing the adult criminal sentence.

2. If there is probable cause to believe that the offender has violated a condition of the suspended sentence or committed a new offense, the court shall conduct a hearing on the violation charged, unless the offender waives such hearing. If the violation is established and found the court may continue or revoke the juvenile disposition, impose the adult criminal sentence, or enter such other order as it may see fit.

3. When an offender has received a suspended sentence pursuant to this section and the division determines the child is beyond the scope of its treatment programs, the division of youth services may petition the court for a transfer of custody of the offender. The court shall hold a hearing and shall:

(1) Revoke the suspension and direct that the offender be taken into immediate custody of the department of corrections; or

(2) Direct that the offender be placed on probation.

4. When an offender who has received a suspended sentence reaches the age of seventeen, the court shall hold a hearing. The court shall:

(1) Revoke the suspension and direct that the offender be taken into immediate custody of the department of corrections;

(2) Direct that the offender be placed on probation; or

(3) Direct that the offender remain in the custody of the division of youth services if the division agrees to such placement.

5. The division of youth services shall petition the court for a hearing before it releases an offender who comes within subsection 1 of this section at any time before the offender reaches the age of twenty-one years. The court shall:

(1) Revoke the suspension and direct that the offender be taken into immediate custody of the department of corrections; or

(2) Direct that the offender be placed on probation.

6. If the suspension of the adult criminal sentence is revoked, all time served by the offender under the juvenile disposition shall be credited toward the adult criminal sentence imposed.

Approved June 12, 2013

SB 42 [CCS HCS SCS SB 42]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Modifies provisions relating to county sheriffs, school protection officers, and creates procedures and policies for unpaid debts to county jails

AN ACT to repeal sections 57.010, 57.104, 221.070, 313.321, 488.5028, 488.5320, and 590.205 as truly agreed to and finally passed by the first regular session of the ninety-seventh general assembly in senate committee substitute for house committee substitute for house bill no. 436, RSMo, and to enact in lieu thereof nine new sections relating to law enforcement agencies.

SECTION

A. Enacting clause.
57.010. Election — qualifications — certificate of election — sheriff to hold valid peace officer license, when.
57.104. Sheriff, all noncharter counties, employment of attorney.
221.070. Prisoners liable for cost of imprisonment — certification of outstanding debt.
221.102. Canteen or commissary in county jail authorized — revenues to be kept in separate account — fund created.
313.321. State lottery fund, established — distribution of funds — imprest prize fund, created, uses — collection, investment, use of lottery funds — taxation, set-off of prizes, when — restrictions for licensees.
488.5028. Court cost delinquencies, income tax setoff may be requested, procedure.
488.5029. Delinquent debt, notice to department of conservation, when — hunting and fishing license suspended, procedure.
488.5320. Charges in criminal cases, sheriffs and other officers — MODEX fund created.
590.205. School protection officer training, POST commission to establish minimum standards — list of approved instructors, centers and programs — background checks — certification.
590.205. School protection officer training, POST commission to establish minimum standards — list of approved instructors, centers and programs — background checks — certification.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 57.010, 57.104, 221.070, 313.321, 488.5028, 488.5320, and 590.205 as truly agreed to and finally passed by the first regular session of the ninety-seventh general assembly in senate committee substitute for house committee substitute for house bill no. 436, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 57.010, 57.104, 221.070, 221.102, 313.321, 488.5028, 488.5029, 488.5320, and 590.205, to read as follows:

57.010. ELECTION — QUALIFICATIONS — CERTIFICATE OF ELECTION — SHERIFF TO HOLD VALID PEACE OFFICER LICENSE, WHEN. — 1. At the general election to be held in 1948, and at each general election held every four years thereafter, the voters in every county in this state shall elect some suitable person sheriff. No person shall be eligible for the office of sheriff who has been convicted of a felony. Such person shall be a resident taxpayer and elector of said county, shall have resided in said county for more than one whole year next before filing for said office and shall be a person capable of efficient law enforcement. When any person shall be elected sheriff, such person shall enter upon the discharge of the duties of such person's office as chief law enforcement officer of that county on the first day of January next succeeding said election.

2. **[**Beginning January 1, 2003, any**] No person shall be eligible for the office of** sheriff who does not hold a valid peace officer license pursuant to chapter 590 **[**shall refrain from personally executing any of the police powers of the office of sheriff, including but not limited to participation in the activities of arrest, detention, vehicular pursuit, search and interrogation. Nothing in this section shall prevent any sheriff from administering the execution of police powers through duly commissioned deputy sheriffs**]. Any person filing for the office of sheriff shall have a valid peace officer license at the time of filing for office.** This subsection shall not apply**[**:

(1) During the first twelve months of the first term of office of any sheriff who is eligible to become licensed as a peace officer and who intends to become so licensed within twelve months after taking office, except this subdivision shall not be effective beginning January 1, 2010; or

(2)**]** to the sheriff of any county of the first classification with a charter form of government with a population over nine hundred thousand **or of any city not within a county**.

57.104. SHERIFF, ALL NONCHARTER COUNTIES, EMPLOYMENT OF ATTORNEY. — 1. The sheriff of any county **[**of the first classification not having a charter form of government**], except a county with a charter form of government,** may employ an attorney at law to aid and advise him in the discharge of his duties and to represent him in court. The sheriff shall set the compensation for an attorney hired pursuant to this section within the allocation made by the county commission to the sheriff's department for compensation of employees to be paid out of the general revenue fund of the county.

2. The attorney employed by a sheriff pursuant to subsection 1 of this section shall be employed at the pleasure of the sheriff.

221.070. PRISONERS LIABLE FOR COST OF IMPRISONMENT — CERTIFICATION OF OUTSTANDING DEBT. — **1.** Every person who shall be committed to the common jail within any county in this state, by lawful authority, for any offense or misdemeanor, upon a plea of guilty or a finding of guilt for such offense, shall bear the expense of carrying him or her to said jail, and also his or her support while in jail, before he or she shall be discharged; and the property of such person shall be subjected to the payment of such expenses, and shall be bound therefor, from the time of his commitment, and may be levied on and sold, from time to time, under the order of the court having criminal jurisdiction in the county, to satisfy such expenses.

2. If a person has not paid all money owed to the county jail upon release from custody and has failed to enter into, or honor an agreement with the sheriff to make payments toward such debt according to a repayment plan, the sheriff may certify to the clerk of the court in which the case was determined the amount of the outstanding debt. The circuit clerk shall report to the office of state courts administrator the debtor's full name, date of birth, address, and the amount the debtor owes to the county jail. If the person subsequently satisfies the debt to the county jail or begins making regular payments in accordance with an agreement entered into with the sheriff, the sheriff shall

notify the circuit clerk who shall then notify the state courts administrator that the person shall no longer be considered delinquent.

221.102. CANTEEN OR COMMISSARY IN COUNTY JAIL AUTHORIZED — REVENUES TO BE KEPT IN SEPARATE ACCOUNT — FUND CREATED. — **1. The sheriff of any county may establish and operate a canteen or commissary in the county jail for the use and benefit of the inmates, prisoners, and detainees.**

2. Each county jail shall keep revenues received from its canteen or commissary in a separate account. The acquisition cost of goods sold and other expenses shall be paid from this account. A minimum amount of money necessary to meet cash flow needs and current operating expenses may be kept in this account. The remaining funds from sales of each canteen or commissary shall be deposited into the "Inmate Prisoner Detainee Security Fund" and shall be expended for the purposes provided in subsection 3 of section 488.5026. The provisions of section 33.080 to the contrary notwithstanding, the money in the inmate prisoner detainee security fund shall be retained for the purposes specified in section 488.5026 and shall not revert or be transferred to general revenue.

313.321. STATE LOTTERY FUND, ESTABLISHED — DISTRIBUTION OF FUNDS — IMPREST PRIZE FUND, CREATED, USES — COLLECTION, INVESTMENT, USE OF LOTTERY FUNDS — TAXATION, SET-OFF OF PRIZES, WHEN — RESTRICTIONS FOR LICENSEES. — 1. The money received by the Missouri state lottery commission from the sale of Missouri lottery tickets and from all other sources shall be deposited in the "State Lottery Fund", which is hereby created in the state treasury. At least forty-five percent, in the aggregate, of the money received from the sale of Missouri lottery tickets shall be appropriated to the Missouri state lottery commission and shall be used to fund prizes to lottery players. Amounts in the state lottery fund may be appropriated to the Missouri state lottery commission for administration, advertising, promotion, and retailer compensation. The general assembly shall appropriate remaining moneys not previously allocated from the state lottery fund by transferring such moneys to the general revenue fund. The lottery commission shall make monthly transfers of moneys not previously allocated from the state lottery fund to the general revenue fund as provided by appropriation.

2. The commission may also purchase and hold title to any securities issued by the United States government or its agencies and instrumentalities thereof that mature within the term of the prize for funding multi-year payout prizes.

3. The "Missouri State Lottery Imprest Prize Fund" is hereby created. This fund is to be established by the state treasurer and funded by warrants drawn by the office of administration from the state lottery fund in amounts specified by the commission. The commission may write checks and disburse moneys from this fund for the payment of lottery prizes only and for no other purpose. All expenditures shall be made in accordance with rules and regulations established by the office of administration. Prize payments may also be made from the state lottery fund. Prize payouts made pursuant to this section shall be subject to the provisions of section 143.781**[**; and**]**. Prize payouts made pursuant to this section shall be subject to set off for**:**

(1) Delinquent child support payments as assessed by a court of competent jurisdiction or pursuant to section 454.410**[**. Prize payouts made under this section shall be subject to set off for**];**

(2) Unpaid health care services provided by hospitals and health care providers under the procedure established in section 143.790**; and**

(3) Unpaid debts to a county jail as provided under section 221.070 and pursuant to the procedure established in section 488.5028.

4. Funds of the state lottery commission not currently needed for prize money, administration costs, commissions and promotion costs shall be invested by the state treasurer in interest-bearing investments in accordance with the investment powers of the state treasurer

contained in chapter 30. All interest earned by funds in the state lottery fund shall accrue to the credit of that fund.

5. No state or local sales tax shall be imposed upon the sale of lottery tickets or shares of the state lottery or on any prize awarded by the state lottery. No state income tax or local earnings tax shall be imposed upon any lottery game prizes which accumulate to an amount of less than six hundred dollars during a prize winner's tax year. The state of Missouri shall withhold for state income tax purposes from a lottery game prize or periodic payment of six hundred dollars or more an amount equal to four percent of the prize.

6. The director of revenue is authorized to enter into agreements with the lottery commission, in conjunction with the various state agencies pursuant to sections 143.782 to 143.788, in an effort to satisfy outstanding debts to the state from the lottery winning of any person entitled to receive lottery payments which are subject to federal withholding. The director of revenue is also authorized to enter into agreements with the lottery commission in conjunction with the department of health and senior services pursuant to section 143.790 in an effort to satisfy outstanding debts owed to hospitals and health care providers for unpaid health care services of any person entitled to receive lottery payments which are subject to federal withholding.

7. In addition to the restrictions provided in section 313.260, no person, firm, or corporation whose primary source of income is derived from the sale or rental of sexually oriented publications or sexually oriented materials or property shall be licensed as a lottery game retailer and any lottery game retailer license held by any such person, firm, or corporation shall be revoked.

488.5028. COURT COST DELINQUENCIES, INCOME TAX SETOFF MAY BE REQUESTED, PROCEDURE. — 1. If a person fails to pay court costs, fines, fees, or other sums ordered by a court, to be paid to the state or political subdivision, a court may report any such delinquencies in excess of twenty-five dollars to the office of state courts administrator and request that the state courts administrator seek a setoff of an income tax refund. The state courts administrator shall set guidelines necessary to effectuate the purpose of the offset program. **The office of state courts administrator also shall seek a setoff of any income tax refund and lottery prize payouts made to a person whose name has been reported to the office as being delinquent pursuant to section 221.070.**

2. The office of state courts administrator shall provide **to:**

(1) The department of revenue **[**with**],** the information necessary to identify each debtor whose refund is sought to be **[**setoff**] set off** and the amount of the debt or debts owed by **[**each such**] any** debtor who is entitled to a tax refund in excess of twenty-five dollars **and any debtor under section 221.070 who is entitled to a tax refund of any amount; and**

(2) The state lottery commission, the information necessary to identify each debtor whose lottery prize payouts are sought to be set off and the amount of the debt or debts owed by the debtor under section 221.070.

3. The department of revenue shall notify the office of state courts administrator that a refund has been **[**setoff**] set off, and the state lottery commission shall notify the office when a lottery prize payout has been set off,** on behalf of a court **[**and**]. The department or commission** shall certify the amount of such setoff, which shall not exceed the amount of the claimed debt certified. When the refund owed **[**exceeds**] or lottery prize payouts exceed** the claimed debt, the department of revenue **when a refund is set off, or the state lottery commission when lottery prizes are set off,** shall send the excess amount to the debtor within a reasonable time after such excess is determined.

4. The office of state courts administrator shall notify the debtor by mail that a setoff has been sought. The notice shall contain the following:

(1) The name of the debtor;

(2) The manner in which the debt arose;

(3) The amount of the claimed debt and the department's intention to [setoff] **set off** the refund **or the lottery commission's intention to set off the lottery prize payouts** against the debt;

(4) The amount, if any, of the refund **or lottery prize payouts** due after setoff [of the refund] against the debt; and

(5) The right of the debtor to apply in writing to the court originally requesting setoff for review of the setoff because the debt was previously satisfied. Any debtor applying to the court for review of the setoff shall file a written application within thirty days of the date of mailing of the notice and send a copy of the application to the office of state courts administrator. The application for review of the setoff shall contain the name of the debtor, the case name and number from which the debt arose, and the grounds for review. The court may upon application, or on its own motion, hold a hearing on the application. The hearing shall be ancillary to the original action with the only matters for determination whether the [refund] setoff was appropriate because the debt was unsatisfied at the time the court reported the delinquency to the office of state courts administrator and that the debt remains unsatisfied. In the case of a joint or combined return, the notice sent by the department shall contain the name of the nonobligated taxpayer named in the return, if any, against whom no debt is claimed. The notice shall state that as to the nonobligated taxpayer that no debt is owed and that the taxpayer is entitled to a refund regardless of the debt owed by such other person or persons named on the joint or combined return. The nonobligated taxpayer may seek a refund as provided in section 143.784.

5. Upon receipt of funds transferred from the department of revenue **or the state lottery commission** to the office of state courts administrator pursuant to a [refund] setoff, the state courts administrator shall deposit such funds in the state treasury to be held in an escrow account, which is hereby established. Interest earned on those funds shall be credited to the escrow account and used to offset administrative expenses. If a debtor files with a court an application for review, the state courts administrator shall hold such sums in question until directed by such court to release the funds. If no application for review is filed, the state courts administrator shall, within forty-five days of receipt of funds from the department, send to the clerk of the court in which the debt arose such sums as are collected by the department of revenue for credit to the debtor's account.

488.5029. DELINQUENT DEBT, NOTICE TO DEPARTMENT OF CONSERVATION, WHEN — HUNTING AND FISHING LICENSE SUSPENDED, PROCEDURE. — 1. After the period provided for a person to appeal a debt under subsection 6 of this section has expired, and unless a court, upon review, determines that the delinquent debt has been satisfied, the office of state courts administrator shall notify the department of conservation of the full name, date of birth, and address of any person reported by a circuit court as being delinquent in the payment of money to a county jail under section 221.070. If a person requests a hearing under subsection 6 of this section, the state courts administrator shall wait to send such notification until the court has issued a decision. When the circuit clerk has notified the state courts administrator that a person shall no longer be considered delinquent, the state courts administrator shall notify the department of such fact. Notification under this subsection may be on forms or in an electronic format per agreement with the office of state courts administrator and the department.

2. The following procedure shall apply between the office of state courts administrator and the department of conservation regarding the suspension of hunting and fishing licenses:

(1) The office of state courts administrator shall be responsible for making the determination of whether an individual's license should be suspended based on the reasons specified in section 221.070; and

(2) If the office of state courts administrator determines, after completion of all due process procedures available to an individual, that an individual's license should be

suspended, the office of state courts administrator shall notify the department of conservation. The department shall promulgate a rule consistent with a cooperative agreement between the office of state courts administrator and the department of conservation providing that the conservation commission shall refuse to issue or suspend a hunting or fishing license for any person based on the reasons specified in section 221.070. Such suspension shall remain in effect until the department is notified by the office of state courts administrator that such suspension should be stayed or terminated because the individual is now in compliance with delinquent payments of money to the county jail.

3. Before the office of state courts administrator has reported the name of any debtor pursuant to this section, the state courts administrator shall notify the debtor by mail that his or her name will be forwarded to the department of conservation. The notice shall contain the following information:

(1) The name of the debtor;

(2) The manner in which the debt arose;

(3) The amount of the claimed debt;

(4) The provisions of this section regarding the issuance and suspension of a license to hunt or fish; and

(5) The right of the debtor to apply in writing to the court in which the debt originated for review because the debt was previously satisfied.

4. Any debtor applying to the court for review shall file a written application within thirty days of the date of mailing of the notice and send a copy of the application to the office of state courts administrator. The application for review shall contain the name of the debtor, the case name and number from which the debt arose, and the grounds for review. The court may upon application, or on its own motion, hold a hearing on the application. The hearing shall be ancillary to the original action with the only matters for determination to be whether the debt was unsatisfied at the time the court reported the delinquency to the office of state courts administrator and that the debt remains unsatisfied.

488.5320. CHARGES IN CRIMINAL CASES, SHERIFFS AND OTHER OFFICERS — MODEX FUND CREATED. — 1. Sheriffs, county marshals or other officers shall be allowed a charge for their services rendered in criminal cases and in all proceedings for contempt or attachment, as required by law, the sum of seventy-five dollars for each felony case or contempt or attachment proceeding, ten dollars for each misdemeanor case, and six dollars for each infraction, **[**excluding**]** **including** cases disposed of by a **[**traffic**]** violations bureau established pursuant to law or supreme court rule. Such charges shall be charged and collected in the manner provided by sections 488.010 to 488.020 and shall be payable to the county treasury**; except that, those charges from cases disposed of by a violations bureau shall be distributed as follows: one-half of the charges collected shall be forwarded and deposited to the credit of the MODEX fund established in subsection 6 of this section for the operational cost of the Missouri data exchange (MODEX) system, and one-half of the charges collected shall be deposited to the credit of the inmate security fund, established in section 488.5026, of the county or municipal political subdivision from which the citation originated. If the county or municipal political subdivision has not established an inmate security fund, all of the funds shall be deposited in the MODEX fund**.

2. **Notwithstanding subsection 1 of this section to the contrary, sheriffs, county marshals, or other officers in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants or in any city not within a county shall not be allowed a charge for their services rendered in cases disposed of by a violations bureau established pursuant to law or supreme court rule.**

3. The sheriff receiving any charge pursuant to subsection 1 of this section shall reimburse the sheriff of any other county or the city of St. Louis the sum of three dollars for each pleading, writ, summons, order of court or other document served in connection with the case or proceeding by the sheriff of the other county or city, and return made thereof, to the maximum amount of the total charge received pursuant to subsection 1 of this section.

[3.] **4.** The charges provided in subsection 1 of this section shall be taxed as other costs in criminal proceedings immediately upon a plea of guilty or a finding of guilt of any defendant in any criminal procedure. The clerk shall tax all the costs in the case against such defendant, which shall be collected and disbursed as provided by sections 488.010 to 488.020; provided, that no such charge shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court; provided further, that all costs, incident to the issuing and serving of writs of scire facias and of writs of fieri facias, and of attachments for witnesses of defendant, shall in no case be paid by the state, but such costs incurred under writs of fieri facias and scire facias shall be paid by the defendant and such defendant's sureties, and costs for attachments for witnesses shall be paid by such witnesses.

[4.] **5.** Mileage shall be reimbursed to sheriffs, county marshals and guards for all services rendered pursuant to this section at the rate prescribed by the Internal Revenue Service for allowable expenses for motor vehicle use expressed as an amount per mile.

6. (1) There is hereby created in the state treasury the "MODEX Fund", which shall consist of money collected under subsection 1 of this section. The fund shall be administered by the Peace Officers Standards and Training Commission established in section 590.120. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the fund shall be used solely for the operational support and expansion of the MODEX system.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

590.205. SCHOOL PROTECTION OFFICER TRAINING, POST COMMISSION TO ESTABLISH MINIMUM STANDARDS — LIST OF APPROVED INSTRUCTORS, CENTERS AND PROGRAMS — BACKGROUND CHECKS — CERTIFICATION. — 1. The POST commission shall establish minimum standards for school protection officer training instructors, training centers, and training programs.

2. The director shall develop and maintain a list of approved school protection officer training instructors, training centers, and training programs. The director shall not place any instructor, training center, or training program on its approved list unless such instructor, training center, or training program meets all of the POST commission requirements under this section and section 590.200. The director shall make this approved list available to every school district in the state. The required training to become a school protection officer shall be provided by those firearm instructors, private and public, who have successfully completed a department of public safety POST certified law enforcement firearms instructor school.

3. Each person seeking entrance into a school protection officer training center or training program shall submit a fingerprint card and authorization for a criminal history background check to include the records of the Federal Bureau of Investigation to the training center or training program where such person is seeking entrance. The training center or training program shall cause a criminal history background check to be made and shall cause the resulting report to be forwarded to the school district where the

elementary school teacher or administrator is seeking to be designated as a school protection officer.

4. No person shall be admitted to a school protection officer training center or training program unless such person submits proof to the training center or training program that he or she has a valid concealed carry endorsement.

5. A certificate of school protection officer training program completion may be issued to any applicant by any approved school protection officer training instructor. On the certificate of program completion the approved school protection officer training instructor shall affirm that the individual receiving instruction has taken and passed a school protection officer training program that meets the requirements of this section and section 590.200 and that the individual has a valid concealed carry endorsement. The instructor shall also provide a copy of such certificate to the director of the department of public safety.

[590.205. SCHOOL PROTECTION OFFICER TRAINING, POST COMMISSION TO ESTABLISH MINIMUM STANDARDS — LIST OF APPROVED INSTRUCTORS, CENTERS AND PROGRAMS — BACKGROUND CHECKS — CERTIFICATION. — 1. The POST commission shall establish minimum standards for school protection officer training instructors, training centers, and training programs.

2. The director shall develop and maintain a list of approved school protection officer training instructors, training centers, and training programs. The director shall not place any instructor, training center, or training program on its approved list unless such instructor, training center, or training program meets all of the POST commission requirements under this section and section 590.200. The director shall make this approved list available to every school district in the state.

3. Each person seeking entrance into a school protection officer training center or training program shall submit a fingerprint card and authorization for a criminal history background check to include the records of the Federal Bureau of Investigation to the training center or training program where such person is seeking entrance. The training center or training program shall cause a criminal history background check to be made and shall cause the resulting report to be forwarded to the school district where the elementary school teacher or administrator is seeking to be designated as a school protection officer.

4. No person shall be admitted to a school protection officer training center or training program unless such person submits proof to the training center or training program that he or she has a valid concealed carry endorsement.

5. A certificate of school protection officer training program completion may be issued to any applicant by any approved school protection officer training instructor. On the certificate of program completion the approved school protection officer training instructor shall affirm that the individual receiving instruction has taken and passed a school protection officer training program that meets the requirements of this section and section 590.200 and that the individual has a valid concealed carry endorsement. The instructor shall also provide a copy of such certificate.**]**

Approved July 12, 2013

SB 47 [SCS SB 47]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Adds to the list of legal guardians of a child who may receive subsidies

AN ACT to repeal section 453.072, RSMo, and to enact in lieu thereof one new section relating to subsidized legal guardianship of a child.

SECTION
A. Enacting clause.
453.072. Qualified relatives to receive subsidies, when — definitions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Section 453.072, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 453.072, to read as follows:

453.072. QUALIFIED RELATIVES TO RECEIVE SUBSIDIES, WHEN — DEFINITIONS. — 1. Any subsidies available to adoptive parents pursuant to section 453.073 and section 453.074 shall also be available to a qualified relative of a child **or a qualified close nonrelated person** who is granted legal guardianship of the child in the same manner as such subsidies are available for adoptive parents.

2. As used in this section**:**

(1) "Relative" means any grandparent, aunt, uncle, adult sibling of the child or adult first cousin of the child**, or any other person related to the child by blood or affinity;**

(2) "Close nonrelated person" means any nonrelated person whose life is so intermingled with the child such that the relationship is similar to a family relationship.

Approved June 25, 2013

SB 58 [SB 58]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Allows the city of Farmington to put ordinances to a vote of the people before they are finally passed

AN ACT to repeal sections 71.012, 71.014, 71.015, and 71.285, RSMo, and to enact in lieu thereof five new sections relating to the passage of ordinances in the city of Farmington.

SECTION
A. Enacting clause.
71.012. Annexation procedure, hearing, exceptions (Perry County, Randolph County) — contiguous and compact defined — common interest community, cooperative and planned community, defined — objection, procedure.
71.014. Annexation by certain cities upon request of all property owners in area annexed — deannexation, statute of limitations.
71.015. Objections to annexation, satisfaction of objections prior to annexation, procedure — certain cities, elections for annexation, procedure — cause of action for deannexation authorized.

71.285. Weeds or trash, city may cause removal and issue tax bill, when — certain cities may order abatement and remove weeds or trash, when — section not to apply to certain cities, when — city official may order abatement in certain cities — removal of weeds or trash, costs.
77.675. Ordinances, adoption and repeal process (City of Farmington).

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 71.012, 71.014, 71.015, and 71.285, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 71.012, 71.014, 71.015, 71.285, and 77.675, to read as follows:

71.012. ANNEXATION PROCEDURE, HEARING, EXCEPTIONS (PERRY COUNTY, RANDOLPH COUNTY) — CONTIGUOUS AND COMPACT DEFINED — COMMON INTEREST COMMUNITY, COOPERATIVE AND PLANNED COMMUNITY, DEFINED — OBJECTION, PROCEDURE. — 1. Notwithstanding the provisions of sections 71.015 and 71.860 to 71.920, the governing body of any city, town or village may annex unincorporated areas which are contiguous and compact to the existing corporate limits of the city, town or village pursuant to this section. The term "contiguous and compact" does not include a situation whereby the unincorporated area proposed to be annexed is contiguous to the annexing city, town or village only by a railroad line, trail, pipeline or other strip of real property less than one-quarter mile in width within the city, town or village so that the boundaries of the city, town or village after annexation would leave unincorporated areas between the annexed area and the prior boundaries of the city, town or village connected only by such railroad line, trail, pipeline or other such strip of real property. The term "contiguous and compact" does not prohibit voluntary annexations pursuant to this section merely because such voluntary annexation would create an island of unincorporated area within the city, town or village, so long as the owners of the unincorporated island were also given the opportunity to voluntarily annex into the city, town or village. Notwithstanding the provisions of this section, the governing body of any city, town or village in any county of the third classification which borders a county of the fourth classification, a county of the second classification and the Mississippi River may annex areas along a road or highway up to two miles from existing boundaries of the city, town or village or the governing body in any city, town or village in any county of the third classification without a township form of government with a population of at least twenty-four thousand inhabitants but not more than thirty thousand inhabitants and such county contains a state correctional center may voluntarily annex such correctional center pursuant to the provisions of this section if the correctional center is along a road or highway within two miles from the existing boundaries of the city, town or village.

2. (1) When a **[**verified**]** **notarized** petition, requesting annexation and signed by the owners of all fee interests of record in all tracts of real property located within the area proposed to be annexed, or a request for annexation signed under the authority of the governing body of any common interest community and approved by a majority vote of unit owners located within the area proposed to be annexed is presented to the governing body of the city, town or village, the governing body shall hold a public hearing concerning the matter not less than fourteen nor more than sixty days after the petition is received, and the hearing shall be held not less than seven days after notice of the hearing is published in a newspaper of general circulation qualified to publish legal matters and located within the boundary of the petitioned city, town or village. If no such newspaper exists within the boundary of such city, town or village, then the notice shall be published in the qualified newspaper nearest the petitioned city, town or village. For the purposes of this subdivision, the term "common-interest community" shall mean a condominium as said term is used in chapter 448, or a common-interest community, a cooperative, or a planned community.

(a) A "common-interest community" shall be defined as real property with respect to which a person, by virtue of such person's ownership of a unit, is obliged to pay for real property taxes, insurance premiums, maintenance or improvement of other real property described in a declaration. "Ownership of a unit" does not include a leasehold interest of less than twenty years in a unit, including renewal options;

(b) A "cooperative" shall be defined as a common-interest community in which the real property is owned by an association, each of whose members is entitled by virtue of such member's ownership interest in the association to exclusive possession of a unit;

(c) A "planned community" shall be defined as a common-interest community that is not a condominium or a cooperative. A condominium or cooperative may be part of a planned community.

(2) At the public hearing any interested person, corporation or political subdivision may present evidence regarding the proposed annexation.

If, after holding the hearing, the governing body of the city, town or village determines that the annexation is reasonable and necessary to the proper development of the city, town or village, and the city, town or village has the ability to furnish normal municipal services to the area to be annexed within a reasonable time, it may, subject to the provisions of subdivision (3) of this subsection, annex the territory by ordinance without further action.

(3) If a written objection to the proposed annexation is filed with the governing body of the city, town or village not later than fourteen days after the public hearing by at least five percent of the qualified voters of the city, town or village, or two qualified voters of the area sought to be annexed if the same contains two qualified voters, the provisions of sections 71.015 and 71.860 to 71.920, shall be followed.

3. If no objection is filed, the city, town or village shall extend its limits by ordinance to include such territory, specifying with accuracy the new boundary lines to which the city's, town's or village's limits are extended. Upon duly enacting such annexation ordinance, the city, town or village shall cause three certified copies of the same to be filed with the county assessor and the clerk of the county wherein the city, town or village is located, and one certified copy to be filed with the election authority, if different from the clerk of the county which has jurisdiction over the area being annexed, whereupon the annexation shall be complete and final and thereafter all courts of this state shall take judicial notice of the limits of that city, town or village as so extended.

4. That a petition requesting annexation is not or was not verified or notarized shall not affect the validity of an annexation heretofore or hereafter undertaken in accordance with this section.

5. Any action of any kind seeking to deannex from any city, town, or village any area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise challenge such annexation or oust such city, town, or village from jurisdiction over such annexed area shall be brought within five years of the date of adoption of the annexation ordinance.

71.014. ANNEXATION BY CERTAIN CITIES UPON REQUEST OF ALL PROPERTY OWNERS IN AREA ANNEXED — DEANNEXATION, STATUTE OF LIMITATIONS. — 1. Notwithstanding the provisions of section 71.015, the governing body of any city, town, or village which is located within a county which borders a county of the first classification with a charter form of government with a population in excess of six hundred fifty thousand, proceeding as otherwise authorized by law or charter, may annex unincorporated areas which are contiguous and compact to the existing corporate limits upon **[**verified**]** **notarized** petition requesting such annexation signed by the owners of all fee interests of record in all tracts located within the area to be annexed. **That a petition requesting annexation is not or was not verified or notarized shall not affect the validity of an annexation heretofore or hereafter undertaken in accordance with this section.**

2. Any action of any kind seeking to deannex from any city, town, or village any area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise challenge such annexation or oust such city, town, or village from jurisdiction over such annexed area shall be brought within five years of the date of adoption of the annexation ordinance.

71.015. OBJECTIONS TO ANNEXATION, SATISFACTION OF OBJECTIONS PRIOR TO ANNEXATION, PROCEDURE — CERTAIN CITIES, ELECTIONS FOR ANNEXATION, PROCEDURE — CAUSE OF ACTION FOR DEANNEXATION AUTHORIZED. — 1. Should any city, town, or village, not located in any county of the first classification which has adopted a constitutional charter for its own local government, seek to annex an area to which objection is made, the following shall be satisfied:

(1) Before the governing body of any city, town, or village has adopted a resolution to annex any unincorporated area of land, such city, town, or village shall first as a condition precedent determine that the land to be annexed is contiguous to the existing city, town, or village limits and that the length of the contiguous boundary common to the existing city, town, or village limit and the proposed area to be annexed is at least fifteen percent of the length of the perimeter of the area proposed for annexation.

(2) The governing body of any city, town, or village shall propose an ordinance setting forth the following:

(a) The area to be annexed and affirmatively stating that the boundaries comply with the condition precedent referred to in subdivision (1) above;

(b) That such annexation is reasonable and necessary to the proper development of the city, town, or village;

(c) That the city has developed a plan of intent to provide services to the area proposed for annexation;

(d) That a public hearing shall be held prior to the adoption of the ordinance;

(e) When the annexation is proposed to be effective, the effective date being up to thirty-six months from the date of any election held in conjunction thereto.

(3) The city, town, or village shall fix a date for a public hearing on the ordinance and make a good faith effort to notify all fee owners of record within the area proposed to be annexed by certified mail, not less than thirty nor more than sixty days before the hearing, and notify all residents of the area by publication of notice in a newspaper of general circulation qualified to publish legal matters in the county or counties where the proposed area is located, at least once a week for three consecutive weeks prior to the hearing, with at least one such notice being not more than twenty days and not less than ten days before the hearing.

(4) At the hearing referred to in subdivision (3), the city, town, or village shall present the plan of intent and evidence in support thereof to include:

(a) A list of major services presently provided by the city, town, or village including, but not limited to, police and fire protection, water and sewer systems, street maintenance, parks and recreation, **and** refuse collection**[**, etc.**]**;

(b) A proposed time schedule whereby the city, town, or village plans to provide such services to the residents of the proposed area to be annexed within three years from the date the annexation is to become effective;

(c) The level at which the city, town, or village assesses property and the rate at which it taxes that property;

(d) How the city, town, or village proposes to zone the area to be annexed;

(e) When the proposed annexation shall become effective.

(5) Following the hearing, and either before or after the election held in subdivision (6) of this subsection, should the governing body of the city, town, or village vote favorably by ordinance to annex the area, the governing body of the city, town or village shall file an action in the circuit court of the county in which such unincorporated area is situated, under the

provisions of chapter 527, praying for a declaratory judgment authorizing such annexation. The petition in such action shall state facts showing:

(a) The area to be annexed and its conformity with the condition precedent referred to in subdivision (1) of this subsection;

(b) That such annexation is reasonable and necessary to the proper development of the city, town, or village; and

(c) The ability of the city, town, or village to furnish normal municipal services of the city, town, or village to the unincorporated area within a reasonable time not to exceed three years after the annexation is to become effective. Such action shall be a class action against the inhabitants of such unincorporated area under the provisions of section 507.070.

(6) Except as provided in subsection 3 of this section, if the court authorizes the city, town, or village to make an annexation, the legislative body of such city, town, or village shall not have the power to extend the limits of the city, town, or village by such annexation until an election is held at which the proposition for annexation is approved by a majority of the total votes cast in the city, town, or village and by a separate majority of the total votes cast in the unincorporated territory sought to be annexed. However, should less than a majority of the total votes cast in the area proposed to be annexed vote in favor of the proposal, but at least a majority of the total votes cast in the city, town, or village vote in favor of the proposal, then the proposal shall again be voted upon in not more than one hundred twenty days by both the registered voters of the city, town, or village and the registered voters of the area proposed to be annexed. If at least two-thirds of the qualified electors voting thereon are in favor of the annexation, then the city, town, or village may proceed to annex the territory. If the proposal fails to receive the necessary majority, no part of the area sought to be annexed may be the subject of another proposal to annex for a period of two years from the date of the election, except that, during the two-year period, the owners of all fee interests of record in the area or any portion of the area may petition the city, town, or village for the annexation of the land owned by them pursuant to the procedures in section 71.012. The elections shall if authorized be held, except as herein otherwise provided, in accordance with the general state law governing special elections, and the entire cost of the election or elections shall be paid by the city, town, or village proposing to annex the territory.

(7) Failure to comply in providing services to the said area or to zone in compliance with the plan of intent within three years after the effective date of the annexation, unless compliance is made unreasonable by an act of God, shall give rise to a cause of action for deannexation which may be filed in the circuit court by any resident of the area who was residing in the area at the time the annexation became effective.

(8) No city, town, or village which has filed an action under this section as this section read prior to May 13, 1980, which action is part of an annexation proceeding pending on May 13, 1980, shall be required to comply with subdivision (5) of this subsection in regard to such annexation proceeding.

(9) If the area proposed for annexation includes a public road or highway but does not include all of the land adjoining such road or highway, then such fee owners of record, of the lands adjoining said highway shall be permitted to intervene in the declaratory judgment action described in subdivision (5) of this subsection.

2. Notwithstanding any provision of subsection 1 of this section, for any annexation by any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county that becomes effective after August 28, 1994, if such city has not provided water and sewer service to such annexed area within three years of the effective date of the annexation, a cause of action shall lie for deannexation, unless the failure to provide such water and sewer service to the annexed area is made unreasonable by an act of God. The cause of action for deannexation may be filed in the circuit court by any resident of the annexed area who is presently residing in the area at the time of the filing of the suit and was a resident of the annexed area at the time the annexation became effective. If the suit for deannexation is successful, the city shall be liable for all court costs and attorney fees.

3. Notwithstanding the provisions of subdivision (6) of subsection 1 of this section, all cities, towns, and villages located in any county of the first classification with a charter form of government with a population of two hundred thousand or more inhabitants which adjoins a county with a population of nine hundred thousand or more inhabitants shall comply with the provisions of this subsection. If the court authorizes any city, town, or village subject to this subsection to make an annexation, the legislative body of such city, town or village shall not have the power to extend the limits of such city, town, or village by such annexation until an election is held at which the proposition for annexation is approved by a majority of the total votes cast in such city, town, or village and by a separate majority of the total votes cast in the unincorporated territory sought to be annexed; except that:

(1) In the case of a proposed annexation in any area which is contiguous to the existing city, town or village and which is within an area designated as flood plain by the Federal Emergency Management Agency and which is inhabited by no more than thirty registered voters and for which a final declaratory judgment has been granted prior to January 1, 1993, approving such annexation and where notarized affidavits expressing approval of the proposed annexation are obtained from a majority of the registered voters residing in the area to be annexed, the area may be annexed by an ordinance duly enacted by the governing body and no elections shall be required; and

(2) In the case of a proposed annexation of unincorporated territory in which no qualified electors reside, if at least a majority of the qualified electors voting on the proposition are in favor of the annexation, the city, town or village may proceed to annex the territory and no subsequent election shall be required. If the proposal fails to receive the necessary separate majorities, no part of the area sought to be annexed may be the subject of any other proposal to annex for a period of two years from the date of such election, except that, during the two-year period, the owners of all fee interests of record in the area or any portion of the area may petition the city, town, or village for the annexation of the land owned by them pursuant to the procedures in section 71.012 **or 71.014**. The election shall, if authorized, be held, except as otherwise provided in this section, in accordance with the general state laws governing special elections, and the entire cost of the election or elections shall be paid by the city, town, or village proposing to annex the territory. Failure of the city, town or village to comply in providing services to the area or to zone in compliance with the plan of intent within three years after the effective date of the annexation, unless compliance is made unreasonable by an act of God, shall give rise to a cause of action for deannexation which may be filed in the circuit court **not later than four years after the effective date of the annexation** by any resident of the area who was residing in such area at the time the annexation became effective or by any nonresident owner of real property in such area. **Except for a cause of action for deannexation under this subdivision (2) of this subsection, any action of any kind seeking to deannex from any city, town, or village any area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise challenge such annexation or oust such city, town, or village from jurisdiction over such annexed area shall be brought within five years of the date of the adoption of the annexation ordinance.**

71.285. WEEDS OR TRASH, CITY MAY CAUSE REMOVAL AND ISSUE TAX BILL, WHEN — CERTAIN CITIES MAY ORDER ABATEMENT AND REMOVE WEEDS OR TRASH, WHEN — SECTION NOT TO APPLY TO CERTAIN CITIES, WHEN — CITY OFFICIAL MAY ORDER ABATEMENT IN CERTAIN CITIES — REMOVAL OF WEEDS OR TRASH, COSTS. — 1. Whenever weeds or trash, in violation of an ordinance, are allowed to grow or accumulate, as the case may be, on any part of any lot or ground within any city, town or village in this state, the owner of the ground, or in case of joint tenancy, tenancy by entireties or tenancy in common, each owner thereof, shall be liable. The marshal or other city official as designated in such ordinance shall give a hearing after ten days' notice thereof, either personally or by United States mail to the owner or owners, or the owner's agents, or by posting such notice on the premises; thereupon,

the marshal or other designated city official may declare the weeds or trash to be a nuisance and order the same to be abated within five days; and in case the weeds or trash are not removed within the five days, the marshal or other designated city official shall have the weeds or trash removed, and shall certify the costs of same to the city clerk, who shall cause a special tax bill therefor against the property to be prepared and to be collected by the collector, with other taxes assessed against the property; and the tax bill from the date of its issuance shall be a first lien on the property until paid and shall be prima facie evidence of the recitals therein and of its validity, and no mere clerical error or informality in the same, or in the proceedings leading up to the issuance, shall be a defense thereto. Each special tax bill shall be issued by the city clerk and delivered to the collector on or before the first day of June of each year. Such tax bills if not paid when due shall bear interest at the rate of eight percent per annum. Notwithstanding the time limitations of this section, any city, town or village located in a county of the first classification may hold the hearing provided in this section four days after notice is sent or posted, and may order at the hearing that the weeds or trash shall be abated within five business days after the hearing and if such weeds or trash are not removed within five business days after the hearing, the order shall allow the city to immediately remove the weeds or trash pursuant to this section. Except for lands owned by a public utility, rights-of-way, and easements appurtenant or incidental to lands controlled by any railroad, the department of transportation, the department of natural resources or the department of conservation, the provisions of this subsection shall not apply to any city with a population of at least seventy thousand inhabitants which is located in a county of the first classification with a population of less than one hundred thousand inhabitants which adjoins a county with a population of less than one hundred thousand inhabitants that contains part of a city with a population of three hundred fifty thousand or more inhabitants, any city with a population of one hundred thousand or more inhabitants which is located within a county of the first classification that adjoins no other county of the first classification, or any city, town or village located within a county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, or any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, or the City of St. Louis, where such city, town or village establishes its own procedures for abatement of weeds or trash, and such city may charge its costs of collecting the tax bill, including attorney fees, in the event a lawsuit is required to enforce a tax bill.

2. Except as provided in subsection 3 of this section, if weeds are allowed to grow, or if trash is allowed to accumulate, on the same property in violation of an ordinance more than once during the same growing season in the case of weeds, or more than once during a calendar year in the case of trash, in any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, in the City of St. Louis, in any city, town or village located in a county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, in any fourth class city located in a county of the first classification with a charter form of government and a population of less than three hundred thousand, or in any home rule city with more than one hundred thirteen thousand two hundred but less than one hundred thirteen thousand three hundred inhabitants located in a county with a charter form of government and with more than six hundred thousand but less than seven hundred thousand inhabitants, the marshal or other designated city official may order that the weeds or trash be abated within five business days after notice is sent to or posted on the property. In case the weeds or trash are not removed within the five days, the marshal or other designated city official may have the weeds or trash removed and the cost of the same shall be billed in the manner described in subsection 1 of this section.

3. If weeds are allowed to grow, or if trash is allowed to accumulate, on the same property in violation of an ordinance more than once during the same growing season in the case of weeds, or more than once during a calendar year in the case of trash, in any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, in the City of St. Louis, in any city, town or village located in a county of the first

classification with a charter form of government with a population of nine hundred thousand or more inhabitants, in any fourth class city located in a county of the first classification with a charter form of government and a population of less than three hundred thousand, in any home rule city with more than one hundred thirteen thousand two hundred but less than one hundred thirteen thousand three hundred inhabitants located in a county with a charter form of government and with more than six hundred thousand but less than seven hundred thousand inhabitants, in any third class city with a population of at least ten thousand inhabitants but less than fifteen thousand inhabitants with the greater part of the population located in a county of the first classification, in any city of the third classification with more than sixteen thousand nine hundred but less than seventeen thousand inhabitants, [or] in any city of the third classification with more than eight thousand but fewer than nine thousand inhabitants, **in any city of the fourth classification with more than eight thousand but fewer than nine thousand inhabitants and located in any county of the third classification without a township form of government and with more than eighteen thousand but fewer than twenty thousand inhabitants, or in any city of the third classification with more than fifteen thousand but fewer than seventeen thousand inhabitants and located in any county of the first classification with more than sixty-five thousand but fewer than seventy-five thousand inhabitants,** the marshal or other designated official may, without further notification, have the weeds or trash removed and the cost of the same shall be billed in the manner described in subsection 1 of this section. The provisions of subsection 2 and this subsection do not apply to lands owned by a public utility and lands, rights-of-way, and easements appurtenant or incidental to lands controlled by any railroad.

4. The provisions of this section shall not apply to any city with a population of one hundred thousand or more inhabitants which is located within a county of the first classification that adjoins no other county of the first classification where such city establishes its own procedures for abatement of weeds or trash, and such city may charge its costs of collecting the tax bill, including attorney fees, in the event a lawsuit is required to enforce a tax bill.

77.675. ORDINANCES, ADOPTION AND REPEAL PROCESS (CITY OF FARMINGTON). — 1. In addition to the process for passing ordinances provided in section 77.080, the council of any city of the third classification with more than fifteen thousand but fewer than seventeen thousand inhabitants and located in any county of the first classification with more than sixty-five thousand but fewer than seventy-five thousand inhabitants may adopt or repeal any ordinance by passage of a bill that sets forth the ordinance and specifies that the ordinance so proposed shall be submitted to the registered voters of the city at the next municipal election. The bill shall be passed pursuant to the procedures in section 77.080, except that it shall take effect upon approval of a majority of the voters rather than upon the approval and signature of the mayor.

2. If the mayor approves the bill and signs it, the question shall be submitted to the voters in substantially the following form:

Shall the following ordinance be (adopted) (repealed)? (Set out ordinance.)

[ ] YES [ ] NO

3. If a majority of the voters voting on the proposed ordinance vote in favor, such ordinance shall become a valid and binding ordinance of the city.

Approved June 28, 2013

SB 59 [SB 59]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Modifies provisions relating to the regulation of the Missouri Property and Casualty Insurance Association and the Missouri Life and Health Insurance Guaranty Association

AN ACT to repeal sections 375.772, 375.775, 375.776, and 376.717, RSMo, and to enact in lieu thereof four new sections relating to the regulation of insurance guaranty associations.

SECTION
A. Enacting clause.
375.772. Association, created — definitions.
375.775. Association, powers and duties.
375.776. Board of directors, selection, terms — powers and duties.
376.717. Coverages provided, persons covered — coverage not provided, when — maximum benefits allowable.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 375.772, 375.775, 375.776, and 376.717, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 375.772, 375.775, 375.776, and 376.717, to read as follows:

375.772. ASSOCIATION, CREATED — DEFINITIONS. — 1. There is created a nonprofit unincorporated legal entity to be known as the "Missouri Property and Casualty Insurance Guaranty Association", hereinafter referred to as "association". All member insurers shall be and remain members of the association as a condition of their authority to transact insurance in this state. The association shall perform its functions under a plan of operation and through a board of directors established by section 375.776.

2. As used in sections 375.771 to 375.779, the following terms mean:

(1) "Account", any one of the four accounts established by section 375.773;

(2) "Affiliate", a person who directly or indirectly through one or more intermediaries controls, is controlled by, or is under common control with another person;

(3) "Affiliate of an insolvent insurer", a person who directly or indirectly through one or more intermediaries controls, is controlled by, or is under common control with an insolvent insurer on December thirty-first of the year immediately preceding the date the insurer becomes an insolvent insurer;

(4) "Association", the Missouri property and casualty insurance guaranty association;

(5) "Claimant", any insured making a first-party claim or any person instituting a liability claim, provided that no person who is an affiliate of the insolvent insurer may be a claimant;

(6) "Control", the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position with the corporate office held by the person. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds the power to vote, or holds proxies representing ten percent or more of the voting securities of any other person. Such presumption may be rebutted by a showing that control does not exist in fact;

(7) "Covered claim", an unpaid claim including those for unearned premiums, presented by a claimant within the time specified in accordance with subsection 1 and subdivision (2) of subsection 2 of section 375.775, and is for a loss arising out of and is within the coverage of an

insurance policy to which sections 375.771 to 375.779 apply made by a person insured under such policy or by a person suffering injury or for which a person insured under such policy is legally liable, if:

(a) The policy is issued by a member insurer and such member insurer becomes an insolvent insurer after August 28, 2004; and

(b) The claimant or insured is a resident of this state at the time of the insured event, or the claim is a first-party claim by an insured for damage to property and the property from which the claim arises is permanently located in this state or in the case of an unearned premium, the policyholder is a resident of this state at the time the policy is issued. The residency of the claimant, insured, or policyholder, other than an individual, is the state in which its principal place of business is located at the time of the insured event;

(c) "Covered claim" shall not include:

a. Any amount awarded as punitive or exemplary damages, or which is a fine or penalty;

b. Any amount sought as a return of premium under any retrospective rating plan; or

c. Any amount due any reinsurer, insurer, insurance pool, or underwriting association, health maintenance organization, hospital plan corporation, health services corporation, or self-insurer as subrogation recoveries, reinsurance recoveries, contribution, indemnity, or otherwise. To the extent of any amount due any reinsurer, insurer, insurance pool, or underwriting association, health maintenance organization, hospital plan corporation, health services corporation, or self-insurer as subrogation recoveries or otherwise there shall be no right of recovery by any person against a tort-feasor insured of an insolvent insurer, except that such limitation shall not apply with respect to those amounts that exceed the limits of the policy issued such tort-feasor by the insolvent insurer;

d. A claim by or against an insured of an insolvent insurer, if such insured has a net worth of more than twenty-five million dollars on the later of the end of the insured's most recent fiscal year or the December thirty-first of the year next preceding the date the insurer becomes an insolvent insurer; provided that an insured's net worth on such date shall be deemed to include the aggregate net worth of the insured and all of its affiliates as calculated on a consolidated basis;

e. Any first-party claim by an insured which is an affiliate of the insolvent insurer;

f. Supplementary payment obligations incurred prior to the final order of liquidation, including but not limited to adjustment fees and expenses, fees for medical cost containment services, including but not limited to medical case management fees, attorney's fees and expenses, court costs, penalties, and bond premiums;

g. Any claims for interest;

h. Any amount that constitutes a portion of a covered claim that is within an insured's deductible or self-insured retention;

i. Any fee or other amount sought by or on behalf of an attorney or other provider of goods or services retained by an insured or claimant in connection with the assertion or prosecuting of any claim, covered or otherwise, against the association;

j. Any amount that constitutes a claim under a policy**, except in the case of a claim for benefits under workers' compensation coverage,** issued by an insolvent insurer with a deductible or self-insured retention of three hundred thousand dollars or more. However, such a claim shall be considered a covered claim, if, as of the deadline set forth for the filing of claims against the insolvent insurer or its liquidator, the insured is a debtor under 11 U.S.C. Section 701, et seq.;

k. Any amount to the extent that it is covered by any insurance that is available to the claimant or the insured, whether such other insurance is primary, pro rata, or excess. In all such instances, the association's obligations to the insured or claimant shall not be deemed to be other insurance;

(8) "Insolvent insurer", an insurer licensed to transact insurance in this state, either at the time the policy was issued or when the insured event occurred, and against whom a final order

of liquidation with a finding of insolvency has been entered by a court of competent jurisdiction in the insurer's state of domicile or of this state under the provisions of sections 375.950 to 375.990 or sections 375.1150 to 375.1246, and which such order of liquidation has not been stayed or been the subject of a writ of supersedeas or other comparable order;

(9) "Insured", any named insured, additional insured, vendor, lessor, or any other party identified as an insured under the policy;

(10) "Member insurer", any person who writes any kind of insurance to which sections 375.771 to 375.779 apply, including the exchange of reciprocal or interinsurance contracts, and possesses a certificate of authority to transact the business of insurance in this state issued by the director of the department of insurance, financial institutions and professional registration. Whether or not approved by the director of the department of insurance, financial institutions and professional registration for the placing of lines of insurance by producers so authorized under the provisions of chapter 384, an insurance company not licensed to do business in this state shall not be a member insurer. Missouri mutual and extended Missouri mutual insurance companies doing business under chapter 380 shall be considered member insurers for the purposes of sections 375.771 to 375.779, and a special account shall be established applicable only to such companies;

(11) "Net direct written premiums", direct gross premiums written in this state on insurance policies to which sections 375.771 to 375.779 apply, less return premiums thereon and dividends paid or credited to policyholders on such direct business. "Net direct written premiums" does not include premiums on contracts between insurers or reinsurers;

(12) "Net worth", the total assets of a person less the total liabilities against those assets. Where the person is one who prepares an annual report to shareholders such report for the fiscal year immediately preceding the date of insolvency of the insurance carrier shall be used to determine net worth. If the person is one who does not prepare such an annual report, but does prepare an annual financial report for management which reflects net worth, then such report for the fiscal year immediately preceding the date of insolvency of the insurance carrier shall be used to determine net worth;

(13) "Ocean marine insurance" includes marine insurance that insures against maritime perils or risks and other related perils or risks which are usually insured against by traditional marine insurance, such as hull and machinery, marine builders' risks, and marine protection and indemnity. Such perils and risks insured against include, without limitation, loss, damage, or expense or legal liability of the insured arising out of an incident related to ownership, operation, chartering, maintenance, use, repair, or construction of any vessel, craft, or instrumentality in use in ocean or inland waters for commercial purposes, including liability of the insured for personal injury, illness, or death for loss or damage to the property of the insured or another person;

(14) "Person", any individual, corporation, partnership, association or voluntary organization, municipality, or political subdivision;

(15) "Political subdivision", the same meaning as such term is defined in section 70.210;

(16) "Self-insurer", a person that covers its liability through a qualified individual or group self-insurance program or any other formal program created for the specific purpose of covering liabilities typically covered by insurance. Self-insurer does not include the Missouri private sector individual self-insurers guaranty corporation created pursuant to section 287.860, et seq.

375.775. ASSOCIATION, POWERS AND DUTIES. — 1. The association shall be obligated to the extent of the covered claims existing prior to the date of a final order of liquidation or a judicial determination by a court of competent jurisdiction in the insurer's domiciliary state that an insolvent insurer exists and arising within thirty days from the date or at the time of the first such order or determination, or before the policy expiration date if less than thirty days after such date, or before or at the time the insured replaces the policy or causes its cancellation, if he does so within thirty days of such date. Such obligation shall be satisfied by paying to the claimant an amount as follows:

(1) The full amount of a covered claim for benefits under workers' compensation insurance coverage;

(2) An amount not exceeding twenty-five thousand dollars per policy for a covered claim for the return of unearned premium;

(3) An amount not exceeding three hundred thousand dollars per claim for all other covered claims.

2. In no event shall the association be obligated to an insured or claimant in an amount in excess of the face amount or the limits of the policy from which a claim arises or be obligated for the payment of unearned premium in excess of the amount of twenty-five thousand dollars, or to an insured or claimant on any covered claim until it receives confirmation from the receiver or liquidator of an insolvent insurer that the claim is within the coverage of an applicable policy of the insolvent insurer, except that within the sole discretion of the association, if the association deems it has sufficient evidence from other sources, including any claim forms which may be propounded by the association, that the claim is within the coverage of an applicable policy of the insolvent insurer, it shall proceed to process the claim, pursuant to its statutory obligations, without such confirmation by the receiver or liquidator:

(1) All covered claims shall be filed with the association on the claim information form required by this subdivision no later than the final date first set by the court for the filing of claims against the liquidator or receiver of an insolvent insurer, except that if the time first set by the court for filing claims is one year or less from the date of insolvency, and an extension of the time to file claims is granted by the court, claims may be filed with the association no later than the new date set by the court or within one year of the date of insolvency, whichever first occurs. In no event shall the association be obligated on a claim filed after such date or on one not filed on the required form. A claim information form shall consist of a statement verified under oath by the claimant which includes all of the following:

(a) The particulars of the claim;

(b) A statement that the sum claimed is justly owing and that there is no setoff, counterclaim, or defense to said claim;

(c) The name and address of the claimant and the attorney who represents the claimant, if any; and

(d) If the claimant is an insured, that the insured's net worth did not exceed twenty-five million dollars on the date the insurer became an insolvent insurer. The association may require that a prescribed form be used and may require that other information and documents be included. A covered claim shall not include any claim not described in a timely filed claim information form even though the existence of the claim was not known to the claimant at the time a claim information form was filed;

(2) In the case of claims arising from a member insurer subject to a final order of liquidation issued on or after September 1, 2000, the provisions of subdivision (1) of subsection 2 of this section shall not apply and in lieu thereof, such claims shall be governed by this subdivision. All covered claims shall be filed with the association, liquidator or receiver. Notwithstanding any other provisions of sections 375.771 to 375.779, a covered claim shall not include a claim filed after the earlier of eighteen months after the date of the order of liquidation, or the final date set by the court for the filing of claims against the liquidator or receiver of an insolvent insurer. The association may require that other information and documents be included in confirming the existence of a covered claim or in determining eligibility of any claimant. Such information may include, but is not limited to:

(a) The particulars of the claim;

(b) A statement that the sum claimed is justly owing and that there is no setoff, counterclaim, or defense to said claim;

(c) The name and address of the claimant and the attorney who represents the claimant, if any; and

(d) A verification under oath of such requested information. In no event shall the association be obligated on a claim filed with the association, liquidator or receiver for protection afforded under the insured's policy for incurred but not reported losses. A covered claim shall not include any claim that is not filed prior to the final date for filing claims, even though the existence of the claims was not known to the claimant prior to such final date.

3. In the case of claims arising from bodily injury, sickness or disease, the amount of any such award shall not exceed the claimant's reasonable expenses incurred for necessary medical, surgical, X-ray, dental services and comparable services for individuals who, in the exercise of their constitutional rights, rely on spiritual means alone for healing in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof, including prosthetic devices and necessary ambulance, hospital, professional nursing, and any amounts lost or to be lost by reason of claimant's inability to work and earn wages or salary or their equivalent, except that the association shall pay the full amount of any covered claim arising out of a workers' compensation policy. Such award may also include payments in fact made to others, not members of claimant's household, which were reasonably incurred to obtain from such other persons ordinary and necessary services for the production of income in lieu of those services the claimant would have performed for himself had he not been injured. Verdicts as respect only those civil actions as may be brought to recover damages as provided in this section shall specifically set out the sums applicable to each item in this section for which an award may be made.

4. In the case of claims arising from a member insurer subject to a final order of liquidation dated on or after August 31, 2004, the provisions of subsection 3 of this section shall not apply.

5. Notwithstanding any other provision of sections 375.771 to 375.779, except in the case of a claim for benefits under workers' compensation coverage, any obligation of the association to or on behalf of the insured and its affiliates on covered claims shall cease when ten million dollars has been paid in the aggregate by the association and any one or more associations similar to the association in any other state or states to or on behalf of such insured, its affiliates, and additional insureds on covered claims or allowed claims arising under the policy or policies of any one insolvent insurer.

6. If the association determines that there may be more than one claimant having a covered claim or allowed claim against the association, or any associations similar to the association in other states, under the policy or policies of any one solvent insurer, the association may establish a plan to allocate amounts payable by the association in such manner as the association in its discretion deems equitable.

7. The association shall be deemed the insurer only to the extent of its obligations on the covered claims and to such extent, subject to the limitations provided in sections 375.771 to 375.779, shall have all rights, duties, and obligations of the insolvent insurer as if the insurer had not become insolvent, including but not limited to the right to pursue and retain salvage and subrogation recoverable on paid covered claim obligations. The association shall not be deemed the insolvent insurer for any purpose relating to the issue of whether the association is amenable to the personal jurisdiction of the courts of any states. However, any obligation to defend an insured shall cease upon:

(1) The association's payment by settlement releasing the insured or on a judgment of an amount equal to the lesser of the association's covered claim obligation limit or the applicable policy limit; or

(2) The association's tender of such amount.

8. The association shall allocate claims paid and expenses incurred among the four accounts separately, and assess member insurers separately for each account amounts necessary to pay the obligations of the association under subsection 1 of this section to an insolvency, the expenses of handling covered claims subsequent to an insolvency, the cost of examinations under subdivision (3) of subsection 9 of this section, and other expenses authorized by sections 375.771

to 375.779. The assessments of each member insurer shall be in the proportion that the net direct written premiums of the member insurer for the preceding calendar year on the kinds of insurance in the account bears to the net direct written premiums of all member insurers for the preceding calendar year of the kinds of insurance in the account. Each member insurer's assessment may be rounded to the nearest ten dollars. Each member insurer shall be notified of the assessment not later than thirty days before it is due. No member insurer may be assessed in any year on any account an amount greater than **[**one**]** **two** percent of that member insurer's net direct written premiums for the preceding calendar year on the kinds of insurance in the account. If the maximum assessment, together with the other assets of the association in any account, does not provide in any one year in any account an amount sufficient to make all necessary payments from that account, the funds available shall be prorated and the unpaid portion shall be paid as soon thereafter as funds become available. The association may defer, in whole or in part, the assessment of any member insurer, if the assessment would cause the member insurer's financial statement to reflect amounts of capital or surplus less than the minimum amounts required for a certificate of authority by any jurisdiction in which the member insurer is authorized to transact insurance. Deferred assessments shall be paid when such payment will not reduce capital or surplus below required minimums. Such payments shall be refunded to those companies receiving larger assessments by virtue of such deferment, or, in the discretion of any such company, credited against future assessments. No dividends shall be paid stockholders or policyholders of a member insurer so long as all or part of any assessment against such insurer remains deferred. Each member insurer may set off against any assessment, authorized payments made on covered claims and expenses incurred in the payment of such claims by the member insurer if they are chargeable to the account for which the assessment is made. Assessments made under sections 375.771 to 375.779 and section 375.916 shall not be subject to subsection 1 of section 375.916;

9. The association shall:

(1) Handle claims through its employees or through one or more insurers or other persons designated as servicing facilities. Designation of a servicing facility is subject to the approval of the director, but such designation may be declined by a member insurer;

(2) Reimburse each servicing facility for obligations of the association paid by the facility and for actual expenses incurred by the facility while handling claims on behalf of the association and shall pay the other expenses of the association authorized by this section;

(3) Be subject to examination and regulation by the director. The board of directors shall submit, not later than March thirtieth of each year, a financial report for the preceding calendar year in a form approved by the director; and

(4) Proceed to investigate, settle, and determine covered claims.

10. The association may:

(1) Appear in, defend and appeal any action on a claim brought against the association;

(2) Employ or retain such persons as are necessary to handle claims and perform other duties of the association;

(3) Act as a servicing facility for other similar entities created by similar laws in this state or other states;

(4) Borrow funds necessary to effect the purposes of sections 375.771 to 375.779 in accord with the plan of operation;

(5) Sue or be sued. Such power to sue includes the power and right to intervene as a party before any court that has jurisdiction over an insolvent insurer as defined in section 375.772;

(6) Negotiate and become a party to such contracts as are necessary to carry out the purpose of sections 375.771 to 375.779;

(7) Perform such other acts as are necessary or proper to effectuate the purpose of sections 375.771 to 375.779;

(8) Refund to the member insurers in proportion to the contribution of each member insurer to that account that amount by which the assets of the account exceed the liabilities, if,

at the end of any calendar year, the board of directors finds that the assets of the association in any account exceed the liabilities of that account as estimated by the board of directors for the coming year; and

(9) Become a member of the National Conference on Insurance Guaranty Funds.

375.776. BOARD OF DIRECTORS, SELECTION, TERMS — POWERS AND DUTIES. — 1. The board of directors, subject to the supervision of the director, shall:

(1) Establish a plan of operation whereby the duties of the association under section 375.775 will be performed;

(2) Establish procedures for handling assets of the association;

(3) Establish regular places and times for meetings of the board of directors;

(4) Establish procedures for records to be kept of all financial transactions of the association, its agents, and the board of directors;

(5) Provide that any member insurer aggrieved by any final action or decision of the association may appeal to the director within thirty days after the action or decision;

(6) Establish the procedures whereby selections for the board of directors will be submitted to the director; and

(7) Have and exercise such additional powers necessary or proper for the execution of the powers and duties of the association.

2. The plan of operation may provide that any or all powers and duties of the association, except those under subsection 8 and subdivision (4) of subsection 10 of section 375.775, are delegated to a corporation, association, or organization which performs or will perform functions similar to those of this association, or its equivalent, in two or more states. Such a corporation, association or organization shall be reimbursed as a servicing facility would be reimbursed and shall be paid for its performance of any other functions of the association. A delegation under this section shall take effect only with the approval of both the board of directors and the director, and may be made only to a corporation, association, or organization which extends protection not substantially less favorable and effective than that provided by sections 375.771 to 375.779.

3. The board of directors of the association shall consist of **not less than** seven **nor more than nine** persons serving terms as established in the plan of operation. The members of the board shall be selected by member insurers subject to the approval of the director. Not less than four of the members shall represent domestic insurers. Vacancies on the board shall be filled for the remaining period of the term by **[**appointment**] a majority vote of the remaining board members subject to the approval** of the director. **[**If no members are selected within sixty days, the director shall appoint the initial members of the board of directors.**]**

4. Members of the board shall receive no remuneration.

5. To aid in the detection and prevention of insurer insolvencies:

(1) It shall be the duty of the board of directors, upon majority vote, to notify the director of any information indicating any member insurer may be insolvent or in a financial condition hazardous to the policyholders or the public;

(2) The board of directors may, upon majority vote, make reports and recommendations to the director upon any matter germane to the solvency, liquidation, rehabilitation or conservation of any member insurer. Such reports and recommendations shall not be considered public documents; and

(3) The board of directors shall, at the conclusion of any insurer insolvency in which the association was obligated to pay covered claims, prepare a report on the history and causes of such insolvency, based on the information available to the association, and submit such report to the director.

376.717. COVERAGES PROVIDED, PERSONS COVERED — COVERAGE NOT PROVIDED, WHEN — MAXIMUM BENEFITS ALLOWABLE. — 1. Sections 376.715 to 376.758 shall provide coverage for the policies and contracts specified in subsection 2 of this section:

(1) To persons who, regardless of where they reside, except for nonresident certificate holders under group policies or contracts, are the beneficiaries, assignees or payees of the persons covered under subdivision (2) of this subsection; and

(2) To persons who are owners of or certificate holders under such policies or contracts, other than structured settlement annuities, who:

(a) Are residents of this state; or

(b) Are not residents, but only under all of the following conditions:

a. The insurers which issued such policies or contracts are domiciled in this state;

b. The persons are not eligible for coverage by an association in any other state due to the fact that the insurer was not licensed in such state at the time specified in such state's guaranty association law; and

c. The states in which the persons reside have associations similar to the association created by sections 376.715 to 376.758;

(3) For structured settlement annuities specified in subsection 2 of this section, subdivisions (1) and (2) of subsection 1 of this section shall not apply, and sections 376.715 to 376.758 shall, except as provided in subdivisions (4) and (5) of this subsection, provide coverage to a person who is a payee under a structured settlement annuity, or beneficiary of a payee if the payee is deceased, if the payee:

(a) Is a resident, regardless of where the contract owner resides; or

(b) Is not a resident, but only under both of the following conditions:

a. (i) The contract owner of the structured settlement annuity is a resident; or

(ii) The contract owner of the structure settlement annuity is not a resident, but:

i. The insurer that issued the structured settlement annuity is domiciled in this state; and

ii. The state in which the contract owner resides has an association similar to the association created under sections 376.715 to 376.758; and

b. Neither the payee or beneficiary nor the contract owner is eligible for coverage by the association of the state in which the payee or contract owner resides;

(4) Sections 376.715 to 376.758 shall not provide to a person who is a payee or beneficiary of a contract owner resident of this state, if the payee or beneficiary is afforded any coverage by such an association of another state;

(5) Sections 376.715 to 376.758 are intended to provide coverage to a person who is a resident of this state and, in special circumstances, to a nonresident. In order to avoid duplicate coverage, if a person who would otherwise receive coverage under sections 376.715 to 376.758 is provided coverage under the laws of any other state, the person shall not be provided coverage under sections 376.715 to 376.758. In determining the application of the provisions of this subdivision in situations where a person could be covered by such an association of more than one state, whether as an owner, payee, beneficiary, or assignee, sections 376.715 to 376.758 shall be construed in conjunction with the other state's laws to result in coverage by only one association.

2. Sections 376.715 to 376.758 shall provide coverage to the persons specified in subsection 1 of this section for direct, nongroup life, health, annuity policies or contracts, and supplemental contracts to any such policies or contracts, and for certificates under direct group policies and contracts, except as limited by the provisions of sections 376.715 to 376.758. Annuity contracts and certificates under group annuity contracts include allocated funding agreements, structured settlement annuities, and any immediate or deferred annuity contracts.

3. Sections 376.715 to 376.758 shall not provide coverage for:

(1) Any portion of a policy or contract not guaranteed by the insurer, or under which the risk is borne by the policy or contract holder;

(2) Any policy or contract of reinsurance, unless assumption certificates have been issued;

(3) Any portion of a policy or contract to the extent that the rate of interest on which it is based, or the interest rate, crediting rate, or similar factor determined by use of an index or other

external reference stated in the policy or contract employed in calculating returns or changes in value:

(a) Averaged over the period of four years prior to the date on which the association becomes obligated with respect to such policy or contract, exceeds the rate of interest determined by subtracting three percentage points from Moody's Corporate Bond Yield Average averaged for that same four-year period or for such lesser period if the policy or contract was issued less than four years before the association became obligated; and

(b) On and after the date on which the association becomes obligated with respect to such policy or contract exceeds the rate of interest determined by subtracting three percentage points from Moody's Corporate Bond Yield Average as most recently available;

(4) Any portion of a policy or contract issued to a plan or program of an employer, association or other person to provide life, health, or annuity benefits to its employees or members to the extent that such plan or program is self-funded or uninsured, including but not limited to benefits payable by an employer, association or other person under:

(a) A multiple employer welfare arrangement as defined in 29 U.S.C. Section 1144, as amended;

(b) A minimum premium group insurance plan;

(c) A stop-loss group insurance plan; or

(d) An administrative services only contract;

(5) Any portion of a policy or contract to the extent that it provides dividends or experience rating credits, voting rights, or provides that any fees or allowances be paid to any person, including the policy or contract holder, in connection with the service to or administration of such policy or contract;

(6) Any policy or contract issued in this state by a member insurer at a time when it was not licensed or did not have a certificate of authority to issue such policy or contract in this state;

(7) A portion of a policy or contract to the extent that the assessments required by section 376.735 with respect to the policy or contract are preempted by federal or state law;

(8) An obligation that does not arise under the express written terms of the policy or contract issued by the insurer to the contract owner or policy owner, including without limitation:

(a) Claims based on marketing materials;

(b) Claims based on side letters, riders, or other documents that were issued by the insurer without meeting applicable policy form filing or approval requirements;

(c) Misrepresentations of or regarding policy benefits;

(d) Extra-contractual claims;

(e) A claim for penalties or consequential or incidental damages;

(9) A contractual agreement that establishes the member insurer's obligations to provide a book value accounting guaranty for defined contribution benefit plan participants by reference to a portfolio of assets that is owned by the benefit plan or its trustee, which in each case is not an affiliate of the member insurer;

(10) An unallocated annuity contract;

(11) A portion of a policy or contract to the extent it provides for interest or other changes in value to be determined by the use of an index or other external reference stated in the policy or contract, but which have not been credited to the policy or contract, or as to which the policy or contract owner's rights are subject to forfeiture, as of the date the member insurer becomes an impaired or insolvent insurer under sections 376.715 to 376.758, whichever is earlier. If a policy's or contract's interest or changes in value are credited less frequently than annually, for purposes of determining the value that have been credited and are not subject to forfeiture under this subdivision, the interest or change in value determined by using the procedures defined in the policy or contract will be credited as if the contractual date of crediting interest or changing values was the date of impairment or insolvency, whichever is earlier, and will not be subject to forfeiture;

(12) A policy or contract providing any hospital, medical, prescription drug or other health care benefit under Part C or Part D of Subchapter XVIII, Chapter 7 of Title 42 of the United States Code, Medicare **[**Part**]** **Parts** C & D, or any regulations issued thereunder.

4. The benefits for which the association may become liable**, with regard to a member insurer that was first placed under an order of rehabilitation or under an order of liquidation if no order of rehabilitation was entered prior to August 28, 2013,** shall in no event exceed the lesser of:

(1) The contractual obligations for which the insurer is liable or would have been liable if it were not an impaired or insolvent insurer; or

(2) With respect to any one life, regardless of the number of policies or contracts:

(a) Three hundred thousand dollars in life insurance death benefits, but not more than one hundred thousand dollars in net cash surrender and net cash withdrawal values for life insurance;

(b) One hundred thousand dollars in health insurance benefits, including any net cash surrender and net cash withdrawal values;

(c) One hundred thousand dollars in the present value of annuity benefits, including net cash surrender and net cash withdrawal values. Provided, however, that in no event shall the association be liable to expend more than three hundred thousand dollars in the aggregate with respect to any one life under paragraphs (a), (b), and (c) of this subdivision.

5. **Except as otherwise provided in subdivision (2) of this subsection, the benefits for which the association may become liable with regard to a member insurer that was first placed under an order of rehabilitation or under an order of liquidation if no order of rehabilitation was entered on or after August 28, 2013, shall in no event exceed the lesser of:**

(1) The contractual obligations for which the insurer is liable or would have been liable if it were not an impaired or insolvent insurer; or

(2) (a) With respect to any one life, regardless of the number of policies or contracts:

a. Three hundred thousand dollars in life insurance death benefits, but not more than one hundred thousand dollars in net cash surrender and net cash withdrawal values for life insurance;

b. In health insurance benefits:

(i) One hundred thousand dollars of coverages other than disability insurance or basic hospital, medical, and surgical insurance or major medical insurance, or long-term care insurance, including any net cash surrender and net cash withdrawal values;

(ii) Three hundred thousand dollars for disability insurance and three hundred thousand dollars for long-term care insurance;

(iii) Five hundred thousand dollars for basic hospital, medical, and surgical insurance or major medical insurance;

c. Two hundred fifty thousand dollars in the present value of annuity benefits, including net cash surrender and net cash withdrawal values; or

(b) With respect to each payee of a structured settlement annuity, or beneficiary or beneficiaries of the payee if deceased, two hundred fifty thousand dollars in present value annuity benefits, in the aggregate, including net cash surrender and net cash withdrawal values, if any;

(c) Except that, in no event shall the association be obligated to cover more than:

a. An aggregate of three hundred thousand dollars in benefits with respect to any one life under paragraphs (a) and (b) of this subdivision, except with respect to benefits for basic hospital, medical, and surgical insurance and major medical insurance under item (iii) of subparagraph b. of paragraph (a) of this subdivision, in which case the aggregate liability of the association shall not exceed five hundred thousand dollars with respect to any one individual; or

b. With respect to one owner of multiple nongroup policies of life insurance, whether the policy owner is an individual, firm, corporation, or other person, and whether the person insured are officers, managers, employees, or other persons, more than five million dollars in benefits, regardless of the number of policies and contracts held by the owner.

6. The limitations set forth in **[**subsection 4**]** **subsections 4 and 5** of this section are limitations on the benefits for which the association is obligated before taking into account either its subrogation and assignment rights or the extent to which such benefits could be provided out of the assets of the impaired or insolvent insurer attributable to covered policies. The costs of the association's obligations under sections 376.715 to 376.758 may be met by the use of assets attributable to covered policies or reimbursed to the association under its subrogation and assignment rights.

Approved May 17, 2013

SB 69 [SCS SB 69]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Modifies provision relating to administrative child support orders

AN ACT to repeal section 454.475, RSMo, and to enact in lieu thereof one new section relating to administrative child support decisions.

SECTION
A. Enacting clause.
454.475. Administrative hearing, procedure, effect on orders of social services — support, how determined — failure of parent to appear, result — judicial review — errors and vacation of orders.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Section 454.475, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 454.475, to read as follows:

454.475. ADMINISTRATIVE HEARING, PROCEDURE, EFFECT ON ORDERS OF SOCIAL SERVICES — SUPPORT, HOW DETERMINED — FAILURE OF PARENT TO APPEAR, RESULT — JUDICIAL REVIEW — ERRORS AND VACATION OF ORDERS. — 1. Hearings provided for in this section shall be conducted pursuant to chapter 536 by administrative hearing officers designated by the Missouri department of social services. The hearing officer shall provide the parents, the person having custody of the child, or other appropriate agencies or their attorneys with notice of any proceeding in which support obligations may be established or modified. The department shall not be stayed from enforcing and collecting upon the administrative order during the hearing process and during any appeal to the courts of this state, unless specifically enjoined by court order.

2. If no factual issue has been raised by the application for hearing, or the issues raised have been previously litigated or do not constitute a defense to the action, the director may enter an order without an evidentiary hearing, which order shall be a final decision entitled to judicial review as provided in sections 536.100 to 536.140.

3. After full and fair hearing, the hearing officer shall make specific findings regarding the liability and responsibility, if any, of the alleged responsible parent for the support of the dependent child, and for repayment of accrued state debt or arrearages, and the costs of

collection, and shall enter an order consistent therewith. In making the determination of the amount the parent shall contribute toward the future support of a dependent child, the hearing officer shall consider the factors set forth in section 452.340.

4. If the person who requests the hearing fails to appear at the time and place set for the hearing, upon a showing of proper notice to that **[**parent**]** **person**, the hearing officer shall enter findings and order in accordance with the provisions of the notice **[**and finding of support responsibility**]** **or motion** unless the hearing officer determines that no good cause therefor exists.

5. In contested cases, the findings and order of the hearing officer shall be the decision of the director. Any parent or person having custody of the child adversely affected by such decision may obtain judicial review pursuant to sections 536.100 to 536.140 by filing a petition for review in the circuit court of proper venue within thirty days of mailing of the decision. Copies of the decision or order of the hearing officer shall be mailed to any parent, person having custody of the child and the division within fourteen days of issuance.

6. If a hearing has been requested, and upon request of a parent, a person having custody of the child, the division or a IV-D agency, the director shall enter a temporary order requiring the provision of child support pending the final decision or order pursuant to this section if there is clear and convincing evidence establishing a presumption of paternity pursuant to section 210.822. In determining the amount of child support, the director shall consider the factors set forth in section 452.340. The temporary order, effective upon filing pursuant to section 454.490, is not subject to a hearing pursuant to this section. The temporary order may be stayed by a court of competent jurisdiction only after a hearing and a finding by the court that the order fails to comply with rule 88.01.

7. (1) Any administrative decision or order issued under this section containing clerical mistakes arising from oversight or omission, except proposed administrative modifications of judicial orders, may be corrected by an agency administrative hearing officer at any time upon their own initiative or written motion filed by the division or any party to the action provided the written motion is mailed to all parties. Any objection or response to the written motion shall be made in writing and filed with the hearing officer within fifteen days from the mailing date of the motion. Proposed administrative modifications of judicial orders may be corrected by an agency administrative hearing officer prior to the filing of the proposed administrative modification of a judicial order with the court that entered the underlying judicial order as required in section 454.496, or upon express order of the court that entered the underlying judicial order. No correction shall be made during the court's review of the administrative decision, order, or proposed order as authorized under sections 536.100 to 536.140, except in response to an express order from the reviewing court.

(2) Any administrative decision or order or proposed administrative modification of judicial order issued under this section containing errors arising from mistake, surprise, fraud, misrepresentation, excusable neglect or inadvertence, may be corrected prior to being filed with the court by an agency administrative hearing officer upon their own initiative or by written motion filed by the division or any party to the action provided the written motion is mailed to all parties and filed within sixty days of the administrative decision, order, or proposed decision and order. Any objection or response to the written motion shall be made in writing and filed with the hearing officer within fifteen days from the mailing date of the motion. No decision, order, or proposed administrative modification of judicial order may be corrected after ninety days from the mailing of the administrative decision, order, or proposed order or during the court's review of the administrative decision, order, or proposed order as authorized under sections 536.100 to 536.140, except in response to an express order from the reviewing court.

(3) Any administrative decision or order or proposed administrative modification of judicial order, issued under this section may be vacated by an agency administrative hearing officer upon their own initiative or by written motion filed by the division or any

party to the action provided the written motion is mailed to all parties, if the administrative hearing officer determines that the decision or order was issued without subject matter jurisdiction, without personal jurisdiction, or without affording the parties due process. Any objection or response to the written motion shall be made in writing and filed with the hearing officer within fifteen days from the mailing date of the motion. A proposed administrative modification of a judicial order may only be vacated prior to being filed with the court. No decision, order, or proposed administrative modification of a judicial order may be vacated during the court's review of the administrative decision, order, or proposed order as authorized under sections 536.100 to 536.140, except in response to an express order from the reviewing court.

Approved July 1, 2013

SB 72 [SB 72]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Designates the month of May as "Motorcycle Awareness Month"

AN ACT to amend chapter 9, RSMo, by adding thereto two new sections relating to the designation of special awareness days.

SECTION
A. Enacting clause.
9.149. PKS day designated for December fourth.
9.174. Motorcycle awareness month designated for the month of May.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Chapter 9, RSMo, is amended by adding thereto two new sections, to be known as sections 9.149 and 9.174, to read as follows:

9.149. PKS DAY DESIGNATED FOR DECEMBER FOURTH. — December fourth shall be designated as "PKS Day" in Missouri. Pallister-Killian Mosaic Syndrome, commonly known as Pallister-Killian Syndrome or PKS, is a disorder usually caused by the presence of an abnormal extra chromosome and is characterized by vision and hearing impairments, seizure disorders, and early childhood, intellectual disability, distinctive facial features, sparse hair, areas of unusual skin coloring, weak muscle tone, and other birth defects. It is recommended to the people of the state that this day be appropriately observed by participating in awareness and educational activities on the symptoms and impact of Pallister-Killian Syndrome and to support programs of research, education, and community service.

9.174. MOTORCYCLE AWARENESS MONTH DESIGNATED FOR THE MONTH OF MAY. — The month of May is hereby designated as "Motorcycle Awareness Month" in the state of Missouri. The citizens of this state are encouraged to observe the month with appropriate activities and events.

Approved June 12, 2013

SB 75 [HCS SB 75]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Modifies provisions relating to public safety

AN ACT to repeal sections 50.535, 57.010, 57.100, 57.104, 221.070, 302.181, 571.030, 571.037, 571.101, 571.102, 571.104, 571.107, 571.111, 571.114, 571.117, 571.121, and 650.350, RSMo, and to enact in lieu thereof twenty-one new sections relating to public safety, with penalty provisions, and an emergency clause for certain sections.

SECTION

A. Enacting clause.
50.535. County sheriff's revolving fund established — fees deposited into, use of moneys — no prior approval for expenditures required — authorized payment of certain expenses.
57.010. Election — qualifications — certificate of election — sheriff to hold valid peace officer license, when.
57.100. Duties generally — concealed carry permits, duties.
57.104. Sheriff, all noncharter counties, employment of attorney.
170.315. Active shooter and intruder response training for schools program established, purpose — mandatory drill to be conducted.
171.410. Program may be taught to first graders, purpose.
221.070. Prisoners liable for cost of imprisonment — certification of outstanding debt.
221.102. Canteen or commissary in county jail authorized — revenues to be kept in separate account — fund created.
302.181. Form of license — information shown, exception — photograph not shown, when — temporary license — nondriver's license, fee, duration — exception — rules, adoption, suspension and revocation procedure.
571.011. Ownership of firearms records, closed records — violation, penalty.
571.030. Unlawful use of weapons — exceptions — penalties.
571.037. Open display of firearm permitted, when.
571.101. Concealed carry permits, application requirements — approval procedures — issuance, when — information on permit — fees.
571.104. Suspension or revocation of permits, when — renewal procedures — change of name or residence notification requirements.
571.107. Permit does not authorize concealed firearms, where — penalty for violation.
571.111. Firearms training requirements — safety instructor requirements — penalty for violations.
571.114. Denial of application, appeal procedures.
571.117. Revocation procedure for ineligible permit holders — sheriff's immunity from liability, when.
571.121. Duty to carry and display permit, penalty for violation — director of revenue immunity from liability, when.
571.500. Database and certain records, enabling or cooperating with state or federal government in developing prohibited, when.
650.350. Missouri sheriff methamphetamine relief taskforce created, members, compensation, meetings — MoSMART fund created — concealed carry permit fund created — rulemaking authority.
571.102. Contingent effective date.
B. Emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 50.535, 57.010, 57.100, 57.104, 221.070, 302.181, 571.030, 571.037, 571.101, 571.102, 571.104, 571.107, 571.111, 571.114, 571.117, 571.121, and 650.350, RSMo, are repealed and twenty-one new sections enacted in lieu thereof, to be known as sections 50.535, 57.010, 57.100, 57.104, 170.315, 171.410, 221.070, 221.102, 302.181, 571.011, 571.030, 571.037, 571.101, 571.104, 571.107, 571.111, 571.114, 571.117, 571.121, 571.500, and 650.350, to read as follows:

50.535. COUNTY SHERIFF'S REVOLVING FUND ESTABLISHED — FEES DEPOSITED INTO, USE OF MONEYS — NO PRIOR APPROVAL FOR EXPENDITURES REQUIRED — AUTHORIZED PAYMENT OF CERTAIN EXPENSES. — 1. Notwithstanding the provisions of sections 50.525 to

50.745, the fee collected pursuant to subsections [10 and 11] **11 and 12** of section 571.101 shall be deposited by the county treasurer into a separate interest-bearing fund to be known as the "County Sheriff's Revolving Fund" to be expended at the direction of the county or city sheriff or his or her designee as provided in this section.

2. No prior approval of the expenditures from this fund shall be required by the governing body of the county or city not within a county, nor shall any prior audit or encumbrance of the fund be required before any expenditure is made by the sheriff from this fund. This fund shall only be used by law enforcement agencies for the purchase of equipment, to provide training, and to make necessary expenditures to process applications for concealed carry [endorsements] **permits** or renewals, including but not limited to the purchase of equipment, information and data exchange, training, fingerprinting and background checks, employment of additional personnel, and any expenditure necessitated by an action under section 571.114 or 571.117. If the moneys collected and deposited into this fund are not totally expended annually, then the unexpended balance shall remain in said fund and the balance shall be kept in said fund to accumulate from year to year. This fund may be audited by the state auditor's office or the appropriate auditing agency.

3. Notwithstanding any provision of this section to the contrary, the sheriff of every county, regardless of classification, is authorized to pay, from the sheriff's revolving fund, all reasonable and necessary costs and expenses for activities or services occasioned by compliance with sections 571.101 to 571.121. Such was the intent of the general assembly in original enactment of this section and sections 571.101 to 571.121, and it is made express by this section in light of the decision in Brooks v. State of Missouri, (Mo. Sup. Ct. February 26, 2004). The application and renewal fees to be charged pursuant to section 571.101 shall be based on the sheriff's good faith estimate, made during regular budgeting cycles, of the actual costs and expenses to be incurred by reason of compliance with sections 571.101 to 571.121. If the maximum fee permitted by section 571.101 is inadequate to cover the actual reasonable and necessary expenses in a given year, and there are not sufficient accumulated unexpended funds in the revolving fund, a sheriff may present specific and verified evidence of the unreimbursed expenses to the office of administration, which upon certification by the attorney general shall reimburse such sheriff for those expenses from an appropriation made for that purpose.

4. If pursuant to subsection [12] **13** of section 571.101, the sheriff of a county of the first classification designates one or more chiefs of police of any town, city, or municipality within such county to accept and process applications for [certificates of qualification to obtain a concealed carry endorsement] **concealed carry permits**, then that sheriff shall reimburse such chiefs of police, out of the moneys deposited into this fund, for any reasonable expenses related to accepting and processing such applications.

57.010. ELECTION — QUALIFICATIONS — CERTIFICATE OF ELECTION — SHERIFF TO HOLD VALID PEACE OFFICER LICENSE, WHEN. — 1. At the general election to be held in 1948, and at each general election held every four years thereafter, the voters in every county in this state shall elect some suitable person sheriff. No person shall be eligible for the office of sheriff who has been convicted of a felony. Such person shall be a resident taxpayer and elector of said county, shall have resided in said county for more than one whole year next before filing for said office and shall be a person capable of efficient law enforcement. When any person shall be elected sheriff, such person shall enter upon the discharge of the duties of such person's office as chief law enforcement officer of that county on the first day of January next succeeding said election.

2. [Beginning January 1, 2003, any] **No person shall be eligible for the office of** sheriff who does not hold a valid peace officer license pursuant to chapter 590 [shall refrain from personally executing any of the police powers of the office of sheriff, including but not limited to participation in the activities of arrest, detention, vehicular pursuit, search and interrogation. Nothing in this section shall prevent any sheriff from administering the execution of police

powers through duly commissioned deputy sheriffs**]**. **Any person filing for the office of sheriff shall have a valid peace officer license at the time of filing for office.** This subsection shall not apply**[**:

(1) During the first twelve months of the first term of office of any sheriff who is eligible to become licensed as a peace officer and who intends to become so licensed within twelve months after taking office, except this subdivision shall not be effective beginning January 1, 2010; or

(2)**]** to the sheriff of any county of the first classification with a charter form of government with a population over nine hundred thousand **or of any city not within a county**.

57.100. DUTIES GENERALLY — CONCEALED CARRY PERMITS, DUTIES. — 1. Every sheriff shall quell and suppress assaults and batteries, riots, routs, affrays and insurrections; shall apprehend and commit to jail all felons and traitors, and execute all process directed to him by legal authority, including writs of replevin, attachments and final process issued by circuit and associate circuit judges.

2. Beginning January 1, 2014, every sheriff shall maintain, house, and issue concealed carry permits as specified under chapter 571.

57.104. SHERIFF, ALL NONCHARTER COUNTIES, EMPLOYMENT OF ATTORNEY. — 1. The sheriff of any county of the first classification not having a charter form of government**, county of the second classification, county of the third classification, and county of the fourth classifiaction** may employ an attorney at law to aid and advise him in the discharge of his duties and to represent him in court. The sheriff shall set the compensation for an attorney hired pursuant to this section within the allocation made by the county commission to the sheriff's department for compensation of employees to be paid out of the general revenue fund of the county.

2. The attorney employed by a sheriff pursuant to subsection 1 of this section shall be employed at the pleasure of the sheriff.

170.315. ACTIVE SHOOTER AND INTRUDER RESPONSE TRAINING FOR SCHOOLS PROGRAM ESTABLISHED, PURPOSE — MANDATORY DRILL TO BE CONDUCTED. — 1. There is hereby established the Active Shooter and Intruder Response Training for Schools Program (ASIRT). Each school district and charter school may, by July 1, 2014, include in its teacher and school employee training a component on how to properly respond to students who provide them with information about a threatening situation and how to address situations in which there is a potentially dangerous or armed intruder in the school. Training may also include information and techniques on how to address situations where an active shooter is present in the school or on school property.

2. Each school district and charter school may conduct the training on an annual basis. If no formal training has previously occurred, the length of the training may be eight hours. The length of annual continuing training may be four hours.

3. All school personnel shall participate in a simulated active shooter and intruder response drill conducted and led by law enforcement professionals. Each drill may include an explanation of its purpose and a safety briefing. The training shall require each participant to know and understand how to respond in the event of an actual emergency on school property or at a school event. The drill may include:

(1) Allowing school personnel to respond to the simulated emergency in whatever way they have been trained or informed; and

(2) Allowing school personnel to attempt and implement new methods of responding to the simulated emergency based upon previously used unsuccessful methods of response.

4. All instructors for the program shall be certified by the department of public safety's peace officers standards training commission.

5. School districts and charter schools may consult and collaborate with law enforcement authorities, emergency response agencies, and other organizations and entities trained to deal with active shooters or potentially dangerous or armed intruders.

6. Public schools shall foster an environment in which students feel comfortable sharing information they have regarding a potentially threatening or dangerous situation with a responsible adult.

171.410. PROGRAM MAY BE TAUGHT TO FIRST GRADERS, PURPOSE. — 1. Each school district and charter school may annually teach the Eddie Eagle Gunsafe Program to first grade students. School districts and charter schools may also teach any substantially similar program of the same qualifications or any successor program in lieu of the Eddie Eagle Gunsafe Program.

2. The purpose of the educational program shall be to promote the safety and protection of children. The educational program shall emphasize how students should respond if they encounter a firearm. School personnel and program instructors shall not make value judgments about firearms.

3. No school district or charter school shall include or use a firearm or demonstrate the use of a firearm when teaching the program.

4. Students with disabilities shall participate to the extent appropriate as determined by the provisions of the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act.

5. School districts and charter schools may seek grant funding for the program from public, private, and non-profit entities.

221.070. PRISONERS LIABLE FOR COST OF IMPRISONMENT — CERTIFICATION OF OUTSTANDING DEBT. — 1. Every person who shall be committed to the common jail within any county in this state, by lawful authority, for any offense or misdemeanor, upon a plea of guilty or a finding of guilt for such offense, shall bear the expense of carrying him or her to said jail, and also his or her support while in jail, before he or she shall be discharged; and the property of such person shall be subjected to the payment of such expenses, and shall be bound therefor, from the time of his commitment, and may be levied on and sold, from time to time, under the order of the court having criminal jurisdiction in the county, to satisfy such expenses.

2. If a person has not paid all money owed to the county jail upon release from custody and has failed to enter into or honor an agreement with the sheriff to make payments toward such debt according to a repayment plan, the sheriff may certify the amount of the outstanding to the clerk of the court in which the case was determined. The circuit clerk shall report to the office of state courts administrator the debtor's full name, date of birth, and address and the amount the debtor owes to the county jail. If the person subsequently satisfies the debt to the county jail or begins making regular payments in accordance with an agreement entered into with the sheriff, the sheriff shall notify the circuit clerk who then shall notify the state courts administrator that the person shall no longer be considered delinquent.

221.102. CANTEEN OR COMMISSARY IN COUNTY JAIL AUTHORIZED — REVENUES TO BE KEPT IN SEPARATE ACCOUNT — FUND CREATED. — 1. The sheriff of any county may establish and operate a canteen or commissary in the county jail for the use and benefit of the inmates, prisoners, and detainees.

2. Each county jail shall keep revenues received from its canteen or commissary in a separate account. The acquisition cost of goods sold and other expenses shall be paid from this account. A minimum amount of money necessary to meet cash flow needs and current operating expenses may be kept in this account. The remaining funds from sales of each canteen or commissary shall be deposited into the "Inmate Prisoner Detainee

Security Fund" and shall be expended for the purposes provided in subsection 3 of section 488.5026. The provisions of section 33.080 to the contrary notwithstanding, the money in the inmate prisoner detainee security fund shall be retained for the purposes specified in section 488.5026 and shall not revert or be transferred to general revenue.

302.181. FORM OF LICENSE — INFORMATION SHOWN, EXCEPTION — PHOTOGRAPH NOT SHOWN, WHEN — TEMPORARY LICENSE — NONDRIVER'S LICENSE, FEE, DURATION — EXCEPTION — RULES, ADOPTION, SUSPENSION AND REVOCATION PROCEDURE. — 1. The license issued pursuant to the provisions of sections 302.010 to 302.340 shall be in such form as the director shall prescribe, but the license shall be a card made of plastic or other comparable material. All licenses shall be manufactured of materials and processes that will prohibit, as nearly as possible, the ability to reproduce, alter, counterfeit, forge, or duplicate any license without ready detection. All licenses shall bear the licensee's Social Security number, if the licensee has one, and if not, a notarized affidavit must be signed by the licensee stating that the licensee does not possess a Social Security number, or, if applicable, a certified statement must be submitted as provided in subsection 4 of this section. The license shall also bear the expiration date of the license, the classification of the license, the name, date of birth, residence address including the county of residence or a code number corresponding to such county established by the department, and brief description and colored photograph or digitized image of the licensee, and a facsimile of the signature of the licensee. The director shall provide by administrative rule the procedure and format for a licensee to indicate on the back of the license together with the designation for an anatomical gift as provided in section 194.240 the name and address of the person designated pursuant to sections 404.800 to 404.865 as the licensee's attorney in fact for the purposes of a durable power of attorney for health care decisions. No license shall be valid until it has been so signed by the licensee. If any portion of the license is prepared by a private firm, any contract with such firm shall be made in accordance with the competitive purchasing procedures as established by the state director of the division of purchasing. For all licenses issued or renewed after March 1, 1992, the applicant's Social Security number shall serve as the applicant's license number. Where the licensee has no Social Security number, or where the licensee is issued a license without a Social Security number in accordance with subsection 4 of this section, the director shall issue a license number for the licensee and such number shall also include an indicator showing that the number is not a Social Security number.

2. All film involved in the production of photographs for licenses shall become the property of the department of revenue.

3. The license issued shall be carried at all times by the holder thereof while driving a motor vehicle, and shall be displayed upon demand of any officer of the highway patrol, or any police officer or peace officer, or any other duly authorized person, for inspection when demand is made therefor. Failure of any operator of a motor vehicle to exhibit his or her license to any duly authorized officer shall be presumptive evidence that such person is not a duly licensed operator.

4. The director of revenue shall issue a commercial or noncommercial driver's license without a Social Security number to an applicant therefor, who is otherwise qualified to be licensed, upon presentation to the director of a certified statement that the applicant objects to the display of the Social Security number on the license. The director shall assign an identification number, that is not based on a Social Security number, to the applicant which shall be displayed on the license in lieu of the Social Security number.

5. The director of revenue shall not issue a license without a facial photograph or digital image of the license applicant, except as provided pursuant to subsection 8 of this section. A photograph or digital image of the applicant's full facial features shall be taken in a manner prescribed by the director. No photograph or digital image will be taken wearing anything which cloaks the facial features of the individual.

6. The department of revenue may issue a temporary license or a full license without the photograph or with the last photograph or digital image in the department's records to members of the Armed Forces, except that where such temporary license is issued it shall be valid only until the applicant shall have had time to appear and have his or her picture taken and a license with his or her photograph issued.

7. The department of revenue shall issue upon request a nondriver's license card containing essentially the same information and photograph or digital image, except as provided pursuant to subsection 8 of this section, as the driver's license upon payment of six dollars. All nondriver's licenses shall expire on the applicant's birthday in the sixth year after issuance. A person who has passed his or her seventieth birthday shall upon application be issued a nonexpiring nondriver's license card. Notwithstanding any other provision of this chapter, a nondriver's license containing a concealed carry endorsement shall expire three years from the date the certificate of qualification was issued pursuant to section 571.101**, as section 571.101 existed prior to August 28, 2013**. The fee for nondriver's licenses issued for a period exceeding three years is six dollars or three dollars for nondriver's licenses issued for a period of three years or less. The nondriver's license card shall be used for identification purposes only and shall not be valid as a license.

8. If otherwise eligible, an applicant may receive a driver's license or nondriver's license without a photograph or digital image of the applicant's full facial features except that such applicant's photograph or digital image shall be taken and maintained by the director and not printed on such license. In order to qualify for a license without a photograph or digital image pursuant to this section the applicant must:

(1) Present a form provided by the department of revenue requesting the applicant's photograph be omitted from the license or nondriver's license due to religious affiliations. The form shall be signed by the applicant and another member of the religious tenant verifying the photograph or digital image exemption on the license or nondriver's license is required as part of their religious affiliation. The required signatures on the prescribed form shall be properly notarized;

(2) Provide satisfactory proof to the director that the applicant has been a **[**U.S.**]** **United States** citizen for at least five years and a resident of this state for at least one year, except that an applicant moving to this state possessing a valid driver's license from another state without a photograph shall be exempt from the one-year state residency requirement. The director may establish rules necessary to determine satisfactory proof of citizenship and residency pursuant to this section;

(3) Applications for a driver's license or nondriver's license without a photograph or digital image must be made in person at a license office determined by the director. The director is authorized to limit the number of offices that may issue a driver's or nondriver's license without a photograph or digital image pursuant to this section.

9. The department of revenue shall make available, at one or more locations within the state, an opportunity for individuals to have their full facial photograph taken by an employee of the department of revenue, or their designee, who is of the same sex as the individual being photographed, in a segregated location.

10. Beginning July 1, 2005, the director shall not issue a driver's license or a nondriver's license for a period that exceeds an applicant's lawful presence in the United States. The director may, by rule or regulation, establish procedures to verify the lawful presence of the applicant and establish the duration of any driver's license or nondriver's license issued under this section.

11. No rule or portion of a rule promulgated pursuant to the authority of this chapter shall become effective unless it is promulgated pursuant to the provisions of chapter 536.

571.011. OWNERSHIP OF FIREARMS RECORDS, CLOSED RECORDS — VIOLATION, PENALTY. — 1. Any records of ownership of a firearm or applications for ownership, licensing, certification, permitting, or an endorsement that allows a person to own, acquire,

possess, or carry a firearm shall not be open records under chapter 610 and shall not be open for inspection or their contents disclosed except by order of the court to persons having a legitimate interest therein.

2. Any person or entity who violates the provisions of this section is guilty of a class A misdemeanor.

571.030. UNLAWFUL USE OF WEAPONS — EXCEPTIONS — PENALTIES. — 1. A person commits the crime of unlawful use of weapons if he or she knowingly:

(1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or

(2) Sets a spring gun; or

(3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, or any building or structure used for the assembling of people; or

(4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or

(5) Has a firearm or projectile weapon readily capable of lethal use on his or her person, while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self-defense; **or**

(6) Discharges a firearm within one hundred yards of any occupied schoolhouse, courthouse, or church building; or

(7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or

(8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof; or

(9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or

(10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.

2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the persons described in this subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties except as otherwise provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section shall not apply to or affect any of the following persons, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties, except as otherwise provided in this subsection:

(1) All state, county and municipal peace officers who have completed the training required by the police officer standards and training commission pursuant to sections 590.030 to 590.050 and who possess the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection 11 of this section, and who carry the identification defined in subsection 12 of this section, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(3) Members of the Armed Forces or National Guard while performing their official duty;

(4) Those persons vested by article V, section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;

(5) Any person whose bona fide duty is to execute process, civil or criminal;

(6) Any federal probation officer or federal flight deck officer as defined under the federal flight deck officer program, 49 U.S.C. Section 44921 regardless of whether such officers are on duty, or within the law enforcement agency's jurisdiction;

(7) Any state probation or parole officer, including supervisors and members of the board of probation and parole;

(8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the board of police commissioners under section 84.340;

(9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;

(10) Any prosecuting attorney or assistant prosecuting attorney or any circuit attorney or assistant circuit attorney who has completed the firearms safety training course required under subsection 2 of section 571.111; and

(11) Any member of a fire department or fire protection district who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement **issued prior to August 28, 2013, or a valid concealed carry permit** under section 571.111 when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.

3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply to any person twenty-one years of age or older or eighteen years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.

4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any person who has a valid concealed carry **[**endorsement**]** **permit** issued pursuant to sections 571.101 to 571.121**, a valid concealed carry endorsement issued before August 28, 2013,** or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state.

5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031.

6. Nothing in this section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored or club-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

7. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of subsection 1 of this section, in which case it is a class B felony, except that if the violation of

subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.

8. Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

(1) For the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony;

(2) For any violation by a prior offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation or conditional release for a term of ten years;

(3) For any violation by a persistent offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release;

(4) For any violation which results in injury or death to another person, a person shall be sentenced to an authorized disposition for a class A felony.

9. Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons.

10. Notwithstanding any other provision of law, no person who pleads guilty to or is found guilty of a felony violation of subsection 1 of this section shall receive a suspended imposition of sentence if such person has previously received a suspended imposition of sentence for any other firearms- or weapons-related felony offense.

11. As used in this section "qualified retired peace officer" means an individual who:

(1) Retired in good standing from service with a public agency as a peace officer, other than for reasons of mental instability;

(2) Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

(3) Before such retirement, was regularly employed as a peace officer for an aggregate of fifteen years or more, or retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

(4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such a plan is available;

(5) During the most recent twelve-month period, has met, at the expense of the individual, the standards for training and qualification for active peace officers to carry firearms;

(6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(7) Is not prohibited by federal law from receiving a firearm.

12. The identification required by subdivision (1) of subsection 2 of this section is:

(1) A photographic identification issued by the agency from which the individual retired from service as a peace officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm; or

(2) A photographic identification issued by the agency from which the individual retired from service as a peace officer; and

(3) A certification issued by the state in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the state to meet the standards established by the state for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm.

571.037. OPEN DISPLAY OF FIREARM PERMITTED, WHEN. — Any person who has a valid concealed carry endorsement **issued prior to August 28, 2013, or a valid concealed carry permit**, and who is lawfully carrying a firearm in a concealed manner, may briefly and openly display the firearm to the ordinary sight of another person, unless the firearm is intentionally displayed in an angry or threatening manner, not in necessary self defense.

571.101. CONCEALED CARRY PERMITS, APPLICATION REQUIREMENTS — APPROVAL PROCEDURES — ISSUANCE, WHEN — INFORMATION ON PERMIT — FEES. — 1. All applicants for concealed carry **[**endorsements**]** **permits** issued pursuant to subsection 7 of this section must satisfy the requirements of sections 571.101 to 571.121. If the said applicant can show qualification as provided by sections 571.101 to 571.121, the county or city sheriff shall issue a **[**certificate of qualification for a concealed carry endorsement. Upon receipt of such certificate, the certificate holder shall apply for a driver's license or nondriver's license with the director of revenue in order to obtain a concealed carry endorsement. Any person who has been issued a concealed carry endorsement on a driver's license or nondriver's license and such endorsement or license has not been suspended, revoked, cancelled, or denied may carry concealed firearms on or about his or her person or within a vehicle**]** **concealed carry permit authorizing the carrying of a concealed firearm on or about the applicant's person or within a vehicle**. A concealed carry **[**endorsement**]** **permit** shall be valid for a period of **[**three**]** **five** years from the date of issuance or renewal. The concealed carry **[**endorsement**]** **permit** is valid throughout this state. **A concealed carry endorsement issued prior to August 28, 2013, shall continue for a period of three years from the date of issuance or renewal to authorize the carrying of a concealed firearm on or about the applicant's person or within a vehicle in the same manner as a concealed carry permit issued under subsection 7 of this section on or after August 28, 2013.**

2. A **[**certificate of qualification for a concealed carry endorsement**]** **concealed carry permit** issued pursuant to subsection 7 of this section shall be issued by the sheriff or his or her designee of the county or city in which the applicant resides, if the applicant:

(1) Is at least twenty-one years of age, is a citizen **or permanent resident** of the United States and either:

(a) Has assumed residency in this state; or

(b) Is a member of the Armed Forces stationed in Missouri, or the spouse of such member of the military;

(2) Is at least twenty-one years of age, or is at least eighteen years of age and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces, and is a citizen of the United States and either:

(a) Has assumed residency in this state;

(b) Is a member of the Armed Forces stationed in Missouri; or

(c) The spouse of such member of the military stationed in Missouri and twenty-one years of age;

(3) Has not pled guilty to or entered a plea of nolo contendere or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of **[**one year**]** **two years** or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;

(4) Has not been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a **[**certificate of qualification for a concealed carry endorsement**]** **concealed carry permit** or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately

preceding application for a **[**certificate of qualification for a concealed carry endorsement**]** **concealed carry permit**;

(5) Is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

(6) Has not been discharged under dishonorable conditions from the United States Armed Forces;

(7) Has not engaged in a pattern of behavior, documented in public **or closed** records, that causes the sheriff to have a reasonable belief that the applicant presents a danger to himself or others;

(8) Is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state following a hearing at which the defendant was represented by counsel or a representative;

(9) Submits a completed application for a **[**certificate of qualification**]** **permit** as described in subsection 3 of this section;

(10) Submits an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsections 1 and 2 of section 571.111;

(11) Is not the respondent of a valid full order of protection which is still in effect**;**

(12) Is not otherwise prohibited from possessing a firearm under section 571.070 or 18 U.S.C. 922(g).

3. The application for a **[**certificate of qualification for a concealed carry endorsement**]** **concealed carry permit** issued by the sheriff of the county of the applicant's residence shall contain only the following information:

(1) The applicant's name, address, telephone number, gender, **[**and**]** date and place of birth**, and, if the applicant is not a United States citizen, the applicant's country of citizenship and any alien or admission number issued by the Federal Bureau of Customs and Immigration Enforcement or any successor agency**;

(2) An affirmation that the applicant has assumed residency in Missouri or is a member of the Armed Forces stationed in Missouri or the spouse of such a member of the Armed Forces and is a citizen **or permanent resident** of the United States;

(3) An affirmation that the applicant is at least twenty-one years of age or is eighteen years of age or older and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces;

(4) An affirmation that the applicant has not pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of **[**one year**]** **two years** or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

(5) An affirmation that the applicant has not been convicted of, pled guilty to, or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a **[**certificate of qualification to obtain a concealed carry endorsement**]** **permit** or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a **[**certificate of qualification to obtain a concealed carry endorsement**]** **permit**;

(6) An affirmation that the applicant is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime

classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;

(7) An affirmation that the applicant has not been discharged under dishonorable conditions from the United States Armed Forces;

(8) An affirmation that the applicant is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state pursuant to chapter 632, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply;

(9) An affirmation that the applicant has received firearms safety training that meets the standards of applicant firearms safety training defined in subsection 1 or 2 of section 571.111;

(10) An affirmation that the applicant, to the applicant's best knowledge and belief, is not the respondent of a valid full order of protection which is still in effect; **[**and**]**

(11) A conspicuous warning that false statements made by the applicant will result in prosecution for perjury pursuant to the laws of the state of Missouri**; and**

(12) A government-issued photo identification. This photograph shall not be included on the permit and shall only be used to verify the person's identity for permit renewal, or for the issuance of a new permit due to change of address, or for a lost or destroyed permit.

4. An application for a **[**certificate of qualification for a concealed carry endorsement**]** **concealed carry permit** shall be made to the sheriff of the county or any city not within a county in which the applicant resides. An application shall be filed in writing, signed under oath and under the penalties of perjury, and shall state whether the applicant complies with each of the requirements specified in subsection 2 of this section. In addition to the completed application, the applicant for a **[**certificate of qualification for a concealed carry endorsement**]** **concealed carry permit** must also submit the following:

(1) A photocopy of a firearms safety training certificate of completion or other evidence of completion of a firearms safety training course that meets the standards established in subsection 1 or 2 of section 571.111; and

(2) A nonrefundable **[**certificate of qualification**]** **permit** fee as provided by subsection **[**10**]** **11** or **[**11**]** **12** of this section.

5. (1) Before an application for a **[**certificate of qualification for a concealed carry endorsement**]** **concealed carry permit** is approved, the sheriff shall make only such inquiries as he or she deems necessary into the accuracy of the statements made in the application. The sheriff may require that the applicant display a Missouri driver's license or nondriver's license or military identification and orders showing the person being stationed in Missouri. In order to determine the applicant's suitability for a **[**certificate of qualification for a concealed carry endorsement**]** **concealed carry permit**, the applicant shall be fingerprinted. **No other biometric data shall be collected from the applicant.** The sheriff shall request a criminal background check**, including an inquiry of the National Instant Criminal Background Check System,** through the appropriate law enforcement agency within three working days after submission of the properly completed application for a **[**certificate of qualification for a concealed carry endorsement**]** **concealed carry permit**. If no disqualifying record is identified by **[**the fingerprint check**]** **these checks** at the state level, the fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal history record check. Upon receipt of the completed background **[**check**]** **checks**, the sheriff shall **examine the results and, if no disqualifying information is identified, shall** issue a **[**certificate of qualification for a concealed carry endorsement**]** **concealed carry permit** within three working days. [The sheriff shall issue the certificate within forty-five calendar days if the criminal background check has not been received, provided that the sheriff shall revoke any such certificate and endorsement within

twenty-four hours of receipt of any background check that results in a disqualifying record, and shall notify the department of revenue.**]**

(2) In the event the background checks prescribed by subdivision (1) of this section are not completed within forty-five calendar days and no disqualifying information concerning the applicant has otherwise come to the sheriff's attention, the sheriff shall issue a provisional permit, clearly designated on the certificate as such, which the applicant shall sign in the presence of the sheriff or the sheriff's designee. This permit, when carried with a valid Missouri driver's or nondriver's license or a valid military identification, shall permit the applicant to exercise the same rights in accordance with the same conditions as pertain to a concealed carry permit issued under this section, provided that it shall not serve as an alternative to an National Instant Criminal background check required by 18 U.S.C. 922(t). The provisional permit shall remain valid until such time as the sheriff either issues or denies the certificate of qualification under subsection 6 or 7. The sheriff shall revoke a provisional permit issued under this subsection within twenty-four hours of receipt of any background check that identifies a disqualifying record, and shall notify the Missouri uniform law enforcement system. The revocation of a provisional permit issued under this section shall be proscribed in a manner consistent to the denial and review of an application under subsection 6 of this section.

6. The sheriff may refuse to approve an application for a **[**certificate of qualification for a concealed carry endorsement**]** **concealed carry permit** if he or she determines that any of the requirements specified in subsection 2 of this section have not been met, or if he or she has a substantial and demonstrable reason to believe that the applicant has rendered a false statement regarding any of the provisions of sections 571.101 to 571.121. If the applicant is found to be ineligible, the sheriff is required to deny the application, and notify the applicant in writing, stating the grounds for denial and informing the applicant of the right to submit, within thirty days, any additional documentation relating to the grounds of the denial. Upon receiving any additional documentation, the sheriff shall reconsider his or her decision and inform the applicant within thirty days of the result of the reconsideration. The applicant shall further be informed in writing of the right to appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114. After two additional reviews and denials by the sheriff, the person submitting the application shall appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114.

7. If the application is approved, the sheriff shall issue a **[**certificate of qualification for a concealed carry endorsement**]** **concealed carry permit** to the applicant within a period not to exceed three working days after his or her approval of the application. The applicant shall sign the **[**certificate of qualification**]** **concealed carry permit** in the presence of the sheriff or his or her designee and shall within seven days of receipt of the certificate of qualification take the certificate of qualification to the department of revenue. Upon verification of the certificate of qualification and completion of a driver's license or nondriver's license application pursuant to chapter 302, the director of revenue shall issue a new driver's license or nondriver's license with an endorsement which identifies that the applicant has received a certificate of qualification to carry concealed weapons issued pursuant to sections 571.101 to 571.121 if the applicant is otherwise qualified to receive such driver's license or nondriver's license. Notwithstanding any other provision of chapter 302, a nondriver's license with a concealed carry endorsement shall expire three years from the date the certificate of qualification was issued pursuant to this section. **[**The requirements for the director of revenue to issue a concealed carry endorsement pursuant to this subsection shall not be effective until July 1, 2004, and the certificate of qualification issued by a county sheriff pursuant to subsection 1 of this section shall allow the person issued such certificate to carry a concealed weapon pursuant to the requirements of subsection 1 of section 571.107 in lieu of the concealed carry endorsement issued by the director of revenue from October 11, 2003, until the concealed carry endorsement is issued by the director of revenue on or after July 1, 2004, unless such certificate of qualification has been suspended or revoked for cause.**]**

8. **The concealed carry permit shall specify only the following information:**

(1) Name, address, date of birth, gender, height, weight, color of hair, color of eyes, and signature of the permit holder;

(2) The signature of the sheriff issuing the permit;

(3) The date of issuance; and

(4) The expiration date.

The permit shall be no larger than two inches wide by three and one-fourth inches long and shall be of a uniform style prescribed by the department of public safety. The permit shall also be assigned a Missouri uniform law enforcement system county code and shall be stored in sequential number.

9. (1) The sheriff shall keep a record of all applications for a **[**certificate of qualification for a concealed carry endorsement**]** **concealed carry permit or a provisional permit** and his or her action thereon. **Any record of an application that is incomplete or denied for any reason shall be kept for a period not to exceed one year. Any record of an application that was approved shall be kept for a period of one year after the expiration and non-renewal of the permit. Beginning August 28, 2013, the department of revenue shall not keep any record of an application for a concealed carry permit. Any information collected by the department of revenue related to an application for a concealed carry endorsement prior to August 28, 2013, shall be given to the members of MoSMART, created under section 650.350, for the dissemination of the information to the sheriff of any county or city not within a county in which the applicant resides to keep in accordance with the provisions of this subsection.**

(2) The sheriff shall report the issuance of a **[**certificate of qualification**]** **concealed carry permit or provisional permit** to the Missouri uniform law enforcement system. All information on any such **[**certificate**]** **permit** that is protected information on any driver's or nondriver's license shall have the same personal protection for purposes of sections 571.101 to 571.121. An applicant's status as a holder of a **[**certificate of qualification**]** **concealed carry permit, provisional permit,** or a concealed carry endorsement **issued prior to August 28, 2013,** shall not be public information and shall be considered personal protected information. **Information retained under this subsection shall not be batch processed for query and shall only be made available for a single entry query of an individual in the event the individual is a subject of interest in an active criminal investigation or is arrested for a crime.**

Any person who violates the provisions of this subsection by disclosing protected information shall be guilty of a class A misdemeanor.

[9.**]** **10.** Information regarding any holder of a **[**certificate of qualification**]** **concealed carry permit,** or a concealed carry endorsement **issued prior to August 28, 2013,** is a closed record. **No bulk download or batch data shall be preformed or distributed to any federal, state, or private entity, except to MoSMART as provided under subsection 9 of this section. Any state agency that has retained any documents or records, including fingerprint records provided by an applicant for a concealed carry endorsement prior to August 28, 2013, shall destroy such documents or records, upon successful issuance of a permit.**

[10.**]** **11.** For processing an application for a **[**certificate of qualification for a concealed carry endorsement**]** **concealed carry permit** pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed one hundred dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

[11.**]** **12.** For processing a renewal for a **[**certificate of qualification for a concealed carry endorsement**]** **concealed carry permit** pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed fifty dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

[12.**]** **13.** For the purposes of sections 571.101 to 571.121, the term "sheriff" shall include the sheriff of any county or city not within a county or his or her designee and in counties of the

first classification the sheriff may designate the chief of police of any city, town, or municipality within such county.

14. For the purposes of this chapter, "concealed carry permit" shall include any concealed carry endorsement issued by the department of revenue before January 1, 2014 and any concealed carry document issued by any sheriff or under the authority of any sheriff after December 31, 2013.

571.104. SUSPENSION OR REVOCATION OF PERMITS, WHEN — RENEWAL PROCEDURES — CHANGE OF NAME OR RESIDENCE NOTIFICATION REQUIREMENTS. — 1. (1) A concealed carry **[**endorsement**] permit** issued pursuant to sections 571.101 to 571.121**, and, if applicable, a concealed carry endorsement issued prior to August 28, 2013,** shall be suspended or revoked if the concealed carry **permit or** endorsement holder becomes ineligible for such **[**concealed carry**] permit or** endorsement under the criteria established in subdivisions (2), (3), (4), (5), **[**and**]** (7)**, and (11)** of subsection 2 of section 571.101 or upon the issuance of a valid full order of protection.

(2) When a valid full order of protection, or any arrest warrant, discharge, or commitment for the reasons listed in subdivision (2), (3), (4), (5), **[**or**]** (7)**, or (11)** of subsection 2 of section 571.101, is issued against a person holding a concealed carry **[**endorsement**] permit** issued pursuant to sections 571.101 to 571.121**, or a concealed carry endorsement issued prior to August 28, 2013,** upon notification of said order, warrant, discharge or commitment or upon an order of a court of competent jurisdiction in a criminal proceeding, a commitment proceeding or a full order of protection proceeding ruling that a person holding a concealed carry **permit or** endorsement presents a risk of harm to themselves or others, then upon notification of such order, the holder of the concealed carry **permit or** endorsement shall surrender the **permit, and, if applicable, the** driver's license or nondriver's license containing the concealed carry endorsement to the court, **[**to the**]** officer, or other official serving the order, warrant, discharge, or commitment.

(3) **In cases involving a concealed carry endorsement issued prior to August 28, 2013,** the official to whom the driver's license or nondriver's license containing the concealed carry endorsement is surrendered shall issue a receipt to the licensee for the license upon a form, approved by the director of revenue, that serves as a driver's license or a nondriver's license and clearly states the concealed carry endorsement has been suspended. The official shall then transmit the driver's license or a nondriver's license containing the concealed carry endorsement to the circuit court of the county issuing the order, warrant, discharge, or commitment. The concealed carry **[**endorsement**] permit** issued pursuant to sections 571.101 to 571.121**, and, if applicable, the concealed carry endorsement issued prior to August 28, 2013,** shall be suspended until the order is terminated or until the arrest results in a dismissal of all charges. Upon dismissal, the court holding the **permit and, if applicable, the** driver's license or nondriver's license containing the concealed carry endorsement shall return **[**it**] such permit or license** to the individual.

(4) Any conviction, discharge, or commitment specified in sections 571.101 to 571.121 shall result in a revocation. Upon conviction, the court shall forward a notice of conviction or action and the **permit to the issuing county sheriff. If a concealed carry endorsement issued prior to August 28, 2013, is revoked, the court shall forward the notice and the** driver's license or nondriver's license with the concealed carry endorsement to the department of revenue. The department of revenue shall notify the sheriff of the county which issued the certificate of qualification for a concealed carry endorsement **[**and**]. The sheriff who issued the concealed carry permit, or the certificate of qualification prior to August 28, 2013,** shall report the change in status of the concealed carry **permit or** endorsement to the Missouri uniform law enforcement system. The director of revenue shall immediately remove the endorsement issued **[**pursuant to sections 571.101 to 571.121**] prior to August 28, 2013,** from the individual's driving record within three days of the receipt of the notice from the court. The director of

revenue shall notify the licensee that he or she must apply for a new license pursuant to chapter 302 which does not contain such endorsement. This requirement does not affect the driving privileges of the licensee. The notice issued by the department of revenue shall be mailed to the last known address shown on the individual's driving record. The notice is deemed received three days after mailing.

2. A concealed carry **[**endorsement**]** **permit** shall be renewed for a qualified applicant upon receipt of the properly completed renewal application and the required renewal fee by the sheriff of the county of the applicant's residence. The renewal application shall contain the same required information as set forth in subsection 3 of section 571.101, except that in lieu of the fingerprint requirement of subsection 5 of section 571.101 and the firearms safety training, the applicant need only display his or her current **[**driver's license or nondriver's license containing a**]** concealed carry **[**endorsement**]** **permit**. [Upon successful completion of**]** **A name-based background check, including an inquiry of the National Instant Criminal Background Check System, shall be completed for each renewal application. The sheriff shall review the results of the background check, and when the sheriff has determined the applicant has successfully completed** all renewal requirements **and is not disqualified under any provision of section 571.101**, the sheriff shall issue a **[**certificate of qualification**]** **new concealed carry permit** which contains the date such **[**certificate**]** **permit** was renewed. **The process for renewing a concealed carry endorsement issued prior to August 28, 2013, shall be the same as the process for renewing a permit, except that in lieu of the fingerprint requirement of subsection 5 of section 571.101 and the firearms safety training, the applicant need only display his or her current driver's license or nondriver's license containing an endorsement. Upon successful completion of all renewal requirements, the sheriff shall issue a new concealed carry permit as provided under this subsection.**

3. A person who has been issued a **[**certificate**]** **concealed carry permit, or a certificate** of qualification for a concealed carry endorsement **prior to August 28, 2013,** who fails to file a renewal application **for a concealed carry permit** on or before its expiration date must pay an additional late fee of ten dollars per month for each month it is expired for up to six months. After six months, the sheriff who issued the expired **concealed carry permit or** certificate **of qualification** shall notify the **Missouri uniform law enforcement system and the individual that such permit is expired and cancelled. If the person has a concealed carry endorsement issued prior to August 28, 2013, the sheriff who issued the certificate of qualification for the endorsement shall notify the** director of revenue that such certificate is expired **regardless of whether the endorsement holder has applied for a concealed carry permit under subsection 2 of this section**. The director of revenue shall immediately **[**cancel the concealed carry endorsement and**]** remove such endorsement from the individual's driving record and notify the individual **[**of such cancellation**]** **that his or her driver's license or nondriver's license has expired**. The notice **[**of cancellation of the endorsement**]** shall be conducted in the same manner as described in subsection 1 of this section. Any person who has been issued a **[**certificate of qualification for a concealed carry endorsement**]** **concealed carry permit** pursuant to sections 571.101 to 571.121**, or a concealed carry endorsement issued prior to August 28, 2013,** who fails to renew his or her application within the six-month period must reapply for a new **[**certificate of qualification for a concealed carry endorsement**]** **concealed carry permit** and pay the fee for a new application. **[**The director of revenue shall not issue an endorsement on a renewed driver's license or renewed nondriver's license unless the applicant for such license provides evidence that he or she has renewed the certification of qualification for a concealed carry endorsement in the manner provided for such renewal pursuant to sections 571.101 to 571.121. If an applicant for renewal of a driver's license or nondriver's license containing a concealed carry endorsement does not want to maintain the concealed carry endorsement, the applicant shall inform the director at the time of license renewal of his or her desire to remove the endorsement. When a driver's or nondriver's license applicant informs the director of his or her desire to remove the concealed carry endorsement, the director shall renew

the driver's license or nondriver's license without the endorsement appearing on the license if the applicant is otherwise qualified for such renewal.**]**

4. Any person issued a concealed carry **[**endorsement**]** **permit** pursuant to sections 571.101 to 571.121**, or a concealed carry endorsement issued prior to August 28, 2013,** shall notify **[**the department of revenue and**]** the sheriffs of both the old and new jurisdictions of the **permit or** endorsement holder's change of residence within thirty days after the changing of a permanent residence. The **permit or** endorsement holder shall furnish proof to **[**the department of revenue and**]** the sheriff in the new jurisdiction that the **permit or** endorsement holder has changed his or her residence. The sheriff of the new jurisdiction may charge a processing fee of not more than ten dollars for any costs associated with notification of a change in residence. **If the person has a concealed carry endorsement issued prior to August 28, 2013, the endorsement holder shall also furnish proof to the department of revenue of his or her residence change. In such cases,** the change of residence shall be made by the department of revenue onto the individual's driving record **[**and**]**. **The sheriff shall report the residence change to the Missouri uniform law enforcement system, and** the new address shall be accessible by the Missouri uniform law enforcement system within three days of receipt of the information.

5. Any person issued a **[**driver's license or nondriver's license containing a**]** concealed carry **[**endorsement**]** **permit** pursuant to sections 571.101 to 571.121**, or a concealed carry endorsement issued prior to August 28, 2013,** shall notify the sheriff or his or her designee of the **permit or** endorsement holder's county or city of residence within seven days after actual knowledge of the loss or destruction of his or her **permit or** driver's license or nondriver's license containing a concealed carry endorsement. The **permit or** endorsement holder shall furnish a statement to the sheriff that the **permit or** driver's license or nondriver's license containing the concealed carry endorsement has been lost or destroyed. After notification of the loss or destruction of a **permit or** driver's license or nondriver's license containing a concealed carry endorsement, the sheriff **may charge a processing fee of ten dollars for costs associated with placing a lost or destroyed permit or driver's license or nondriver's license containing a concealed carry endorsement and** shall reissue a new **[**certificate of qualification**]** **concealed carry permit** within three working days of being notified by the concealed carry **permit or** endorsement holder of its loss or destruction. The **[**reissued certificate of qualification**]** **new concealed carry permit** shall contain the same personal information, including expiration date, as the original **[**certificate of qualification. The applicant shall then take the certificate to the department of revenue, and the department of revenue shall proceed on the certificate in the same manner as provided in subsection 7 section 571.101. Upon application for a license pursuant to chapter 302, the director of revenue shall issue a driver's license or nondriver's license containing a concealed carry endorsement if the applicant is otherwise eligible to receive such license**]** **concealed carry permit**.

6. If a person issued a concealed carry **permit, or** endorsement **issued prior to August 28, 2013,** changes his or her name, the person to whom the **permit or** endorsement was issued shall obtain a corrected **[**certificate of qualification for a concealed carry endorsement**]** **or new concealed carry permit** with a change of name from the sheriff who issued **[**such certificate**]** **the original concealed carry permit or the original certificate of qualification for an endorsement** upon the sheriff's verification of the name change. The sheriff may charge a processing fee of not more than ten dollars for any costs associated with obtaining a corrected **[**certificate of qualification**]** **or new concealed carry permit**. The **permit or** endorsement holder shall furnish proof of the name change to the **[**department of revenue and the**]** sheriff within thirty days of changing his or her name and display his or her **concealed carry permit or** current driver's license or nondriver's license containing a concealed carry endorsement. **[**The endorsement holder shall apply for a new driver's license or nondriver's license containing his or her new name. Such application for a driver's license or nondriver's license shall be made

pursuant to chapter 302. The director of revenue shall issue a driver's license or nondriver's license with concealed carry endorsement with the endorsement holder's new name if the applicant is otherwise eligible for such license. The director of revenue shall take custody of the old driver's license or nondriver's license. The name change shall be made by the department of revenue onto the individual's driving record**] The sheriff shall report the name change to the Missouri uniform law enforcement system,** and the new name shall be accessible by the Missouri uniform law enforcement system within three days of receipt of the information.

7. A concealed carry **permit and, if applicable,** endorsement shall be automatically invalid after thirty days if the **permit or** endorsement holder has changed his or her name or changed his or her residence and not notified the **[**department of revenue and**]** sheriff **[**of a change of name or residence**]** as required in subsections 4 and 6 of this section.

571.107. PERMIT DOES NOT AUTHORIZE CONCEALED FIREARMS, WHERE — PENALTY FOR VIOLATION. — 1. A concealed carry **[**endorsement**] permit** issued pursuant to sections 571.101 to 571.121**, a valid concealed carry endorsement issued prior to August 28, 2013,** or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize the person in whose name the permit or endorsement is issued to carry concealed firearms on or about his or her person or vehicle throughout the state. No **[**driver's license or nondriver's license containing a**]** concealed carry **[**endorsement**] permit** issued pursuant to sections 571.101 to 571.121**, valid concealed carry endorsement issued prior to August 28, 2013,** or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize any person to carry concealed firearms into:

(1) Any police, sheriff, or highway patrol office or station without the consent of the chief law enforcement officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(2) Within twenty-five feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(3) The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention, or correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(4) Any courthouse solely occupied by the circuit, appellate or supreme court, or any courtrooms, administrative offices, libraries or other rooms of any such court whether or not such court solely occupies the building in question. This subdivision shall also include, but not be limited to, any juvenile, family, drug, or other court offices, any room or office wherein any of the courts or offices listed in this subdivision are temporarily conducting any business within the jurisdiction of such courts or offices, and such other locations in such manner as may be specified by supreme court rule pursuant to subdivision (6) of this subsection. Nothing in this subdivision shall preclude those persons listed in subdivision (1) of subsection 2 of section 571.030 while within their jurisdiction and on duty, those persons listed in subdivisions (2), (4), and (10) of subsection 2 of section 571.030, or such other persons who serve in a law enforcement capacity for a court as may be specified by supreme court rule pursuant to subdivision (6) of this subsection from carrying a concealed firearm within any of the areas described in this subdivision. Possession of a firearm in a vehicle on the premises of any of the areas listed in this subdivision shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(5) Any meeting of the governing body of a unit of local government; or any meeting of the general assembly or a committee of the general assembly, except that nothing in this subdivision shall preclude a member of the body holding a valid concealed carry **permit or**

endorsement from carrying a concealed firearm at a meeting of the body which he or she is a member. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision shall preclude a member of the general assembly, a full-time employee of the general assembly employed under section 17, article III, Constitution of Missouri, legislative employees of the general assembly as determined under section 21.155, or statewide elected officials and their employees, holding a valid concealed carry **permit or** endorsement, from carrying a concealed firearm in the state capitol building or at a meeting whether of the full body of a house of the general assembly or a committee thereof, that is held in the state capitol building;

(6) The general assembly, supreme court, county or municipality may by rule, administrative regulation, or ordinance prohibit or limit the carrying of concealed firearms by **permit or** endorsement holders in that portion of a building owned, leased or controlled by that unit of government. Any portion of a building in which the carrying of concealed firearms is prohibited or limited shall be clearly identified by signs posted at the entrance to the restricted area. The statute, rule or ordinance shall exempt any building used for public housing by private persons, highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled by that unit of government from any restriction on the carrying or possession of a firearm. The statute, rule or ordinance shall not specify any criminal penalty for its violation but may specify that persons violating the statute, rule or ordinance may be denied entrance to the building, ordered to leave the building and if employees of the unit of government, be subjected to disciplinary measures for violation of the provisions of the statute, rule or ordinance. The provisions of this subdivision shall not apply to any other unit of government;

(7) Any establishment licensed to dispense intoxicating liquor for consumption on the premises, which portion is primarily devoted to that purpose, without the consent of the owner or manager. The provisions of this subdivision shall not apply to the licensee of said establishment. The provisions of this subdivision shall not apply to any bona fide restaurant open to the general public having dining facilities for not less than fifty persons and that receives at least fifty-one percent of its gross annual income from the dining facilities by the sale of food. This subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision authorizes any individual who has been issued a concealed carry **permit or** endorsement to possess any firearm while intoxicated;

(8) Any area of an airport to which access is controlled by the inspection of persons and property. Possession of a firearm in a vehicle on the premises of the airport shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(9) Any place where the carrying of a firearm is prohibited by federal law;

(10) Any higher education institution or elementary or secondary school facility without the consent of the governing body of the higher education institution or a school official or the district school board. Possession of a firearm in a vehicle on the premises of any higher education institution or elementary or secondary school facility shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(11) Any portion of a building used as a child care facility without the consent of the manager. Nothing in this subdivision shall prevent the operator of a child care facility in a family home from owning or possessing a firearm or a **[**driver's license or nondriver's license containing a**]** concealed carry **permit or** endorsement;

(12) Any riverboat gambling operation accessible by the public without the consent of the owner or manager pursuant to rules promulgated by the gaming commission. Possession of a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal

offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(13) Any gated area of an amusement park. Possession of a firearm in a vehicle on the premises of the amusement park shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(14) Any church or other place of religious worship without the consent of the minister or person or persons representing the religious organization that exercises control over the place of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(15) Any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one or more signs displayed in a conspicuous place of a minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less than one inch. The owner, business or commercial lessee, manager of a private business enterprise, or any other organization, entity, or person may prohibit persons holding a concealed carry **permit or** endorsement from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a concealed carry **permit or** endorsement from carrying concealed firearms on the property of the employer. If the building or the premises are open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees or other persons holding a concealed carry **permit or** endorsement from carrying a concealed firearm in vehicles owned by the employer;

(16) Any sports arena or stadium with a seating capacity of five thousand or more. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(17) Any hospital accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

2. Carrying of a concealed firearm in a location specified in subdivisions (1) to (17) of subsection 1 of this section by any individual who holds a concealed carry **[**endorsement**]** **permit** issued pursuant to sections 571.101 to 571.121**, or a concealed carry endorsement issued prior to August 28, 2013,** shall not be a criminal act but may subject the person to denial to the premises or removal from the premises. If such person refuses to leave the premises and a peace officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars for the first offense. If a second citation for a similar violation occurs within a six-month period, such person shall be fined an amount not to exceed two hundred dollars and his or her **permit, and, if applicable,** endorsement to carry concealed firearms shall be suspended for a period of one year. If a third citation for a similar violation is issued within one year of the first citation, such person shall be fined an amount not to exceed five hundred dollars and shall have his or her concealed carry **permit, and, if applicable,** endorsement revoked and such person shall not be eligible for a concealed carry **[**endorsement**]** **permit** for a period of three years. Upon conviction of charges arising from a citation issued pursuant to this subsection, the court shall notify the sheriff of the county which issued the **concealed carry permit, or, if the person is a holder of a concealed carry endorsement issued prior to August 28, 2013, the court shall notify the sheriff of the county which issued the** certificate of qualification for a concealed carry endorsement and the department of revenue. The sheriff shall suspend or revoke the **concealed carry permit or, if applicable, the** certificate of qualification for a concealed carry endorsement **[**and**]**. **If the person holds an endorsement,** the department of revenue shall issue a notice of such suspension or revocation of the concealed carry endorsement and take action to remove the concealed carry endorsement from the individual's driving record. The

director of revenue shall notify the licensee that he or she must apply for a new license pursuant to chapter 302 which does not contain such endorsement. **[**A concealed carry endorsement suspension pursuant to sections 571.101 to 571.121 shall be reinstated at the time of the renewal of his or her driver's license.**]** The notice issued by the department of revenue shall be mailed to the last known address shown on the individual's driving record. The notice is deemed received three days after mailing.

571.111. FIREARMS TRAINING REQUIREMENTS — SAFETY INSTRUCTOR REQUIREMENTS — PENALTY FOR VIOLATIONS. — 1. An applicant for a concealed carry **[**endorsement**]** **permit** shall demonstrate knowledge of firearms safety training. This requirement shall be fully satisfied if the applicant for a concealed carry **[**endorsement**]** **permit**:

(1) Submits a photocopy of a certificate of firearms safety training course completion, as defined in subsection 2 of this section, signed by a qualified firearms safety instructor as defined in subsection 5 of this section; or

(2) Submits a photocopy of a certificate that shows the applicant completed a firearms safety course given by or under the supervision of any state, county, municipal, or federal law enforcement agency; or

(3) Is a qualified firearms safety instructor as defined in subsection 5 of this section; or

(4) Submits proof that the applicant currently holds any type of valid peace officer license issued under the requirements of chapter 590; or

(5) Submits proof that the applicant is currently allowed to carry firearms in accordance with the certification requirements of section 217.710; or

(6) Submits proof that the applicant is currently certified as any class of corrections officer by the Missouri department of corrections and has passed at least one eight-hour firearms training course, approved by the director of the Missouri department of corrections under the authority granted to him or her **[**by section 217.105**]**, that includes instruction on the justifiable use of force as prescribed in chapter 563; or

(7) Submits a photocopy of a certificate of firearms safety training course completion that was issued on August 27, 2011, or earlier so long as the certificate met the requirements of subsection 2 of this section that were in effect on the date it was issued.

2. A certificate of firearms safety training course completion may be issued to any applicant by any qualified firearms safety instructor. On the certificate of course completion the qualified firearms safety instructor shall affirm that the individual receiving instruction has taken and passed a firearms safety course of at least eight hours in length taught by the instructor that included:

(1) Handgun safety in the classroom, at home, on the firing range and while carrying the firearm;

(2) A physical demonstration performed by the applicant that demonstrated his or her ability to safely load and unload a revolver and a semiautomatic pistol and demonstrated his or her marksmanship with both;

(3) The basic principles of marksmanship;

(4) Care and cleaning of concealable firearms;

(5) Safe storage of firearms at home;

(6) The requirements of this state for obtaining a **[**certificate of qualification for a concealed carry endorsement**]** **concealed carry permit** from the sheriff of the individual's county of residence **[**and a concealed carry endorsement issued by the department of revenue**]**;

(7) The laws relating to firearms as prescribed in this chapter;

(8) The laws relating to the justifiable use of force as prescribed in chapter 563;

(9) A live firing exercise of sufficient duration for each applicant to fire both a revolver and a semiautomatic pistol, from a standing position or its equivalent, a minimum of **[**fifty**]** **twenty** rounds from each handgun at a distance of seven yards from a B-27 silhouette target or an equivalent target;

(10) A live fire test administered to the applicant while the instructor was present of twenty rounds from each handgun from a standing position or its equivalent at a distance from a B-27 silhouette target, or an equivalent target, of seven yards.

3. A qualified firearms safety instructor shall not give a grade of passing to an applicant for a concealed carry **[**endorsement**]** **permit** who:

(1) Does not follow the orders of the qualified firearms instructor or cognizant range officer; or

(2) Handles a firearm in a manner that, in the judgment of the qualified firearm safety instructor, poses a danger to the applicant or to others; or

(3) During the live fire testing portion of the course fails to hit the silhouette portion of the targets with at least fifteen rounds, with both handguns.

4. Qualified firearms safety instructors who provide firearms safety instruction to any person who applies for a concealed carry **[**endorsement**]** **permit** shall:

(1) Make the applicant's course records available upon request to the sheriff of the county in which the applicant resides;

(2) Maintain all course records on students for a period of no less than four years from course completion date; and

(3) Not have more than forty students in the classroom portion of the course or more than five students per range officer engaged in range firing.

5. A firearms safety instructor shall be considered to be a qualified firearms safety instructor by any sheriff issuing a **[**certificate of qualification for a concealed carry endorsement**]** **concealed carry permit** pursuant to sections 571.101 to 571.121 if the instructor:

(1) Is a valid firearms safety instructor certified by the National Rifle Association holding a rating as a personal protection instructor or pistol marksmanship instructor; or

(2) Submits a photocopy of a **notarized** certificate from a firearms safety instructor's course offered by a local, state, or federal governmental agency; or

(3) Submits a photocopy of a **notarized** certificate from a firearms safety instructor course approved by the department of public safety; or

(4) Has successfully completed a firearms safety instructor course given by or under the supervision of any state, county, municipal, or federal law enforcement agency; or

(5) Is a certified police officer firearms safety instructor.

6. Any firearms safety instructor **qualified under subsection 5 of this section may submit a copy of a training instructor certificate, course outline bearing notarized signature of instructor, and recent photograph of his or herself to the sheriff of the county in which he or she resides. Each sheriff shall collect an annual registration fee of ten dollars from each qualified instructor who chooses to submit such information and shall retain a database of qualified instructors. This information shall be a closed record except for access by any sheriff.**

7. Any firearms safety instructor who knowingly provides any sheriff with any false information concerning an applicant's performance on any portion of the required training and qualification shall be guilty of a class C misdemeanor. **A violation of the provisions of this section shall result in the person being prohibited from instructing concealed carry permit classes and issuing certificates.**

571.114. DENIAL OF APPLICATION, APPEAL PROCEDURES. — 1. In any case when the sheriff refuses to issue a **[**certificate of qualification**]** **concealed carry permit** or to act on an application for such **[**certificate**]** **permit**, the denied applicant shall have the right to appeal the denial within thirty days of receiving written notice of the denial. Such appeals shall be heard in small claims court as defined in section 482.300, and the provisions of sections 482.300, 482.310 and 482.335 shall apply to such appeals.

2. A denial of or refusal to act on an application for a **[**certificate of qualification**]** **concealed carry permit** may be appealed by filing with the clerk of the small claims court a

copy of the sheriff's written refusal and a form substantially similar to the appeal form provided in this section. Appeal forms shall be provided by the clerk of the small claims court free of charge to any person:

SMALL CLAIMS COURT

In the Circuit Court of. . . . . , Missouri

. . . . . , Denied Applicant

)

)

vs.) Case Number .....

)

)

. . . . . , Sheriff

Return Date .....

APPEAL OF A DENIAL
OF [CERTIFICATE OF
QUALIFICATION FOR A
CONCEALED CARRY ENDORSEMENT] **A CONCEALED CARRY PERMIT**

The denied applicant states that his or her properly completed application for a [certificate of qualification for a concealed carry endorsement] **concealed carry permit** was denied by the sheriff of ..... County, Missouri, without just cause. The denied applicant affirms that all of the statements in the application are true.

....., Denied Applicant

3. The notice of appeal in a denial of a [certificate of qualification for a concealed carry endorsement] **concealed carry permit** appeal shall be made to the sheriff in a manner and form determined by the small claims court judge.

4. If at the hearing the person shows he or she is entitled to the requested [certificate of qualification for a] concealed carry [endorsement] **permit**, the court shall issue an appropriate order to cause the issuance of the [certificate of qualification for a] concealed carry [endorsement] **permit**. Costs shall not be assessed against the sheriff unless the action of the sheriff is determined by the judge to be arbitrary and capricious.

5. Any person aggrieved by any final judgment rendered by a small claims court in a denial of a [certificate of qualification for a] concealed carry [endorsement] **permit** appeal may have a right to trial de novo as provided in sections 512.180 to 512.320.

571.117. REVOCATION PROCEDURE FOR INELIGIBLE PERMIT HOLDERS — SHERIFF'S IMMUNITY FROM LIABILITY, WHEN. — 1. Any person who has knowledge that another person, who was issued a [certificate of qualification for a] concealed carry [endorsement] **permit** pursuant to sections 571.101 to 571.121**, or concealed carry endorsement prior to August 28, 2013**, never was or no longer is eligible for such **permit or** endorsement under the criteria established in sections 571.101 to 571.121 may file a petition with the clerk of the small claims court to revoke that person's [certificate of qualification for a concealed carry endorsement and such person's] concealed carry **permit or** endorsement. The petition shall be in a form substantially similar to the petition for revocation of concealed carry **permit or** endorsement provided in this section. Appeal forms shall be provided by the clerk of the small claims court free of charge to any person:

SMALL CLAIMS COURT

In the Circuit Court of ....., Missouri

....., PLAINTIFF

)

)

vs.) Case Number .....

)

. . . . . , DEFENDANT,
Carry **Permit or** Endorsement Holder
. . . . . , DEFENDANT,
Sheriff of Issuance

PETITION FOR REVOCATION
OF **[**CERTIFICATE OF QUALIFICATION**] A CONCEALED CARRY PERMIT**
OR CONCEALED CARRY ENDORSEMENT

Plaintiff states to the court that the defendant, ..., has a **[**certificate of qualification or a**]** concealed carry **[**endorsement**] permit** issued pursuant to sections 571.101 to 571.121, RSMo, **or a concealed carry endorsement issued prior to August 28, 2013,** and that the defendant's **[**certificate of qualification**] concealed carry permit** or concealed carry endorsement should now be revoked because the defendant either never was or no longer is eligible for such a **[**certificate**] permit** or endorsement pursuant to the provisions of sections 571.101 to 571.121, RSMo, specifically plaintiff states that defendant, ..., never was or no longer is eligible for such **[**certificate**] permit** or endorsement for one or more of the following reasons:

(CHECK BELOW EACH REASON
THAT APPLIES TO THIS DEFENDANT)

[ ] Defendant is not at least twenty-one years of age or at least eighteen years of age and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces.

[ ] Defendant is not a citizen **or permanent resident** of the United States.

[ ] Defendant had not resided in this state prior to issuance of the permit and does not qualify as a military member or spouse of a military member stationed in Missouri.

[ ] Defendant has pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding **[**one year**] two years** under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun.

[ ] Defendant has been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a **[**certificate of qualification or**]** concealed carry **[**endorsement**] permit** issued pursuant to sections 571.101 to 571.121, RSMo, **or a concealed carry endorsement issued prior to August 28, 2013,** or if the applicant has been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a **[**certificate of qualification or a**]** concealed carry **[**endorsement**] permit** issued pursuant to sections 571.101 to 571.121, RSMo**, or a concealed carry endorsement issued prior to August 28, 2013**.

[ ] Defendant is a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of **[**one year**] two years** or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun.

[ ] Defendant has been discharged under dishonorable conditions from the United States Armed Forces.

[ ] Defendant is reasonably believed by the sheriff to be a danger to self or others based on previous, documented pattern.

[ ] Defendant is adjudged mentally incompetent at the time of application or for five years prior to application, or has been committed to a mental health facility, as defined in section 632.005, RSMo, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state pursuant to chapter 632, RSMo, or a similar

discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply.

[ ] Defendant failed to submit a completed application for a **[**certificate of qualification or**]** concealed carry **[**endorsement**] permit** issued pursuant to sections 571.101 to 571.121, RSMo**, or a concealed carry endorsement issued prior to August 28, 2013**.

[ ] Defendant failed to submit to or failed to clear the required background check. **(Note: This does not apply if the defendant has submitted to a background check and been issued a provisional permit pursuant to subdivision (2) of subsection 5 of section 571.101, and the results of the background check are still pending.)**

[ ] Defendant failed to submit an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsection 1 of section 571.111, RSMo.

[ ] Defendant is otherwise disqualified from possessing a firearm pursuant to 18 U.S.C. 922(g) because {specify reason}:

The plaintiff subject to penalty for perjury states that the information contained in this petition is true and correct to the best of the plaintiff's knowledge, is reasonably based upon the petitioner's personal knowledge and is not primarily intended to harass the defendant/respondent named herein.

....., PLAINTIFF

2. If at the hearing the plaintiff shows that the defendant was not eligible for the **[**certificate of qualification or the**]** concealed carry **[**endorsement**] permit** issued pursuant to sections 571.101 to 571.121**, or a concealed carry endorsement issued prior to August 28, 2013,** at the time of issuance or renewal or is no longer eligible for a **[**certificate of qualification**] concealed carry permit** or the concealed carry endorsement **[**issued pursuant to the provisions of sections 571.101 to 571.121**]**, the court shall issue an appropriate order to cause the revocation of the **[**certificate of qualification or**] concealed carry permit and, if applicable, the** concealed carry endorsement. Costs shall not be assessed against the sheriff.

3. The finder of fact, in any action brought against **[**an**] a permit or** endorsement holder pursuant to subsection 1 of this section, shall make findings of fact and the court shall make conclusions of law addressing the issues at dispute. If it is determined that the plaintiff in such an action acted without justification or with malice or primarily with an intent to harass the **permit or** endorsement holder or that there was no reasonable basis to bring the action, the court shall order the plaintiff to pay the defendant/respondent all reasonable costs incurred in defending the action including, but not limited to, attorney's fees, deposition costs, and lost wages. Once the court determines that the plaintiff is liable to the defendant/respondent for costs and fees, the extent and type of fees and costs to be awarded should be liberally calculated in defendant/respondent's favor. Notwithstanding any other provision of law, reasonable attorney's fees shall be presumed to be at least one hundred fifty dollars per hour.

4. Any person aggrieved by any final judgment rendered by a small claims court in a petition for revocation of a **[**certificate of qualification**] concealed carry permit** or concealed carry endorsement may have a right to trial de novo as provided in sections 512.180 to 512.320.

5. The office of the county sheriff or any employee or agent of the county sheriff shall not be liable for damages in any civil action arising from alleged wrongful or improper granting, renewing, or failure to revoke a **[**certificate of qualification or a**]** concealed carry **[**endorsement**] permit** issued pursuant to sections 571.101 to 571.121, **or a certificate of qualification for a concealed carry endorsement issued prior to August 28, 2013,** so long as the sheriff acted in good faith.

571.121. DUTY TO CARRY AND DISPLAY PERMIT, PENALTY FOR VIOLATION — DIRECTOR OF REVENUE IMMUNITY FROM LIABILITY, WHEN. — 1. Any person issued a concealed carry **[**endorsement**] permit** pursuant to sections 571.101 to 571.121**, or a concealed carry endorsement issued prior to August 28, 2013,** shall carry the concealed carry **permit**

or endorsement at all times the person is carrying a concealed firearm and shall display the concealed carry **permit and a state or federal government-issued photo identification or the** endorsement **or permit** upon the request of any peace officer. Failure to comply with this subsection shall not be a criminal offense but the concealed carry **permit or** endorsement holder may be issued a citation for an amount not to exceed thirty-five dollars.

2. Notwithstanding any other provisions of law, the director of revenue, by carrying out his or her requirement to issue a driver's or nondriver's license reflecting that a concealed carry permit has been granted **under the law as it existed prior to August 28, 2013**, shall bear no liability and shall be immune from any claims for damages resulting from any determination made regarding the qualification of any person for such permit or for any actions stemming from the conduct of any person issued such a permit. By issuing the permit on the driver's or nondriver's license, the director of revenue **[**is**]** **was** merely acting as a scrivener for any determination made by the sheriff that the person **[**is**]** **was** qualified for the permit.

571.500. DATABASE AND CERTAIN RECORDS, ENABLING OR COOPERATING WITH STATE OR FEDERAL GOVERNMENT IN DEVELOPING PROHIBITED, WHEN. — No state agency or department, or contractor or agent working for the state, shall construct, enable by providing or sharing records to, maintain, participate in, develop, or cooperate with or enable the state or federal government in developing a database or record of the number or type of firearms, ammunition, or firearms accessories that an individual possesses.

650.350. MISSOURI SHERIFF METHAMPHETAMINE RELIEF TASKFORCE CREATED, MEMBERS, COMPENSATION, MEETINGS — MoSMART FUND CREATED — CONCEALED CARRY PERMIT FUND CREATED — RULEMAKING AUTHORITY. — 1. There is hereby created within the department of public safety the "Missouri Sheriff Methamphetamine Relief Taskforce" (MoSMART). MoSMART shall be composed of five sitting sheriffs. Every two years, the Missouri Sheriffs' Association board of directors will submit twenty names of sitting sheriffs to the governor. The governor shall appoint five members from the list of twenty names, having no more than three from any one political party, to serve a term of two years on MoSMART. The members shall elect a chair from among their membership. Members shall receive no compensation for the performance of their duties pursuant to this section, but each member shall be reimbursed from the MoSMART fund for actual and necessary expenses incurred in carrying out duties pursuant to this section.

2. MoSMART shall meet no less than twice each calendar year with additional meetings called by the chair upon the request of at least two members. A majority of the appointed members shall constitute a quorum.

3. A special fund is hereby created in the state treasury to be known as the "MoSMART Fund". The state treasurer shall invest the moneys in such fund in the manner authorized by law. All moneys received for MoSMART from interest, state, and federal moneys shall be deposited to the credit of the fund. The director of the department of public safety shall distribute at least fifty percent but not more than one hundred percent of the fund annually in the form of grants approved by MoSMART.

4. Except for money deposited into the deputy sheriff salary supplementation fund created under section 57.278 **or money deposited into the concealed carry permit fund created under subsection 5 of this section**, all moneys appropriate to or received by MoSMART shall be deposited and credited to the MoSMART fund. The department of public safety shall only be reimbursed for actual and necessary expenses for the administration of MoSMART, which shall be no less than one percent and which shall not exceed two percent of all moneys appropriated to the fund, except that the department shall not receive any amount of the money deposited into the deputy sheriff salary supplementation fund for administrative purposes. The provisions of section 33.080 to the contrary notwithstanding, moneys in the MoSMART fund shall not lapse to general revenue at the end of the biennium.

5. **A special fund is hereby created in the state treasury to be known as the "Concealed Carry Permit Fund". The state treasurer shall invest the moneys in such fund in the manner authorized by law. All moneys shall be deposited to the credit of the fund. The director of the department of public safety shall annually distribute all monies in the fund in the form of grants approved by MoSMART. The department of public safety shall administer all MoSMART grant deposits under this section. Grant funds deposited into the fund created under this section shall be spent first to ensure county law enforcement agencies' ability to comply with the issuance of concealed carry permits including, but not limited to, equipment, records management hardware and software, personnel, supplies, and other services. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.**

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.

[6.**]** **7.** Any county law enforcement entity or established task force with a memorandum of understanding and protocol may apply for grants from the MoSMART fund on an application to be developed by the department of public safety with the approval of MoSMART. All applications shall be evaluated by MoSMART and approved or denied based upon the level of funding designated for methamphetamine enforcement before 1997 and upon current need and circumstances. No applicant shall receive a MoSMART grant in excess of one hundred thousand dollars per year. The department of public safety shall monitor all MoSMART grants.

[7.**]** **8.** MoSMART's anti-methamphetamine funding priorities are as follows:

(1) Sheriffs who are participating in coordinated multijurisdictional task forces and have their task forces apply for funding;

(2) Sheriffs whose county has been designated HIDTA counties, yet have received no HIDTA or narcotics assistance program funding; and

(3) Sheriffs without HIDTA designations or task forces, whose application justifies the need for MoSMART funds to eliminate methamphetamine labs.

[8.**]** **9.** MoSMART shall administer the deputy sheriff salary supplementation fund as provided under section 57.278.

10. Beginning August 28, 2013, the department of revenue shall begin transferring any records related to the issuance of a concealed carry permit to MoSMART for dissemination to the sheriff of the county or city not within a county in which the applicant or permit holder resides.

[571.102. CONTINGENT EFFECTIVE DATE. — The repeal and reenactment of sections 302.181 and 571.101 shall become effective on the date the director of the department of revenue begins to issue nondriver licenses with conceal carry endorsements that expire three years from the dates the certificates of qualification were issued, or on January 1, 2013, whichever occurs first. If the director of revenue begins issuing nondriver licenses with conceal carry endorsements that expire three years from the dates the certificates of qualification were issued under the authority granted under sections 302.181 and 571.101 prior to January 1, 2013, the director of the department of revenue shall notify the revisor of statutes of such fact.**]**

SECTION B. EMERGENCY CLAUSE. — Because immediate action is necessary to permit the MoSMART board to have proper funding necessary to implement the provisions of this act, the repeal and reenactment of section 650.350 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 650.350 of section A of this act shall be in full force and effect upon its passage and approval.

Approved July 12, 2013

SB 80 [SB 80]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Requires the Missouri Board of Nursing Home Administrators to notify, instead of mail, an applicant when it is time for license renewal

AN ACT to repeal section 344.040, RSMo, and to enact in lieu thereof one new section relating to the notification of license renewal for nursing home administrators.

SECTION

A. Enacting clause.
344.040. License renewal, application for, fee — late renewal, effect — additional disciplinary action authorized, when.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Section 344.040, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 344.040, to read as follows:

344.040. LICENSE RENEWAL, APPLICATION FOR, FEE — LATE RENEWAL, EFFECT — ADDITIONAL DISCIPLINARY ACTION AUTHORIZED, WHEN. — 1. Every license issued under this chapter shall expire on June thirtieth of the year following the year of issuance and every other year thereafter, provided that licenses issued or renewed during the year 2006 may be issued or renewed by the board for a period of either one or two years, as provided by rule. Licensees seeking renewal shall, during the month of May of the year of renewal, file an application for renewal on forms furnished by the board, which shall include evidence satisfactory to the board of completion of the approved continuing education hours required by the board, and shall be accompanied by a renewal fee as provided by rule payable to the department of health and senior services.

2. Upon receipt of an incomplete application for renewal, the board shall grant the applicant a temporary permit which shall be in effect for thirty days. The applicant is required to submit the required documentation or fee within the thirty-day period, or the board may refuse to renew his or her application. The thirty-day period can be extended for good cause shown for an additional thirty days. Upon receipt of the approved continuing education credits or other required documentation or fee within the appropriate time period, the board shall issue a license.

3. The board shall renew the license of an applicant who has met all of the requirements for renewal.

4. As a requirement for renewal of license, the board may require not more than forty-eight clock hours of continuing education a year. The continuing education provided for under this section shall be approved by the board. There shall be a separate, nonrefundable fee for each

single offering provider. The board shall set the amount of fee for any single offering provided by rules and regulations promulgated pursuant to section 536.021. The fee shall be set at a level to produce revenue which shall not substantially exceed the cost and expense in administering and reviewing any single offering.

5. By April first of each year, the board shall **[**mail an application for renewal of license to**]** **notify** every person whose license shall be renewed during the current year. The applicant must submit such information as will enable the board to determine if the applicant's license should be renewed. Information provided in the application shall be attested by signature to be true and correct to the best of the applicant's knowledge and belief.

6. Any licensee who fails to apply to renew his or her license by June thirtieth of the licensee's year of renewal may be relicensed by the board if he meets the requirements set forth by the board pursuant to sections 344.010 to 344.108 and pays the renewal fee required by rule, plus a penalty of twenty-five dollars. No action shall be taken by the board in addition to a penalty of twenty-five dollars imposed by this section against any such licensee whose license has not expired for a period of more than two months, and who has had no action in the preceding five years taken against them by the board, and who has met all other licensure requirements by June thirtieth of the year of renewal; provided, however, that nothing in this section shall prevent the board from taking any other disciplinary action against a licensee if there shall exist a cause for discipline pursuant to section 344.050. A person whose license has expired for a period of more than twelve months must meet the requirements set out in section 344.030 for initial licensure.

Approved May 16, 2013

SB 89 [HCS SCS SB 89]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Allows nursing home districts to establish and maintain senior housing in any third or fourth classification county

AN ACT to repeal sections 191.237, 198.310 and 198.345, RSMo, and section 191.237 as truly agreed to and finally passed by senate committee substitute for house committee substitute for house bill no. 986, ninety-seventh general assembly, first regular session, and to enact in lieu thereof three new sections relating to health care.

SECTION

A. Enacting clause.
191.237. Failure to participate in health information organization, no fine or penalty may be imposed — no exchange of data, when — definitions.
198.310. Indebtedness for nursing home — election — ballot — limits — tax to pay.
198.345. Apartments for seniors, districts may establish (counties of third and fourth classification).
191.237. Failure to participate in health information organization, no fine or penalty may be imposed — no exchange of data, when — definitions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 191.237, 198.310 and 198.345, RSMo, and section 191.237 as truly agreed to and finally passed by senate committee substitute for house committee substitute for house bill no. 986, ninety-seventh general assembly, first regular session, are repealed and three new sections enacted in lieu thereof, to be known as sections 191.237, 198.310, and 198.345, to read as follows:

191.237. FAILURE TO PARTICIPATE IN HEALTH INFORMATION ORGANIZATION, NO FINE OR PENALTY MAY BE IMPOSED — NO EXCHANGE OF DATA, WHEN — DEFINITIONS. — 1. No law or rule promulgated by an agency of the state of Missouri may impose a fine or penalty against a health care provider, hospital, or health care system for failing to participate in any particular health information organization.

2. **A health information organization shall not restrict the exchange of state agency data or standards-based clinical summaries for patients for federal Health Insurance Portability and Accountability Act (HIPAA) allowable uses. Charges for such service shall not exceed the cost of the actual technology connection or recurring maintenance thereof.**

3. As used in this section, the following terms shall mean:

(1) "Fine or penalty", any civil or criminal penalty or fine, tax, salary or wage withholding, or surcharge established by law or by rule promulgated by a state agency pursuant to chapter 536;

(2) "Health care system", any public or private entity whose function or purpose is the management of, processing of, or enrollment of individuals for or payment for, in full or in part, health care services or health care data or health care information for its participants;

(3) "Health information organization", an organization that oversees and governs the exchange of health-related information among organizations according to nationally recognized standards.

198.310. INDEBTEDNESS FOR NURSING HOME — ELECTION — BALLOT — LIMITS — TAX TO PAY. — 1. For the purpose of purchasing nursing home district sites, erecting nursing homes and related facilities and furnishing the same, building additions to and repairing old buildings, the board of directors may borrow money and issue bonds for the payment thereof in the manner provided herein. The question of the loan shall be submitted by an order of the board of directors of the district. Notice of the submission of the question, the amount and the purpose of the loan shall be given as provided in section 198.250.

2. The question shall be submitted in substantially the following form:

Shall the ..... Nursing Home District borrow money in the amount of ..... dollars for the purpose of ..... and issue bonds in payment thereof?

3. If **[**two-thirds**]** **the constitutionally required percentage** of the votes cast are for the loan, the board shall, subject to the restrictions of subsection 4, be vested with the power to borrow money in the name of the district, to the amount and for the purposes specified on the ballot, and issue the bonds of the district for the payment thereof.

4. The loans authorized by this section shall not be contracted for a period longer than twenty years, and the entire amount of the loan shall at no time exceed, including the existing indebtedness of the district, in the aggregate, ten percent of the value of taxable tangible property therein, as shown by the last completed assessment for state and county purposes, the rate of interest to be agreed upon by the parties, but in no case to exceed the highest legal rate allowed by contract; when effected, it shall be the duty of the directors to provide for the collection of an annual tax sufficient to pay the interest on the indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within the time the principal becomes due.

198.345. APARTMENTS FOR SENIORS, DISTRICTS MAY ESTABLISH (COUNTIES OF THIRD AND FOURTH CLASSIFICATION). — Nothing in sections 198.200 to 198.350 shall prohibit a nursing home district from establishing and maintaining apartments for seniors that provide at a minimum housing**[**,**]** **and** food services**[**, and emergency call buttons to the apartment residents**]** in any county of the third **or fourth** classification **[**without a township form of government and with more than twenty-eight thousand two hundred but fewer than twenty-eight thousand three hundred inhabitants or any county of the third classification without a township form of government and with more than nine thousand five hundred fifty but fewer than nine thousand six hundred fifty inhabitants**]** **within its corporate limits**. Such nursing home districts shall not

lease such apartments for less than fair market rent as reported by the United States Department of Housing and Urban Development.

[191.237. FAILURE TO PARTICIPATE IN HEALTH INFORMATION ORGANIZATION, NO FINE OR PENALTY MAY BE IMPOSED — NO EXCHANGE OF DATA, WHEN — DEFINITIONS. — 1. No law or rule promulgated by an agency of the state of Missouri may impose a fine or penalty against a health care provider, hospital, or health care system for failing to participate in any particular health information organization.

2. **No health information organization may impose connection fees or recurring connection fees on another health information organization for the purpose of exchanging standards-based clinical summaries for patients or for sharing information of an agency of the state of Missouri.**

3. As used in this section, the following terms shall mean:

(1) "Fine or penalty", any civil or criminal penalty or fine, tax, salary or wage withholding, or surcharge established by law or by rule promulgated by a state agency pursuant to chapter 536;

(2) "Health care system", any public or private entity whose function or purpose is the management of, processing of, or enrollment of individuals for or payment for, in full or in part, health care services or health care data or health care information for its participants;

(3) "Health information organization", an organization that oversees and governs the exchange of health-related information among organizations according to nationally recognized standards.**]**

Approved July 8, 2013

SB 99 [HCS SB 99]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Modifies provisions relating to elections, printing of the official state manual, and tax ballot issues

AN ACT to repeal sections 11.010, 32.087, 77.030, 78.090, 79.070, 94.270, 115.003, 115.005, 115.007, 115.249, 115.259, 115.281, 115.299, 115.300, 115.383, 115.419, 115.423, 115.433, 115.436, 115.439, 115.449, 115.455, 115.456, 115.493, 115.601, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, 144.615, 473.730, 473.733, and 473.737, RSMo, and section 77.030 as truly agreed to and finally passed by house bill no. 163, ninety-seventh general assembly, first regular session, and to enact in lieu thereof forty-two new sections relating to elections, with an emergency clause for certain sections.

SECTION

A. Enacting clause.
11.010. Official manual.
11.025. Printing of official manual.
32.087. Local sales taxes, procedures and duties of director of revenue, generally — effective date of tax — duty of retailers and director of revenue — exemptions — discounts allowed — penalties — motor vehicle and boat sales, mobile telecommunications services — bond required — annual report of director, contents — delinquent payments — reapproval, effect, procedures.

67.1009. Transient guest tax authorized for certain cities — ballot language (Cities of Edmundson and Woodson Terrace).
77.030. Division of city into wards — council members, terms.
78.090. Election, primary — held when — elimination of primary, when.
79.070. Aldermen, qualifications.
94.270. Power to license, tax and regulate certain businesses and occupations — prohibition on local license fees in excess of certain amounts in certain cities (Edmundson, Woodson Terrace) — license fee on hotels or motels (St Peters) — increase or decrease of tax, when.
115.003. Purpose clause.
115.005. Scope of act.
115.007. Presumption against implied repealer.
115.249. Standards required of voting machines.
115.259. Voting machines to be visible to election judges at polls.
115.281. Absentee ballots to be printed, when.
115.299. Absentee ballots, how counted.
115.300. Preparation of absentee ballot envelopes, when, by whom.
115.383. Name changes on ballot, how made.
115.419. Sample ballots, cards to be delivered to the polls, when.
115.423. Ballot box, procedure for handling.
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115.436. Physically disabled may vote at polling place, procedure.
115.439. Procedure for voting paper ballot — rulemaking authority.
115.449. Ballots, when and how counted.
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115.456. Responsibilities of election authority — counting optical scan ballots — counting paper ballots — marks indicating political party preference, how construed.
115.493. Ballots and records to be kept twenty-two months, may be inspected, when.
115.601. Recount authorized when less than one-half of one percent difference in vote — recount, defined.
144.020. Rate of tax — tickets, notice of sales tax — lease or rental of personal property exempt from tax, when.
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144.069. Sales of motor vehicles, trailers, boats and outboard motors imposed at address of owner — some leases deemed imposed at address of lessee.
144.071. Rescission of sale requires tax refund, when.
144.440. Purchase price of motor vehicles, trailers, boats and outboard motors to be disclosed, when — payment of tax, when — inapplicability to manufactured homes.
144.450. Exemptions from use tax.
144.455. Tax on motor vehicles and trailers, purpose of — receipts credited as constitutionally required.
144.525. Motor vehicles, haulers, boats and outboard motors, state and local tax, rate, how computed, exception — outboard motors, when, computation.
144.610. Tax imposed, property subject, exclusions, who liable.
144.613. Boats and boat motors — tax to be paid before registration issued.
144.615. Exemptions.
473.730. Public administrators — qualifications — election — oath — bond — public administrator deemed public office, duties — salaried public administrators deemed county officials — City of St. Louis, appointments of administrators.
473.733. Certificate and oath — bond, how sued on.
473.737. Administrators to have separate offices — St. Louis administrator in civil courts building — certain public administrators to have secretaries — clerical personnel to be provided, when.
1. Nonseverability clause.
77.030. Division of city into wards — council members, terms.
B. Emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 11.010, 32.087, 77.030, 78.090, 79.070, 94.270, 115.003, 115.005, 115.007, 115.249, 115.259, 115.281, 115.299, 115.300, 115.383, 115.419, 115.423, 115.433, 115.436, 115.439, 115.449, 115.455, 115.456, 115.493, 115.601, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, 144.615, 473.730, 473.733, and 473.737, RSMo, and section 77.030 as truly agreed to and finally passed by house bill no. 163, ninety-seventh general assembly, first regular session, are repealed and forty-two new sections enacted in lieu thereof, to be known as sections 11.010, 11.025, 32.087, 67.1009, 77.030, 78.090, 79.070, 94.270, 115.003, 115.005, 115.007, 115.249, 115.259, 115.281, 115.299, 115.300, 115.383, 115.419, 115.423, 115.433, 115.436, 115.439,

115.449, 115.455, 115.456, 115.493, 115.601, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, 144.615, 473.730, 473.733, 473.737, and 1 to read as follows:

11.010. OFFICIAL MANUAL. — The official manual, commonly known as the "Blue Book", compiled and electronically published by the secretary of state on its official website is the official manual of this state, and it is unlawful for any officer or employee of this state **except the secretary of state or a designated employee of the secretary of state**, or any board, or department or any officer or employee thereof, to cause to be printed, at state expense, any duplication or rearrangement of any part of the manual. It is also unlawful for the secretary of state to publish, or permit to be published in the manual any duplication, or rearrangement of any part of any report, or other document, required to be printed at the expense of the state which has been submitted to and rejected by him or her as not suitable for publication in the manual.

11.025. PRINTING OF OFFICIAL MANUAL. — Notwithstanding any other provision of law, the secretary of state may enter into an agreement directly with a nonprofit organization for such nonprofit organization to print and distribute copies of the official manual. The secretary of state shall provide to the organization the electronic version of the official manual prepared and published under this chapter. The nonprofit organization shall charge a fee for a copy of the official manual to cover the cost of production and distribution.

32.087. LOCAL SALES TAXES, PROCEDURES AND DUTIES OF DIRECTOR OF REVENUE, GENERALLY — EFFECTIVE DATE OF TAX — DUTY OF RETAILERS AND DIRECTOR OF REVENUE — EXEMPTIONS — DISCOUNTS ALLOWED — PENALTIES — MOTOR VEHICLE AND BOAT SALES, MOBILE TELECOMMUNICATIONS SERVICES — BOND REQUIRED — ANNUAL REPORT OF DIRECTOR, CONTENTS — DELINQUENT PAYMENTS — REAPPROVAL, EFFECT, PROCEDURES. — 1. Within ten days after the adoption of any ordinance or order in favor of adoption of any local sales tax authorized under the local sales tax law by the voters of a taxing entity, the governing body or official of such taxing entity shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance or order. The ordinance or order shall reflect the effective date thereof.

2. Any local sales tax so adopted shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the local sales tax, except as provided in subsection 18 of this section**, and shall be imposed on all transactions on which the Missouri state sales tax is imposed**.

3. Every retailer within the jurisdiction of one or more taxing entities which has imposed one or more local sales taxes under the local sales tax law shall add all taxes so imposed along with the tax imposed by the sales tax law of the state of Missouri to the sale price and, when added, the combined tax shall constitute a part of the price, and shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. The combined rate of the state sales tax and all local sales taxes shall be the sum of the rates, multiplying the combined rate times the amount of the sale.

4. The brackets required to be established by the director of revenue under the provisions of section 144.285 shall be based upon the sum of the combined rate of the state sales tax and all local sales taxes imposed under the provisions of the local sales tax law.

5. (1) The ordinance or order imposing a local sales tax under the local sales tax law shall impose **a tax** upon all **[**sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail**] transactions upon which the Missouri state sales tax is imposed** to the extent and in the manner provided in sections 144.010 to 144.525, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the sum of the combined rate of the state sales tax

or state highway use tax and all local sales taxes imposed under the provisions of the local sales tax law.

(2) Notwithstanding any other provision of law to the contrary, local taxing jurisdictions, except those in which voters have previously approved a local use tax under section 144.757, shall have placed on the ballot on or after the general election in November 2014, but no later than the general election in November 2016, whether to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales tax under section 144.020 and purchased from a source other than a licensed Missouri dealer. The ballot question presented to the local voters shall contain substantially the following language:

Shall the ..... (local jurisdiction's name) discontinue applying and collecting the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer? Approval of this measure will result in a reduction of local revenue to provide for vital services for ..... (local jurisdiction's name) and it will place Missouri dealers of motor vehicles, outboard motors, boats, and trailers at a competitive disadvantage to non-Missouri dealers of motor vehicles, outboard motors, boats, and trailers.

[ ] YES [ ] NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(3) If the ballot question set forth in subdivision (2) of this subsection receives a majority of the votes cast in favor of the proposal, or if the local taxing jurisdiction fails to place the ballot question before the voters on or before the general election in November 2016, the local taxing jurisdiction shall cease applying the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer.

(4) In addition to the requirement that the ballot question set forth in subdivision (2) of this subsection be placed before the voters, the governing body of any local taxing jurisdiction that had previously imposed a local use tax on the use of motor vehicles, trailers, boats, and outboard motors may, at any time, place a proposal on the ballot at any election to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are in favor of the proposal to repeal application of the local sales tax to such titling, then the local sales tax shall no longer be applied to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal application of the local sales tax to such titling, such application shall remain in effect.

(5) In addition to the requirement that the ballot question set forth in subdivision (2) of this subsection be placed before the voters on or after the general election in November 2014, and on or before the general election in November 2016, whenever the governing body of any local taxing jurisdiction imposing a local sales tax on the sale of motor vehicles, trailers, boats, and outboard motors receives a petition, signed by fifteen percent of the registered voters of such jurisdiction voting in the last gubernatorial election, calling for a proposal to be placed on the ballot at any election to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer, the governing body shall submit to the voters of such jurisdiction a proposal to repeal application of the local sales tax to such titling. If a majority of the votes cast by the registered voters voting thereon are in favor of the proposal to repeal application of the local sales tax to such titling, then the local sales tax shall no longer be applied to the titling of motor vehicles, trailers, boats, and outboard

motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal application of the local sales tax to such titling, such application shall remain in effect.

(6) Nothing in this subsection shall be construed to authorize the voters of any jurisdiction to repeal application of any state sales or use tax.

(7) If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is repealed, such repeal shall take effect on the first day of the second calendar quarter after the election. If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is required to cease to be applied or collected due to failure of a local taxing jurisdiction to hold an election pursuant to subdivision (2) of this subsection, such cessation shall take effect on March 1, 2017.

6. On and after the effective date of any local sales tax imposed under the provisions of the local sales tax law, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect in addition to the sales tax for the state of Missouri all additional local sales taxes authorized under the authority of the local sales tax law. All local sales taxes imposed under the local sales tax law together with all taxes imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

7. All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of any local sales tax imposed under the local sales tax law except as modified by the local sales tax law.

8. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services under the provisions of sections 144.010 to 144.525, as these sections now read and as they may hereafter be amended, it being the intent of this general assembly to ensure that the same sales tax exemptions granted from the state sales tax law also be granted under the local sales tax law, are hereby made applicable to the imposition and collection of all local sales taxes imposed under the local sales tax law.

9. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of the local sales tax law, and no additional permit or exemption certificate or retail certificate shall be required; except that the director of revenue may prescribe a form of exemption certificate for an exemption from any local sales tax imposed by the local sales tax law.

10. All discounts allowed the retailer under the provisions of the state sales tax law for the collection of and for payment of taxes under the provisions of the state sales tax law are hereby allowed and made applicable to any local sales tax collected under the provisions of the local sales tax law.

11. The penalties provided in section 32.057 and sections 144.010 to 144.525 for a violation of the provisions of those sections are hereby made applicable to violations of the provisions of the local sales tax law.

12. (1) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, all sales, except the sale of motor vehicles, trailers, boats, and outboard motors **required to be titled under the laws of the state of Missouri**, shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for

acceptance, approval of credit, shipment or billing. A sale by a retailer's agent or employee shall be deemed to be consummated at the place of business from which he works.

(2) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, **the sales tax upon the titling of** all **[**sales of**]** motor vehicles, trailers, boats, and outboard motors shall be **[**deemed to be consummated**] imposed** at the **rate in effect at the location of the** residence of the purchaser and not at the place of business of the retailer, or the place of business from which the retailer's agent or employee works.

(3) For the purposes of any local tax imposed by an ordinance or under the local sales tax law on charges for mobile telecommunications services, all taxes of mobile telecommunications service shall be imposed as provided in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended.

13. Local sales taxes **[**imposed pursuant to the local sales tax law**] shall not be imposed on the seller [**on the purchase and sale**]** of motor vehicles, trailers, boats, and outboard motors **[**shall not be collected and remitted by the seller,**] required to be titled under the laws of the state of Missouri**, but shall be collected **from the purchaser** by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within a taxing entity imposing a local sales tax under the local sales tax law.

14. The director of revenue and any of his deputies, assistants and employees who have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the hands of the director of revenue under the provisions of the local sales tax law shall enter a surety bond or bonds payable to any and all taxing entities in whose behalf such funds have been collected under the local sales tax law in the amount of one hundred thousand dollars for each such tax; but the director of revenue may enter into a blanket bond covering himself and all such deputies, assistants and employees. The cost of any premium for such bonds shall be paid by the director of revenue from the share of the collections under the sales tax law retained by the director of revenue for the benefit of the state.

15. The director of revenue shall annually report on his management of each trust fund which is created under the local sales tax law and administration of each local sales tax imposed under the local sales tax law. He shall provide each taxing entity imposing one or more local sales taxes authorized by the local sales tax law with a detailed accounting of the source of all funds received by him for the taxing entity. Notwithstanding any other provisions of law, the state auditor shall annually audit each trust fund. A copy of the director's report and annual audit shall be forwarded to each taxing entity imposing one or more local sales taxes.

16. Within the boundaries of any taxing entity where one or more local sales taxes have been imposed, if any person is delinquent in the payment of the amount required to be paid by him under the local sales tax law or in the event a determination has been made against him for taxes and penalty under the local sales tax law, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525. Where the director of revenue has determined that suit must be filed against any person for the collection of delinquent taxes due the state under the state sales tax law, and where such person is also delinquent in payment of taxes under the local sales tax law, the director of revenue shall notify the taxing entity in the event any person fails or refuses to pay the amount of any local sales tax due so that appropriate action may be taken by the taxing entity.

17. Where property is seized by the director of revenue under the provisions of any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax imposed by the local sales tax law, the director of revenue shall permit the taxing entity to join in any sale of property to pay the delinquent taxes and penalties due the state and to the taxing entity under the local sales tax law. The proceeds from such sale shall first be applied to all sums due the state, and the remainder, if any, shall be applied to all sums due such taxing entity.

18. If a local sales tax has been in effect for at least one year under the provisions of the local sales tax law and voters approve reimposition of the same local sales tax at the same rate at an election as provided for in the local sales tax law prior to the date such tax is due to expire, the tax so reimposed shall become effective the first day of the first calendar quarter after the director receives a certified copy of the ordinance, order or resolution accompanied by a map clearly showing the boundaries thereof and the results of such election, provided that such ordinance, order or resolution and all necessary accompanying materials are received by the director at least thirty days prior to the expiration of such tax. Any administrative cost or expense incurred by the state as a result of the provisions of this subsection shall be paid by the city or county reimposing such tax.

67.1009. TRANSIENT GUEST TAX AUTHORIZED FOR CERTAIN CITIES — BALLOT LANGUAGE (CITIES OF EDMUNDSON AND WOODSON TERRACE). — 1. The governing body of the following cities may impose a tax as provided in this section:

(1) Any city of the fourth classification with more than eight hundred thirty but fewer than nine hundred inhabitants and located in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants;

(2) Any city of the fourth classification with more than four thousand fifty but fewer than four thousand two hundred inhabitants and located in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants.

2. The governing body of any city listed in subsection 1 of this section may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city, which shall be not more than six tenths of one percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general or primary election a proposal to authorize the governing body of the city to impose a tax pursuant to this section. The tax authorized by this section shall be in addition to the charge for the sleeping room and shall be in addition to any and all taxes imposed by law. Such tax shall be stated separately from all other charges and taxes.

3. The ballot of submission for any tax authorized in this section shall be in substantially the following form: Shall (insert the name of the city) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in (name of city) at a rate of (insert rate of percent up to six tenths of one percent)?

[ ] YES [ ] NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

4. As used in this section, "transient guests" means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.

77.030. DIVISION OF CITY INTO WARDS — COUNCIL MEMBERS, TERMS. — 1. Unless it elects to be governed by subsection 2 of this section, the council shall by ordinance divide the city into not less than four wards, and two councilmen shall be elected from each of such wards by the qualified voters thereof at the first election for councilmen in cities hereafter adopting the provisions of this chapter; the one receiving the highest number of votes in each ward shall hold his office for two years, and the one receiving the next highest number of votes shall hold his

office for one year; but thereafter each ward shall elect annually one councilman, who shall hold his office for two years.

2. In lieu of electing councilmen as provided in subsection 1 of this section, the council may elect to establish wards and elect councilmen as provided in this subsection. If the council so elects, it shall, by ordinance, divide the city into not less than four wards, and one councilman shall be elected from each of such wards by the qualified voters thereof at the first election for councilmen held in the city after it adopts the provisions of this subsection. At the first election held under this subsection the councilmen elected from the odd-numbered wards shall be elected for a term of one year and the councilmen elected from the even-numbered wards shall be elected for a term of two years. At each annual election held thereafter, successors for councilmen whose terms expire in such year shall be elected for a term of two years.

3. (1) Council members may serve four-year terms if the two-year terms provided under subsection 1 or 2 of this section have been extended to four years by approval of a majority of the voters voting on the proposal.

(2) The ballot of submission shall be in substantially the following form:

Shall the terms of council members which are currently set at two years in ..... (city) be extended to four years for members elected after August 28, 2013?

[ ] YES [ ] NO

(3) If a majority of the voters voting approve the proposal authorized in this subsection, the members of council who would serve two years under subsections 1 and 2 of this section shall be elected to four-year terms beginning with any election occurring after approval of the ballot question.

78.090. ELECTION, PRIMARY — HELD WHEN — ELIMINATION OF PRIMARY, WHEN. — **1.** Candidates to be voted for at all general municipal elections at which a mayor and councilmen are to be elected under the provisions of sections 78.010 to **[**78.420**]** **78.400** shall be nominated by a primary election, **except as provided in this section,** and no other names shall be placed upon the general ballot except those selected in the manner herein prescribed. The primary election for such nomination shall be held on the first Tuesday after the first Monday in February preceding the municipal election.

2. (1) In lieu of conducting a primary election under this section, any city organized under sections 78.010 to 78.400 may, by order or ordinance, provide for the elimination of the primary election and the conduct of elections for mayor and councilman as provided in this subsection.

(2) Any person desiring to become a candidate for mayor or councilman shall file with the city clerk a signed statement of such candidacy, stating whether such person is a resident of the city and a qualified voter of the city, that the person desires to be a candidate for nomination to the office of mayor or councilman to be voted upon at the next municipal election for such office, that the person is eligible for such office, that the person requests to be placed on the ballot, and that such person will serve if elected. Such statement shall be sworn to or affirmed before the city clerk.

(3) Under the requirements of section 115.023, the city clerk shall notify the requisite election authority who shall cause the official ballots to be printed, and the names of the candidates shall appear on the ballots in the order that their statements of candidacy were filed with the city clerk. Above the names of the candidates shall appear the words "Vote for (number to be elected)". The ballot shall also include a warning that voting for more than the total number of candidates to be elected to any office invalidates the ballot.

79.070. ALDERMEN, QUALIFICATIONS. — No person shall be an alderman unless he or she is at least **[**twenty-one**]** **eighteen** years of age, a citizen of the United States, and an inhabitant and resident of the city for one year next preceding his or her election, and a resident, at the time he or she files and during the time he or she serves, of the ward from which he or she is elected.

94.270. POWER TO LICENSE, TAX AND REGULATE CERTAIN BUSINESSES AND OCCUPATIONS — PROHIBITION ON LOCAL LICENSE FEES IN EXCESS OF CERTAIN AMOUNTS IN CERTAIN CITIES (EDMUNDSON, WOODSON TERRACE) — LICENSE FEE ON HOTELS OR MOTELS (ST PETERS) — INCREASE OR DECREASE OF TAX, WHEN. — 1. The mayor and board of aldermen shall have power and authority to regulate and to license and to levy and collect a license tax on auctioneers, druggists, hawkers, peddlers, banks, brokers, pawnbrokers, merchants of all kinds, grocers, confectioners, restaurants, butchers, taverns, hotels, public boardinghouses, billiard and pool tables and other tables, bowling alleys, lumber dealers, real estate agents, loan companies, loan agents, public buildings, public halls, opera houses, concerts, photographers, bill posters, artists, agents, porters, public lecturers, public meetings, circuses and shows, for parades and exhibitions, moving picture shows, horse or cattle dealers, patent right dealers, stockyards, inspectors, gaugers, mercantile agents, gas companies, insurance companies, insurance agents, express companies, and express agents, telegraph companies, light, power and water companies, telephone companies, manufacturing and other corporations or institutions, automobile agencies, and dealers, public garages, automobile repair shops or both combined, dealers in automobile accessories, gasoline filling stations, soft drink stands, ice cream stands, ice cream and soft drink stands combined, soda fountains, street railroad cars, omnibuses, drays, transfer and all other vehicles, traveling and auction stores, plumbers, and all other business, trades and avocations whatsoever, and fix the rate of carriage of persons, drayage and cartage of property; and to license, tax, regulate and suppress ordinaries, money brokers, money changers, intelligence and employment offices and agencies, public masquerades, balls, street exhibitions, dance houses, fortune tellers, pistol galleries, corn doctors, private venereal hospitals, museums, menageries, equestrian performances, horoscopic views, telescopic views, lung testers, muscle developers, magnifying glasses, ten pin alleys, ball alleys, billiard tables, pool tables and other tables, theatrical or other exhibitions, boxing and sparring exhibitions, shows and amusements, tippling houses, and sales of unclaimed goods by express companies or common carriers, auto wrecking shops and junk dealers; to license, tax and regulate hackmen, draymen, omnibus drivers, porters and all others pursuing like occupations, with or without vehicles, and to prescribe their compensation; and to regulate, license and restrain runners for steamboats, cars, and public houses; and to license ferries, and to regulate the same and the landing thereof within the limits of the city, and to license and tax auto liveries, auto drays and jitneys.

2. Notwithstanding any other law to the contrary, no city of the fourth classification with more than eight hundred but less than nine hundred inhabitants and located in any county with a charter form of government and with more than one million inhabitants shall levy or collect a license fee on hotels or motels in an amount in excess of twenty-seven dollars per room per year. No hotel or motel in such city shall be required to pay a license fee in excess of such amount, and any license fee in such city that exceeds the limitations of this subsection shall be automatically reduced to comply with this subsection.

3. Notwithstanding any other law to the contrary, no city of the fourth classification with more than four thousand one hundred but less than four thousand two hundred inhabitants and located in any county with a charter form of government and with more than one million inhabitants shall levy or collect a license fee on hotels or motels in an amount in excess of thirteen dollars and fifty cents per room per year. No hotel or motel in such city shall be required to pay a license fee in excess of such amount, and any license fee in such city that exceeds the limitations of this subsection shall be automatically reduced to comply with this subsection.

4. Notwithstanding any other law to the contrary, on or after January 1, 2006, no city of the fourth classification with more than fifty-one thousand three hundred and eighty but less than fifty-one thousand four hundred inhabitants and located in any county with a charter form of government and with more than two hundred eighty thousand but less than two hundred eighty-five thousand or no city of the fourth classification with more than fifty-one thousand but fewer than fifty-two thousand inhabitants and located in any county with a charter form of government and with more than two hundred eighty thousand but less than two hundred eighty-five thousand

shall levy or collect a license fee on hotels or motels in an amount in excess of one thousand dollars per year. No hotel or motel in such city shall be required to pay a license fee in excess of such amount, and any license fee in such city that exceeds the limitation of this subsection shall be automatically reduced to comply with this subsection.

5. Any city under subsection 4 of this section may increase a hotel and motel license tax by five percent per year but the total tax levied under this section shall not exceed one-eighth of one percent of such hotels' or motels' gross revenue.

6. Any city under **[**subsections**]** **subsection** 1**[**, 2, and 3**]** of this section may increase a hotel and motel license tax by five percent per year but the total tax levied under this section shall not exceed the greater of:

(1) One-eighth of one percent of such hotels' or motels' gross revenue; or

(2) The business license tax rate for such hotel or motel on May 1, 2005.

7. The provisions of subsection 6 of this section shall not apply to any tax levied by a city when the revenue from such tax is restricted for use to a project from which bonds are outstanding as of May 1, 2005.

115.003. PURPOSE CLAUSE. — The purpose of sections 115.001 to 115.**[**641**]** **801** **[**and sections 51.450 and 51.460**]** is to simplify, clarify and harmonize the laws governing elections. It shall be construed and applied so as to accomplish its purpose.

115.005. SCOPE OF ACT. — Notwithstanding any other provision of law to the contrary, sections 115.001 to 115.**[**641**]** **801** shall apply to all public elections in the state, except elections for which ownership of real property is required by law for voting.

115.007. PRESUMPTION AGAINST IMPLIED REPEALER. — No part of sections 115.001 to 115.**[**641**]** **801** **[**and sections 51.450 and 51.460**]** shall be construed as impliedly amended or repealed by subsequent legislation if such construction can be reasonably avoided.

115.249. STANDARDS REQUIRED OF VOTING MACHINES. — No voting machine shall be used unless it:

(1) Permits voting in absolute secrecy;

(2) Permits each voter to vote for as many candidates for each office as he is lawfully entitled to vote for, and no other;

(3) Permits each voter to vote for or against as many questions as he is lawfully entitled to vote on, and no more;

(4) Provides facilities for each voter to cast as many write-in votes for each office as he is lawfully entitled to cast;

(5) Permits each voter in a primary election to vote for the candidates of only one party announced by the voter in advance;

[(6) Permits each voter at a presidential election to vote by use of a single lever for the candidates of one party or group of petitioners for president, vice president and their presidential electors;

(7)**]** (6) Correctly registers or records and accurately counts all votes cast for each candidate and for and against each question;

[(8)**]** (7) Is provided with a lock or locks which prevent any movement of the voting or registering mechanism and any tampering with the mechanism;

[(9)**]** **(8)** Is provided with a protective counter or other device whereby any operation of the machine before or after an election will be detected;

[(10)**]** **(9)** Is provided with a counter which shows at all times during the election how many people have voted on the machine;

[(11)**]** **(10)** Is provided with a proper light which enables each voter, while voting, to clearly see the ballot labels**[**;

(12) Is provided with a mechanical model, illustrating the manner of voting on the machine, suitable for the instruction of voters**]**.

115.259. VOTING MACHINES TO BE VISIBLE TO ELECTION JUDGES AT POLLS. — At each polling place using voting machines, the exterior of the voting machines shall be in plain view of the election judges. **[**Each voting machine shall be so placed that, unless its construction requires otherwise, the ballot labels can be plainly seen by the election judges when not in use by voters.**]** The election judges shall not be nor permit any other person to be in any position, or near any position, that enables them to see how any voter votes or has voted. The election judges may inspect any machine as necessary to make sure the ballot label is in its proper place and that the machine has not been damaged.

115.281. ABSENTEE BALLOTS TO BE PRINTED, WHEN. — 1. Except as provided in subsection 3 of this section, not later than the sixth Tuesday prior to each election, or within fourteen days after candidates' names or questions are certified pursuant to section 115.125, the election authority shall cause to have printed and made available a sufficient quantity of absentee ballots, ballot envelopes and mailing envelopes. As soon as possible after the proper officer calls a special state or county election, the election authority shall cause to have printed and made available a sufficient quantity of absentee ballots, ballot envelopes and mailing envelopes.

2. All absentee ballots for an election shall be in the same form as the official ballots for the election**[**, except that in lieu of the words "Official Ballot" at the top of the ballot, the words "Official Absentee Ballot" shall appear**]**.

3. Not later than forty-five days before each general, primary, and special election for federal office, the election authority shall cause to have printed and made available a sufficient quantity of absentee ballots, ballot envelopes, and mailing envelopes for absent uniformed services voters and overseas voters and shall begin transmitting such ballots to absent uniformed services and overseas voters who have submitted an absentee ballot application.

115.299. ABSENTEE BALLOTS, HOW COUNTED. — 1. To count absentee votes on election day, the election authority shall appoint a sufficient number of teams of election judges **comprised of an equal number of judges [**. Each team shall consist of four judges, two**]** from each major political party.

2. The teams so appointed shall meet on election day after the time fixed by law for the opening of the polls at a central location designated by the election authority. The election authority shall deliver the absentee ballots to the teams, and shall maintain a record of the delivery. The record shall include the number of ballots delivered to each team and shall include a signed receipt from two judges, one from each major political party. The election authority shall provide each team with a ballot box, tally sheets and statements of returns as are provided to a polling place.

3. Each team shall count votes on all absentee ballots designated by the election authority.

4. One member of each team, closely observed by another member of the team from a different political party, shall open each envelope and call the voter's name in a clear voice. Without unfolding the ballot, two team members, one from each major political party, shall initial the ballot, and an election judge shall place the ballot, still folded, in a ballot box. No ballot box shall be opened until all of the ballots a team is counting have been placed in the box. The votes shall be tallied and the returns made as provided in sections 115.447 to 115.525 for paper ballots. After the votes on all ballots assigned to a team have been counted, the ballots and ballot envelopes shall be placed on a string and enclosed in sealed containers marked "voted absentee ballots and ballot envelopes from the election held ....., 20....". All rejected absentee ballots and envelopes shall be enclosed and sealed in a separate container marked "rejected absentee ballots and envelopes from the election held ....., 20....". On the outside of each voted ballot and rejected ballot container, each member of the team shall write his name, and all

such containers shall be returned to the election authority. Upon receipt of the returns and ballots, the election authority shall tabulate the absentee vote along with the votes certified from each polling place in its jurisdiction.

115.300. PREPARATION OF ABSENTEE BALLOT ENVELOPES, WHEN, BY WHOM. — In each jurisdiction, the election authority may start, not earlier than the fifth day prior to the election, the preparation of absentee ballots for tabulation on the election day. The election authority shall give notice to the county chairman of each major political party forty-eight hours prior to beginning preparation of absentee ballot envelopes. Absentee ballot preparation shall be completed by teams of election authority employees or teams of election judges, with each team consisting of one member from each major political party. **[**Absentee ballots shall not be counted by the same persons as those who removed such ballots from their envelopes.**]**

115.383. NAME CHANGES ON BALLOT, HOW MADE. — Any election authority duly notified that a name is to be removed from the ballot or that a new candidate has been selected shall have the proper corrections made on the ballot before the ballot is delivered to or while it is in the hands of the printer. **[**If time does not permit correction of the printed ballot, the election authority shall have prepared small pasters, suitable for covering the name to be removed on the ballots, ballot labels or on the protective covering of each voting machine. If a candidate is replaced by a candidate pursuant to the provisions of sections 115.361 to 115.377, the paster shall contain the name to be substituted in letters of the same size and type as all other names on the ballot. The appropriate election authorities shall see that such pasters are properly applied to the ballots, ballot labels or voting machines before they are used for voting.**]**

115.419. SAMPLE BALLOTS, CARDS TO BE DELIVERED TO THE POLLS, WHEN. — Before the time fixed by law for the opening of the polls, the election authority shall deliver to each polling place a sufficient number of sample ballots**[**,**]** **and** ballot cards **[**or ballot labels**]** which shall be a different color but otherwise exact copies of the official ballot. The samples shall be printed in the form of a diagram, showing the form of the ballot or the front of the marking device or voting machine as it will appear on election day. The secretary of state may develop multilingual sample ballots to be made available to election authorities.

115.423. BALLOT BOX, PROCEDURE FOR HANDLING. — **[**After the time fixed by law for the opening of the polls but**]** **Not more than one hour** before the voting begins, the election judges shall open the ballot box and show to all present that it is empty. The ballot box shall then be locked and the key kept by one of the election judges. The ballot box shall not be opened or removed from public view from the time it is shown to be empty until the polls close or until the ballot box is delivered for counting pursuant to section 115.451. If voting machines are used, the election judges shall call attention to the counter on the face of each voting machine and show to all present that it is set at zero.

115.433. JUDGES TO INITIAL PAPER BALLOTS, WHEN. — After the voter's identification certificate has been initialed, two judges of different political parties, or one judge from a major political party and one judge with no political affiliation, shall, where paper ballots **[**or ballot cards**]** are used, initial the voter's ballot or ballot card.

115.436. PHYSICALLY DISABLED MAY VOTE AT POLLING PLACE, PROCEDURE. — 1. In jurisdictions using paper ballots and electronic voting systems, when any physically disabled voter within two hundred feet of a polling place is unable to enter the polling place, two election judges, one of each major political party, shall take a ballot, equipment and materials necessary for voting to the voter. The voter shall mark the ballot, and the election judges shall place the ballot in an envelope**[**, seal it**]** and place it in the ballot box.

2. In jurisdictions using voting machines, when any physically disabled voter within two hundred feet of a polling place is unable to enter the polling place, two election judges, one of each major political party, shall take an absentee ballot to the voter. The voter shall mark the ballot, and the election judges shall place the ballot in an envelope**[**, seal it**]** and place it in the ballot box.

3. Upon request to the election authority, the election authority in any jurisdiction shall designate a polling place accessible to any physically disabled voter other than the polling place to which that voter would normally be assigned to vote, provided that the candidates and issues voted on are consistent for both the designated location and the voting location for the voter's precinct. Upon request, the election authority may also assign members of the physically disabled voter's household and such voter's caregiver to the same voting location as the physically disabled voter. In no event shall a voter be assigned under this section to a designated location apart from the established voting location for the voter's precinct if the voter objects to the assignment to another location.

115.439. PROCEDURE FOR VOTING PAPER BALLOT — RULEMAKING AUTHORITY. — 1. If paper ballots **[**or ballot cards**]** are used, the voter shall, immediately upon receiving his ballot, go alone to a voting booth and vote his ballot in the following manner:

(1) When a voter desires to vote for a candidate, the voter shall place a **[**cross (X)**]** **distinguishing** mark **[**in the square directly to the left of**]** **immediately beside** the name of the candidate for which the voter intends to vote;

(2) **[**If the voter desires to vote for a person whose name does not appear on the ballot, the voter may cross out a name which appears on the ballot for the office and write the name of the person for whom he wishes to vote above or below the crossed-out name and place a cross (X) mark in the square directly to the left of the crossed-out name.**]** If a write-in line appears on the ballot, the voter may write the name of the person for whom he or she wishes to vote on the line and place a **[**cross (X)**]** **distinguishing** mark **[**in the square directly to the left of**]** **immediately beside** the name;

(3) If the ballot is one which contains no candidates, the voter shall place a **[**cross (X)**]** **distinguishing** mark **[**in the square**]** directly to the left of each "yes" or "no" he desires to vote. No voter shall vote for the same person more than once for the same office at the same election.

[2. For purposes of this section, a punch or sensor mark or any other mark clearly indicating that the voter intends to mark that particular square shall be equivalent to a cross (X) mark.

3. If voting machines are used, the voter shall, immediately upon direction by the judges, go alone to a voting machine, close the curtain and vote in substantially the same manner provided in subsection 1 of this section. Rather than placing cross (X) marks on the ballot, however, the voter shall cause the designations to appear on the face of the voting machine, cast any write-in votes and register his votes as directed in the instructions for use of the machine.

4.**]** **2.** If the voter accidentally spoils his ballot or ballot card or makes an error, he may return it to an election judge and receive another. The election judge shall mark "SPOILED" across the ballot or ballot card and place it in an envelope marked "SPOILED BALLOTS". After another ballot has been prepared in the manner provided in section 115.433, the ballot shall be given to the voter for voting.

[5. The election authority may authorize the use of a sticker or other item containing a write-in candidate's name, in lieu of a handwritten name. All such stickers and items used by election authorities shall conform to rules and regulations promulgated by the secretary of state regarding the form of such stickers and items. The secretary of state shall promulgate rules and regulations to prescribe uniform specifications for the form of such stickers and items. If authorized, such sticker or item shall contain a cross (X) mark, or other mark as described in subsection 2 of this section, in the square directly left of the candidate's name and the office for which the candidate is a write-in candidate. A write-in vote that does not meet the requirements

of this subsection which appears on a ballot shall not be counted pursuant to sections 115.447 to 115.525. In those jurisdictions using an electronic voting system which utilizes mark sense or optical scan technology and if the election authority authorizes the use of stickers for write-ins, such system shall be programmed to identify and separate those ballots which contain an office in which write-in candidates are eligible to receive votes, and which contain less votes than a voter is entitled to cast. In addition, such sticker shall be considered "printed matter" as defined in subsection 8 of section 130.031, and as such shall contain the designation required by subsection 8 of section 130.031.

6.**]** **3.** Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

115.449. BALLOTS, WHEN AND HOW COUNTED. — 1. As soon as the polls close in each polling place using paper ballots, the election judges shall begin to count the votes. If earlier counting is begun pursuant to section 115.451, the election judges shall complete the count in the manner provided by this section. Once begun, no count shall be adjourned or postponed until all proper votes have been counted.

2. One counting judge, closely observed by the other counting judge, shall take the ballots out of the ballot box one at a time and, holding each ballot in such a way that the other counting judge may read it, shall read the name of each candidate properly voted for and the office sought by each. As each vote is called out, the recording judges shall each record the vote on a tally sheet. The votes for and against all questions shall likewise be read and recorded. If more than one political subdivision or special district is holding an election on the same day at the same polling place and using separate ballots, the counting judges may separate the ballots of each political subdivision and special district and first read one set, then the next and so on until all proper votes have been counted.

[3. After all of the proper votes on a ballot have been counted, the ballot shall be strung on a wire or string in the order read. After all the ballots have been read and strung and after the recording judges agree on the count, the wire or string shall be tied in a firm knot, and the knot shall be sealed so that it cannot be untied without breaking the seal. Rejected and spoiled ballots shall not be strung but shall be placed in separate containers marked "REJECTED" and "SPOILED".

4.**]** **3.** After the recording of all proper votes, the recording judges shall compare their tallies. When the recording judges agree on the count, they shall sign both of the tally sheets, and one of the recording judges shall announce in a loud voice the total number of votes for each candidate and for and against each question.

[5.**]** **4.** After the announcement of the vote, the election judges shall record the vote totals in the appropriate places on each statement of returns. If any tally sheet or statement of returns contains no heading for any question, the election judges shall write the necessary headings on the tally sheet or statement of returns.

115.455. PROCEDURE FOR COUNTING VOTES ON QUESTIONS. — Election judges shall count votes on each question in the following manner:

(1) If a **[**cross (X)**]** **distinguishing** mark appears **[**in the square**]** immediately beside or below the "YES", the question shall be counted as voted for. If a **[**cross (X)**]** **distinguishing** mark appears **[**in the square**]** immediately beside or below the "NO", the question shall be counted as voted against;

(2) If a **[**cross (X)**]** **distinguishing** mark appears **[**in the square**]** immediately beside or below the "YES" and **[**in the square**]** immediately beside or below the "NO", the question shall neither be counted as voted for nor as voted against.

115.456. RESPONSIBILITIES OF ELECTION AUTHORITY — COUNTING OPTICAL SCAN BALLOTS — COUNTING PAPER BALLOTS — MARKS INDICATING POLITICAL PARTY PREFERENCE, HOW CONSTRUED. — 1. **[**The election authority shall be responsible for ensuring that the standards provided for in this subsection are followed when counting ballots cast using punch card voting systems.

(1) Prior to tabulating ballots, all ballot cards shall be inspected by the election authority for hanging chad and damaged ballots. Inspection of ballot cards shall be conducted using the following guidelines:

(a) The election authority shall appoint a bipartisan team to inspect all ballots where a question exists about the condition of a ballot or existence of a hanging chad;

(b) All ballot card inspections conducted under this section shall be conducted by examining the ballot card from the back of the card;

(c) If a ballot is determined to be damaged, the bipartisan team shall spoil the original ballot and duplicate the voter's intent on the new ballot, provided that there is an undisputed method of matching the duplicate card with its original after it has been placed with the remainder of the ballot cards from the precinct; and

(d) If a chad is determined to be hanging by two or less corners, it shall be removed prior to being tabulated.

(2) In jurisdictions using punch card systems, a valid vote for a write-in candidate shall include the following:

(a) A distinguishing mark in the square immediately preceding the name of the candidate;

(b) The name of the candidate. If the name of the candidate as written by the voter is substantially as declared by the candidate it shall be counted, or in those circumstances where the names of candidates are similar, the names of candidates as shown on voter registration records shall be counted; and

(c) The name of the office for which the candidate is to be elected.

(3) Whenever a hand recount of votes is ordered of punch card ballots, the provisions of this subsection shall be used to determine voter intent.

2.**]** The election authority shall be responsible for ensuring that the standards provided for in this subsection are followed when counting ballots cast using optical scan voting systems.

(1) Prior to tabulating ballots, all machines shall be programmed to reject blank ballots where no votes are recorded or where an overvote is registered in any race.

(2) In jurisdictions using precinct-based tabulators, the voter who cast the ballot shall review the ballot if rejected, if the voter wishes to make any changes to the ballot, or if the voter would like to spoil the ballot and receive another ballot.

(3) In jurisdictions using centrally based tabulators, if a ballot is so rejected it shall be reviewed by a bipartisan team using the following criteria:

(a) If a ballot is determined to be damaged, the bipartisan team shall spoil the original ballot and duplicate the voter's intent on the new ballot, provided that there is an undisputed method of matching the duplicate card with its original after it has been placed with the remainder of the ballot cards from such precinct; and

(b) Voter intent shall be determined using the following criteria:

a. There is a distinguishing mark in the printed oval or divided arrow adjacent to the name of the candidate or issue preference;

b. There is a distinguishing mark adjacent to the name of the candidate or issue preference; or

c. The name of the candidate or issue preference is circled.

(4) In jurisdictions using optical scan systems, a valid vote for a write-in candidate shall include the following:

(a) A distinguishing mark in the designated location preceding the name of the candidate;

(b) The name of the candidate. If the name of the candidate as written by the voter is substantially as declared by the candidate it shall be counted, or in those circumstances where the names of candidates are similar, the names of candidates as shown on voter registration records shall be counted; and

(c) The name of the office for which the candidate is to be elected.

(5) Whenever a hand recount of votes of optical scan ballots is ordered, the provisions of this subsection shall be used to determine voter intent.

[3.**]** **2.** The election authority shall be responsible for ensuring that the standards provided for in this subsection are followed when counting ballots cast using paper ballots.

(1) Voter intent shall be determined using the following criteria:

(a) There is a distinguishing mark in the square adjacent to the name of the candidate or issue preference;

(b) There is a distinguishing mark adjacent to the name of the candidate or issue preference; or

(c) The name of the candidate or issue preference is circled.

(2) In jurisdictions using paper ballots, a valid vote for a write-in candidate shall include the following:

(a) A distinguishing mark in the square immediately preceding the name of the candidate;

(b) The name of the candidate. If the name of the candidate as written by the voter is substantially as declared by the candidate it shall be counted, or in those circumstances where the names of candidates are similar, the names of candidates as shown on voter registration records shall be counted; and

(c) The name of the office for which the candidate is to be elected.

(3) Whenever a hand recount of votes of paper ballots is ordered, the provisions of this subsection shall be used to determine voter intent.

[4. When write-in stickers are used, the sticker shall contain the name of a candidate, the office sought, and a distinguishing mark in the square immediately preceding the name of the candidate and shall be approximately one inch by three inches in size with black print on a white background. The sticker shall be placed by the voter on the write-in line designating the office sought or the sticker shall be placed by the voter on the write-in line on the secrecy envelope.

5.**]** **3.** Notwithstanding any other provision of law, a distinguishing mark indicating a general preference for or against the candidates of one political party shall not be considered a vote for or against any specific candidate.

115.493. BALLOTS AND RECORDS TO BE KEPT TWENTY-TWO MONTHS, MAY BE INSPECTED, WHEN. — The election authority shall keep all voted ballots, ballot cards, processed ballot materials in electronic form and write-in forms, and all applications, statements, certificates, affidavits and computer programs relating to each election for **[**twelve**]** **twenty-two** months after the date of the election. During the time that voted ballots, ballot cards, processed ballot materials in electronic form and write-in forms are kept by the election authority, it shall not open or inspect them or allow anyone else to do so, except upon order of a legislative body trying an election contest, a court or a grand jury. After **[**twelve**]** **twenty-two** months, the ballots, ballot cards, processed ballot materials in electronic form, write-in forms, applications, statements, certificates, affidavits and computer programs relating to each election may be destroyed. If an election contest, grand jury investigation or civil or criminal case relating to the election is pending at the time, however, the materials shall not be destroyed until the contest, investigation or case is finally determined.

115.601. RECOUNT AUTHORIZED WHEN LESS THAN ONE-HALF OF ONE PERCENT DIFFERENCE IN VOTE — RECOUNT, DEFINED. — 1. Any contestant in a primary or other election contest who was defeated by less than one percent of the votes cast for the office and any contestant who received the second highest number of votes cast for that office if two or more are to be elected and who was defeated by less than one percent of the votes cast, or any person whose position on a question was defeated by less than one percent of the votes cast on the question, shall have the right to a recount of the votes cast for the office or on the question.

2. In cases where the candidate filed or the ballot question was originally filed with an election authority as defined in section 115.015, such recount shall be requested in accordance with the provisions of section 115.531 or 115.577 and conducted under the direction of the court or the commissioner representing the court trying the contest according to the provisions of this subchapter.

3. In cases where the candidate filed or the ballot question was originally filed with the secretary of state, the defeated candidate or the person whose position on a question was defeated by less than **one-half of** one percent of the votes cast on the question shall be allowed a recount pursuant to this section by filing with the secretary of state a request for a recount stating that the person or the person's position on a question was defeated by less than **one-half of** one percent of the votes cast. Such request shall be filed not later than seven days after certification of the election. The secretary of state shall notify all concerned parties of the filing of the request for a recount. The secretary of state shall authorize the election authorities to conduct a recount pursuant to this section if the requesting party or his position on a question was defeated by less than **one-half of** one percent of the votes cast. The secretary of state shall conduct and certify the results of the recount as the official results in the election within twenty days of receipt of the aforementioned notice of recount.

4. Whenever a recount is requested pursuant to subsection 3 of this section, the secretary of state shall determine the number of persons necessary to assist with the recount and shall appoint such persons equally from lists submitted by the contestant and the opponent who received more votes or a person whose position on a question received more votes than the contestant's position on that question. Each person appointed pursuant to this section shall be a disinterested person and a registered voter of the area in which the contested election was held. Each person so appointed shall take the oath prescribed for and receive the same pay as an election judge in the jurisdiction where the person is registered. After being sworn not to disclose any facts uncovered by the recount, except those which are contained in the report, the contestant and the opponent who received more votes or a person whose position on a question received more votes than the contestant's position on that question shall be permitted to be present in person or represented by an attorney at the recount and to observe the recount. Each recount shall be completed under the supervision of the secretary of state with the assistance of the election authorities involved, and the persons appointed to assist with the recount shall perform such duties as the secretary of state directs. Upon completion of any duties prescribed by the secretary of state the persons appointed to assist with the recount shall make a written and signed report of their findings. The findings of the persons appointed to assist with the recount shall be prima facie evidence of the facts stated therein, but any person present at the examination of the votes may be a witness to contradict the findings. No one other than the secretary of state, the election authorities involved, the contestant and the other witnesses described in this subsection, their attorneys, and those specifically appointed by the secretary of state to assist with the recount shall be present during any recount conducted pursuant to this section.

5. For purposes of this section, "recount" means one additional counting of all votes counted for the office or on the question with respect to which the recount is requested.

144.020. RATE OF TAX — TICKETS, NOTICE OF SALES TAX — LEASE OR RENTAL OF PERSONAL PROPERTY EXEMPT FROM TAX, WHEN. — 1. A tax is hereby levied and imposed **for the privilege of titling new and used motor vehicles, trailers, boats, and outboard**

motors purchased or acquired for use on the highways or waters of this state which are required to be titled under the laws of the state of Missouri and, except as provided in subdivision (9) of this subsection, upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state. The rate of tax shall be as follows:

(1) Upon every retail sale in this state of tangible personal property, **[**including but not limited to**]** **excluding** motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats and outboard motors **required to be titled under the laws of the state of Missouri and subject to tax under subdivision (9) of this subsection**, a tax equivalent to four percent of the purchase price paid or charged, or in case such sale involves the exchange of property, a tax equivalent to four percent of the consideration paid or charged, including the fair market value of the property exchanged at the time and place of the exchange, except as otherwise provided in section 144.025;

(2) A tax equivalent to four percent of the amount paid for admission and seating accommodations, or fees paid to, or in any place of amusement, entertainment or recreation, games and athletic events;

(3) A tax equivalent to four percent of the basic rate paid or charged on all sales of electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(4) A tax equivalent to four percent on the basic rate paid or charged on all sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto; except that, the payment made by telecommunications subscribers or others, pursuant to section 144.060, and any amounts paid for access to the internet or interactive computer services shall not be considered as amounts paid for telecommunications services;

(5) A tax equivalent to four percent of the basic rate paid or charged for all sales of services for transmission of messages of telegraph companies;

(6) A tax equivalent to four percent on the amount of sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are regularly served to the public;

(7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(8) A tax equivalent to four percent of the amount paid or charged for rental or lease of tangible personal property, provided that if the lessor or renter of any tangible personal property had previously purchased the property under the conditions of "sale at retail" or leased or rented the property and the tax was paid at the time of purchase, lease or rental, the lessor, sublessor, renter or subrenter shall not apply or collect the tax on the subsequent lease, sublease, rental or subrental receipts from that property. The purchase, rental or lease of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors shall be taxed and the tax paid as provided in this section and section 144.070. In no event shall the rental or lease of boats and outboard motors be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of amusement, entertainment or recreation. Rental and leased boats or outboard motors shall be taxed under the provisions of the sales tax laws as provided under such laws for motor vehicles and trailers. Tangible personal property which is exempt from the sales or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the lease or rental thereof.

(9) A tax equivalent to four percent of the purchase price, as defined in section 144.070, of new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri. This tax is imposed on the person titling such property, and shall be paid according to the procedures in section 144.440.

2. All tickets sold which are sold under the provisions of sections 144.010 to 144.525 which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the words "This ticket is subject to a sales tax.".

144.021. IMPOSITION OF TAX — SELLER'S DUTIES. — The purpose and intent of sections 144.010 to 144.510 is to impose a tax upon the privilege of engaging in the business, in this state, of selling tangible personal property and those services listed in section 144.020 **and for the privilege of titling new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri**. **Except as otherwise provided,** the primary tax burden is placed upon the seller making the taxable sales of property or service and is levied at the rate provided for in section 144.020. Excluding **subdivision (9) of subsection 1 of section 144.020 and** sections 144.070, 144.440 and 144.450, the extent to which a seller is required to collect the tax from the purchaser of the taxable property or service is governed by section 144.285 and in no way affects sections 144.080 and 144.100, which require all sellers to report to the director of revenue their "gross receipts", defined herein to mean the aggregate amount of the sales price of all sales at retail, and remit tax at four percent of their gross receipts.

144.069. SALES OF MOTOR VEHICLES, TRAILERS, BOATS AND OUTBOARD MOTORS IMPOSED AT ADDRESS OF OWNER — SOME LEASES DEEMED IMPOSED AT ADDRESS OF LESSEE. — All sales **taxes associated with the titling** of motor vehicles, trailers, boats and outboard motors **under the laws of Missouri** shall be **[**deemed to be consummated**] imposed** at the **rate in effect at the location of the** address of the owner thereof, and all **sales taxes associated with the titling of vehicles under** leases of over sixty-day duration of motor vehicles, trailers, boats and outboard motors **[**subject to sales taxes under this chapter**]** shall be **[**deemed to be consummated**] imposed at the rate in effect,** unless the vehicle, trailer, boat or motor has been registered and sales taxes have been paid prior to the consummation of the lease agreement at the **location of the** address of the lessee thereof on the date the lease is consummated, and all applicable sales taxes levied by any political subdivision shall be collected on such sales **from the purchaser or lessee** by the state department of revenue on that basis.

144.071. RESCISSION OF SALE REQUIRES TAX REFUND, WHEN. — 1. In all cases where the purchaser of a motor vehicle, trailer, boat or outboard motor rescinds the sale of that motor vehicle, trailer, boat or outboard motor and receives a refund of the purchase price and returns the motor vehicle, trailer, boat or outboard motor to the seller within sixty calendar days from the date of the sale, **any [**the sales or use**]** tax paid to the department of revenue shall be refunded to the purchaser upon proper application to the director of revenue.

2. In any rescission whereby a seller reacquires title to the motor vehicle, trailer, boat or outboard motor sold by him and the reacquisition is within sixty calendar days from the date of the original sale, the person reacquiring the motor vehicle, trailer, boat or outboard motor shall be entitled to a refund of any **[**sales or use**]** tax paid as a result of the reacquisition of the motor vehicle, trailer, boat or outboard motor, upon proper application to the director of revenue.

3. Any city or county **[**sales or use**]** tax refunds shall be deducted by the director of revenue from the next remittance made to that city or county.

4. Each claim for refund must be made within one year after payment of the tax on which the refund is claimed.

5. As used in this section, the term "boat" includes all motorboats and vessels as the terms "motorboat" and "vessel" are defined in section 306.010.

144.440. PURCHASE PRICE OF MOTOR VEHICLES, TRAILERS, BOATS AND OUTBOARD MOTORS TO BE DISCLOSED, WHEN — PAYMENT OF TAX, WHEN — INAPPLICABILITY TO MANUFACTURED HOMES. — 1. **[**In addition to all other taxes now or hereafter levied and imposed upon every person for the privilege of using the highways or waterways of this state, there is hereby levied and imposed a tax equivalent to four percent of the purchase price, as defined in section 144.070, which is paid or charged on new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri.

2.**]** At the time the owner of any **[**such**]** motor vehicle, trailer, boat, or outboard motor makes application to the director of revenue for an official certificate of title and the registration of the same as otherwise provided by law, he shall present to the director of revenue evidence satisfactory to the director showing the purchase price paid by or charged to the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, or that the motor vehicle, trailer, boat, or outboard motor is not subject to the tax herein provided and, if the motor vehicle, trailer, boat, or outboard motor is subject to the tax herein provided, the applicant shall pay or cause to be paid to the director of revenue the tax provided herein.

[3.**] 2.** In the event that the purchase price is unknown or undisclosed, or that the evidence thereof is not satisfactory to the director of revenue, the same shall be fixed by appraisement by the director.

[4.**] 3.** No certificate of title shall be issued for such motor vehicle, trailer, boat, or outboard motor unless the tax for the privilege of using the highways or waters of this state has been paid or the vehicle, trailer, boat, or outboard motor is registered under the provisions of subsection 5 of this section.

[5.**] 4.** The owner of any motor vehicle, trailer, boat, or outboard motor which is to be used exclusively for rental or lease purposes may pay the tax due thereon required in section 144.020 at the time of registration or in lieu thereof may pay a **[**use**] sales** tax as provided in sections 144.010, 144.020, 144.070 and 144.440. A **[**use**] sales** tax shall be charged and paid on the amount charged for each rental or lease agreement while the motor vehicle, trailer, boat, or outboard motor is domiciled in the state. If the owner elects to pay upon each rental or lease, he shall make an affidavit to that effect in such form as the director of revenue shall require and shall remit the tax due at such times as the director of revenue shall require.

[6.**] 5.** In the event that any leasing company which rents or leases motor vehicles, trailers, boats, or outboard motors elects to collect a **[**use**] sales** tax**[**,**]** all of its lease receipt**s** would be subject to the **[**use**] sales** tax**[**,**]** regardless of whether or not the leasing company previously paid a sales tax when the vehicle, trailer, boat, or outboard motor was originally purchased.

[7.**] 6.** The provisions of this section, and the tax imposed by this section, shall not apply to manufactured homes.

144.450. EXEMPTIONS FROM USE TAX. — In order to avoid double taxation under the provisions of sections 144.010 to 144.510, any person who purchases a motor vehicle, trailer, manufactured home, boat, or outboard motor in any other state and seeks to register or obtain a certificate of title for it in this state shall be credited with the amount of any sales tax or use tax shown to have been previously paid by him on the purchase price of such motor vehicle, trailer, boat, or outboard motor in such other state. The tax imposed by **subdivision (9) of subsection 1 of** section **[**144.440**] 144.020** shall not apply:

(1) **[**To motor vehicles, trailers, boats, or outboard motors on account of which the sales tax provided by sections 144.010 to 144.510 shall have been paid;

(2)**]** To motor vehicles, trailers, boats, or outboard motors brought into this state by a person moving any such vehicle, trailer, boat, or outboard motor into Missouri from another state who

shall have registered and in good faith regularly operated any such motor vehicle, trailer, boat, or outboard motor in such other state at least ninety days prior to the time it is registered in this state;

[(3)**]** **(2)** To motor vehicles, trailers, boats, or outboard motors acquired by registered dealers for resale;

[(4)**]** **(3)** To motor vehicles, trailers, boats, or outboard motors purchased, owned or used by any religious, charitable or eleemosynary institution for use in the conduct of regular religious, charitable or eleemosynary functions and activities;

[(5)**]** **(4)** To motor vehicles owned and used by religious organizations in transferring pupils to and from schools supported by such organization;

[(6)**]** **(5)** Where the motor vehicle, trailer, boat, or outboard motor has been acquired by the applicant for a certificate of title therefor by gift or under a will or by inheritance, and the tax hereby imposed has been paid by the donor or decedent;

[(7)**]** **(6)** To any motor vehicle, trailer, boat, or outboard motor owned or used by the state of Missouri or any other political subdivision thereof, or by an educational institution supported by public funds; or

[(8)**]** **(7)** To farm tractors.

144.455. TAX ON MOTOR VEHICLES AND TRAILERS, PURPOSE OF — RECEIPTS CREDITED AS CONSTITUTIONALLY REQUIRED. — The tax imposed by **subdivision (9) of subsection 1 of** section **[**144.440**]** **144.020** on motor vehicles and trailers is levied for the purpose of providing revenue to be used by this state to defray in whole or in part the cost of constructing, widening, reconstructing, maintaining, resurfacing and repairing the public highways, roads and streets of this state, and the cost and expenses incurred in the administration and enforcement of **subdivision (9) of subsection 1 of section 144.020 and** sections 144.440 to 144.455, and for no other purpose whatsoever, and all revenue collected or received by the director of revenue from the tax imposed by **subdivision (9) of subsection 1 of** section **[**144.440**]** **144.020** on motor vehicles and trailers shall be promptly deposited **[**in the state treasury to the credit of the state highway department fund**]** **as dictated by article IV, section 30(b) of the Constitution of Missouri**.

144.525. MOTOR VEHICLES, HAULERS, BOATS AND OUTBOARD MOTORS, STATE AND LOCAL TAX, RATE, HOW COMPUTED, EXCEPTION — OUTBOARD MOTORS, WHEN, COMPUTATION. — Notwithstanding any other provision of law, the amount of any state and local sales **[**or use**]** taxes due on the purchase of a motor vehicle, trailer, boat or outboard motor required to be registered under the provisions of sections 301.001 to 301.660 and sections 306.010 to 306.900 shall be computed on the rate of such taxes in effect on the date the purchaser submits application for a certificate of ownership to the director of revenue; except that, in the case of a sale at retail, of an outboard motor by a retail business which is not required to be registered under the provisions of section 301.251, the amount of state and local **[**sales and use**]** taxes due shall be computed on the rate of such taxes in effect as of the calendar date of the retail sale.

144.610. TAX IMPOSED, PROPERTY SUBJECT, EXCLUSIONS, WHO LIABLE. — 1. A tax is imposed for the privilege of storing, using or consuming within this state any article of tangible personal property**, excluding motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors required to be titled under the laws of the state of Missouri and subject to tax under subdivision (9) of subsection 1 of section 144.020,** purchased on or after the effective date of sections 144.600 to 144.745 in an amount equivalent to the percentage imposed on the sales price in the sales tax law in section 144.020. This tax does not apply with respect to the storage, use or consumption of any article of tangible personal property purchased, produced or manufactured outside this state until the transportation of the article has

finally come to rest within this state or until the article has become commingled with the general mass of property of this state.

2. Every person storing, using or consuming in this state tangible personal property **subject to the tax in subsection 1 of this section** is liable for the tax imposed by this law, and the liability shall not be extinguished until the tax is paid to this state, but a receipt from a vendor authorized by the director of revenue under the rules and regulations that he prescribes to collect the tax, given to the purchaser in accordance with the provisions of section 144.650, relieves the purchaser from further liability for the tax to which receipt refers.

3. Because this section no longer imposes a Missouri use tax on the storage, use, or consumption of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors required to be titled under the laws of the state of Missouri, in that the state sales tax is now imposed on the titling of such property, the local sales tax, rather than the local use tax, applies.

144.613. BOATS AND BOAT MOTORS — TAX TO BE PAID BEFORE REGISTRATION ISSUED. — Notwithstanding the provisions of section 144.655, at the time the owner of any new or used boat or boat motor which was acquired after December 31, 1979, in a transaction subject to **[**use**]** tax under **[**the Missouri use tax law**]** **this chapter** makes application to the director of revenue for the registration of the boat or boat motor, he shall present to the director of revenue evidence satisfactory to the director of revenue showing the purchase price, exclusive of any charge incident to the extension of credit, paid by or charged to the applicant in the acquisition of the boat or boat motor, or that no sales or use tax was incurred in its acquisition, and, if **[**sales or use**]** tax was incurred in its acquisition, that the same has been paid, or the applicant shall pay or cause to be paid to the director of revenue the **[**use**]** tax provided by **[**the Missouri use tax law**]** **this chapter** in addition to the registration fees now or hereafter required according to law, and the director of revenue shall not issue a registration for any new or used boat or boat motor subject to **[**use**]** tax **[**as provided in the Missouri use tax law**]** **in this chapter** until the tax levied for the use of the same under **[**sections 144.600 to 144.748**]** **this chapter** has been paid.

144.615. EXEMPTIONS. — There are specifically exempted from the taxes levied in sections 144.600 to 144.745:

(1) Property, the storage, use or consumption of which this state is prohibited from taxing pursuant to the constitution or laws of the United States or of this state;

(2) Property, the gross receipts from the sale of which are required to be included in the measure of the tax imposed pursuant to the Missouri sales tax law;

(3) Tangible personal property, the sale or other transfer of which, if made in this state, would be exempt from or not subject to the Missouri sales tax pursuant to the provisions of subsection 2 of section 144.030;

(4) Motor vehicles, trailers, boats, and outboard motors subject to the tax imposed by section **[**144.440**]** **144.020**;

(5) Tangible personal property which has been subjected to a tax by any other state in this respect to its sales or use; provided, if such tax is less than the tax imposed by sections 144.600 to 144.745, such property, if otherwise taxable, shall be subject to a tax equal to the difference between such tax and the tax imposed by sections 144.600 to 144.745;

(6) Tangible personal property held by processors, retailers, importers, manufacturers, wholesalers, or jobbers solely for resale in the regular course of business;

(7) Personal and household effects and farm machinery used while an individual was a bona fide resident of another state and who thereafter became a resident of this state, or tangible personal property brought into the state by a nonresident for his own storage, use or consumption while temporarily within the state.

473.730. PUBLIC ADMINISTRATORS — QUALIFICATIONS — ELECTION — OATH — BOND — PUBLIC ADMINISTRATOR DEEMED PUBLIC OFFICE, DUTIES — SALARIED PUBLIC ADMINISTRATORS DEEMED COUNTY OFFICIALS — CITY OF ST. LOUIS, APPOINTMENTS OF ADMINISTRATORS. — 1. Every county in this state, **[**and**]** **except** the city of St. Louis, shall elect a public administrator at the general election in the year 1880, and every four years thereafter, who shall be ex officio public guardian and conservator in and for the public administrator's county. A candidate for public administrator shall be at least twenty-one years of age and a resident of the state of Missouri and the county in which he or she is a candidate for at least one year prior to the date of the general election for such office. The candidate shall also be a registered voter and shall be current in the payment of all personal and business taxes. Before entering on the duties of the public administrator's office, the public administrator shall take the oath required by the constitution, and enter into bond to the state of Missouri in a sum not less than ten thousand dollars, with two or more securities, approved by the court and conditioned that the public administrator will faithfully discharge all the duties of the public administrator's office, which bond shall be given and oath of office taken on or before the first day of January following the public administrator's election, and it shall be the duty of the judge of the court to require the public administrator to make a statement annually, under oath, of the amount of property in the public administrator's hands or under the public administrator's control as such administrator, for the purpose of ascertaining the amount of bond necessary to secure such property; and such court may from time to time, as occasion shall require, demand additional security of such administrator, and, in default of giving the same within twenty days after such demand, may remove the administrator and appoint another.

2. The public administrator in all counties, in the performance of the duties required by chapters 473, 474, and 475, is a public officer. The duties specified by section 475.120 are discretionary. The county shall defend and indemnify the public administrator against any alleged breach of duty, provided that any such alleged breach of duty arose out of an act or omission occurring within the scope of duty or employment.

3. After January 1, 2001, all salaried public administrators shall be considered county officials for purposes of section 50.333, subject to the minimum salary requirements set forth in section 473.742.

4. The public administrator for the city of St. Louis shall be appointed by a majority of the circuit judges and associate circuit judges of the twenty-second judicial circuit, en banc. Such public administrator shall meet the same qualifications and requirements specified in subsection 1 of this section for elected public administrators. The elected public administrator holding office on the effective date of this section shall continue to hold such office for the remainder of his or her term.

473.733. CERTIFICATE AND OATH — BOND, HOW SUED ON. — The public administrator's certificate of election, **if applicable,** official oath and bond shall be filed and recorded with the probate clerk, and copies thereof, certified under the seal of such court, shall be evidence. Any person injured by the breach of such bond may sue upon the same in the name of the state for his own use.

473.737. ADMINISTRATORS TO HAVE SEPARATE OFFICES — ST. LOUIS ADMINISTRATOR IN CIVIL COURTS BUILDING — CERTAIN PUBLIC ADMINISTRATORS TO HAVE SECRETARIES — CLERICAL PERSONNEL TO BE PROVIDED, WHEN. — 1. Each public administrator elected **or appointed**, as now or as hereafter provided for in sections 473.730 to 473.767, is hereby declared to be an officer for the county in which such administrator is elected **[**and for the city of St. Louis, if elected therein**]** **or appointed**. The county commissions of each county in this state shall make suitable provision for an office for the public administrator in the courthouse of the county if suitable space may be had for such an office, and shall be provided as soon as the county commission shall be of the opinion that the business in charge of the public administrator

is such as to reasonably require a separate office for the convenience of the public. The public administrator of the city of St. Louis shall have suitable and convenient offices provided for him or her in the civil courts building by that city.

2. Each public administrator of a county, except a county of the first classification having a charter form of government, in which a state mental hospital is located, or any county of the second classification which contains a habilitation center operated by the department of mental health and which does not adjoin a county of the first classification shall be entitled to one secretary for one hundred cases or more handled by the office of the public administrator in the immediately preceding calendar year. Each secretary employed pursuant to the provisions of this subsection shall be paid in the same pay range as a court clerk II in the circuit court personnel system. All compensation paid secretaries employed pursuant to the provisions of this subsection shall be paid out of the county treasury and the commissioner of administration shall annually reimburse each county for the compensation so paid upon proper demand being made out of appropriations made for that purpose. The public administrator in such counties may also appoint a person to act as public administrator to serve during the absence of the public administrator.

3. The governing bodies of each county and each city not within a county of this state may provide clerical personnel, not qualifying as status of deputy, for the public administrator of the county, and such personnel shall be provided when the governing body is of the opinion that the business in charge of the public administrator is such as to reasonably require such personnel for the welfare of the public.

SECTION 1. NONSEVERABILITY CLAUSE. — Notwithstanding the provisions of section 1.140 to the contrary, the provisions of sections 32.087, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and 144.615, as amended by this act, shall be nonseverable, and if any provision is for any reason held to be invalid, such decision shall invalidate all of the remaining provisions of section 32.087, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and 144.615, as amended by this act.

[77.030. DIVISION OF CITY INTO WARDS — COUNCIL MEMBERS, TERMS. — 1. Unless it elects to be governed by subsection 2 of this section, the council shall by ordinance divide the city into not less than four wards, and two councilmen shall be elected from each of such wards by the qualified voters thereof at the first election for councilmen in cities hereafter adopting the provisions of this chapter; the one receiving the highest number of votes in each ward shall hold his office for two years, and the one receiving the next highest number of votes shall hold his office for one year; but thereafter each ward shall elect annually one councilman, who shall hold his office for two years.

2. In lieu of electing councilmen as provided in subsection 1 of this section, the council may elect to establish wards and elect councilmen as provided in this subsection. If the council so elects, it shall, by ordinance, divide the city into not less than four wards, and one councilman shall be elected from each of such wards by the qualified voters thereof at the first election for councilmen held in the city after it adopts the provisions of this subsection. At the first election held under this subsection the councilmen elected from the odd-numbered wards shall be elected for a term of one year and the councilmen elected from the even-numbered wards shall be elected for a term of two years. At each annual election held thereafter, successors for councilmen whose terms expire in such year shall be elected for a term of two years.

3. (1) Council members may serve four-year terms if the two-year terms provided under subsection 1 or 2 of this section have been extended to four years by ordinance or by approval of a majority of the voters voting on the proposal.

(2) The ballot of submission shall be in substantially the following form:

Shall the terms of council members which are currently set at two years in ..... (city) be extended to four years for members elected after August 28, 2013?

[ ] YES [ ] NO

(3) If an ordinance is passed or a majority of the voters voting approve the proposal authorized in this subsection, the members of council who would serve two years under subsections 1 and 2 of this section shall be elected to four-year terms beginning with any election occurring after the adoption of the ordinance or approval of the ballot question.**]**

SECTION B. EMERGENCY CLAUSE. — Because of the detrimental impact that lost local revenues has had on the domestic economy by placing Missouri dealers of motor vehicles, outboard motors, boats and trailers at a competitive disadvantage to non-Missouri dealers of motor vehicles, outboard motors, boats and trailers, the repeal and reenactment of sections 32.087, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and 144.615 and the enactment of section 1 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 32.087, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and 144.615 and the enactment of section 1 of this act shall be in full force and effect upon its passage and approval.

Approved July 5, 2013

SB 100 [CCS HCS SB 100]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Adds interest in health savings plans and inherited accounts to the list of exemptions in bankruptcy proceedings

AN ACT to repeal sections 32.056, 43.518, 432.047, 443.723, 452.400, 453.030, 453.050, 454.475, 476.057, 477.405, 478.007, 478.320, 488.426, 488.2250, 488.5320, 513.430, and 514.040, RSMo, and to enact in lieu thereof eighteen new sections relating to judicial procedures, with penalty provisions.

SECTION

A. Enacting clause.
32.056. Confidentiality of motor vehicle or driver registration records of county, state or federal parole officers, federal pretrial officers, or members of the state or federal judiciary.
43.518. Criminal records and justice information advisory committee, established — purpose — members — meetings, quorum — minutes, distribution, filing of.
432.047. Credit agreements, actions not to be maintained, when — credit agreement defined.
443.723. Continuing education requirements.
452.400. Visitation rights, awarded when — history of domestic violence, consideration of — prohibited, when — modification of, when — supervised visitation defined — noncompliance with order, effect of — family access motions, procedure, penalty for violation — attorney fees and costs assessed, when.
453.030. Approval of court required — how obtained, consent of child and parent required, when — validity of consent — forms, developed by department, contents — court appointment of attorney, when.
453.050. Waiving of necessity of consent, when permitted — how executed.
454.475. Administrative hearing, procedure, effect on orders of social services — support, how determined — failure of parent to appear, result — judicial review — errors and vacation of orders.
476.057. Judicial personnel training fund, judicial personnel defined.
477.405. Judicial personnel, court to furnish guidelines for general assembly.

478.007. DWI, alternative disposition of cases, docket or court may be established — private probation services, when (Jackson County).
478.320. Associate circuit judges, authorized number — additional judge, when — population determination — election — restrictions on practice of law or paid public appointment — residency requirement.
488.426. Deposit required in civil actions — exemptions — surcharge to remain in effect — additional fee for adoption and small claims court (Franklin County) — expiration date.
488.2230. Municipal ordinance violations, additional court costs (Kansas City).
488.2250. Fees for appeal transcript of testimony — judge may order transcript, when.
488.5320. Charges in criminal cases, sheriffs and other officers — MODEX fund created.
513.430. Property exempt from attachment — benefits from certain employee plans, exception — bankruptcy proceeding, fraudulent transfers, exception — construction of section.
514.040. Plaintiff may sue as pauper, when — counsel assigned him by court — correctional center offenders, costs — waiver of costs and expenses, when.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 32.056, 43.518, 432.047, 443.723, 452.400, 453.030, 453.050, 454.475, 476.057, 477.405, 478.007, 478.320, 488.426, 488.2250, 488.5320, 513.430, and 514.040, RSMo, are repealed and eighteen new sections enacted in lieu thereof, to be known as sections 32.056, 43.518, 432.047, 443.723, 452.400, 453.030, 453.050, 454.475, 476.057, 477.405, 478.007, 478.320, 488.426, 488.2230, 488.2250, 488.5320, 513.430, and 514.040, to read as follows:

32.056. CONFIDENTIALITY OF MOTOR VEHICLE OR DRIVER REGISTRATION RECORDS OF COUNTY, STATE OR FEDERAL PAROLE OFFICERS, FEDERAL PRETRIAL OFFICERS, OR MEMBERS OF THE STATE OR FEDERAL JUDICIARY. — Except for uses permitted under 18 U.S.C. Section 2721(b)(1), the department of revenue shall not release the home address of or any information that identifies any vehicle owned or leased by any person who is a county, state or federal parole officer, a federal pretrial officer, a peace officer pursuant to section 590.010, a person vested by article V, section 1 of the Missouri Constitution with the judicial power of the state, a member of the federal judiciary, or a member of such person's immediate family contained in the department's motor vehicle or driver registration records, based on a specific request for such information from any person. Any such person may notify the department of his or her status and the department shall protect the confidentiality of the home address and vehicle records on such a person and his or her immediate family as required by this section. [If such member of the judiciary's status changes and he or she and his or her immediate family do not qualify for the exemption contained in this subsection, such person shall notify the department and the department's records shall be revised.] This section shall not prohibit the department from releasing information on a motor registration list pursuant to section 32.055 or from releasing information on any officer who holds a class A, B or C commercial driver's license pursuant to the Motor Carrier Safety Improvement Act of 1999, as amended, 49 U.S.C. 31309.

43.518. CRIMINAL RECORDS AND JUSTICE INFORMATION ADVISORY COMMITTEE, ESTABLISHED — PURPOSE — MEMBERS — MEETINGS, QUORUM — MINUTES, DISTRIBUTION, FILING OF. — 1. There is hereby established within the department of public safety a "Criminal Records and Justice Information Advisory Committee" whose purpose is to:

(1) Recommend general policies with respect to the philosophy, concept and operational principles of the Missouri criminal history record information system established by sections 43.500 to 43.530, in regard to the collection, processing, storage, dissemination and use of criminal history record information maintained by the central repository;

(2) Assess the current state of electronic justice information sharing; and

(3) Recommend policies and strategies, including standards and technology, for promoting electronic justice information sharing, and coordinating among the necessary agencies and institutions; and

(4) Provide guidance regarding the use of any state or federal funds appropriated for promoting electronic justice information sharing.

2. The committee shall be composed of the following officials or their designees: the director of the department of public safety; the director of the department of corrections and human resources; the attorney general; the director of the Missouri office of prosecution services; the president of the Missouri prosecutors association; the president of the Missouri court clerks association; the chief clerk of the Missouri state supreme court; the director of the state courts administrator; the chairman of the state judicial record committee; the chairman of the **[**circuit court budget**]** **court automation** committee; the presidents of the Missouri peace officers association; the Missouri sheriffs association; the Missouri police chiefs association or their successor agency; the superintendent of the Missouri highway patrol; the chiefs of police of agencies in jurisdictions with over two hundred thousand population; except that, in any county of the first class having a charter form of government, the chief executive of the county may designate another person in place of the police chief of any countywide police force, to serve on the committee; and, at the discretion of the director of public safety, as many as three other representatives of other criminal justice records systems or law enforcement agencies may be appointed by the director of public safety. The director of the department of public safety will serve as the permanent chairman of this committee.

3. The committee shall meet as determined by the director but not less than semiannually to perform its duties. A majority of the appointed members of the committee shall constitute a quorum.

4. No member of the committee shall receive any state compensation for the performance of duties associated with membership on this committee.

5. Official minutes of all committee meetings will be prepared by the director, promptly distributed to all committee members, and filed by the director for a period of at least five years.

432.047. CREDIT AGREEMENTS, ACTIONS NOT TO BE MAINTAINED, WHEN — CREDIT AGREEMENT DEFINED. — 1. For the purposes of this section, the term "credit agreement" means an agreement to lend or forbear repayment of money, to otherwise extend credit, or to make any other financial accommodation.

2. A debtor party may not maintain an action upon or a defense, regardless of legal theory in which it is based, in any way related to a credit agreement unless the credit agreement is in writing, provides for the payment of interest or for other consideration, **[**and**]** sets forth the relevant terms and conditions**, and the credit agreement is executed by the debtor and the lender**.

3. (1) **[**If**]** **When** a written credit agreement has been signed by a debtor, subsection 2 of this section shall not apply to any credit agreement between such debtor and creditor unless such written credit agreement contains the following language in boldface ten-point type: "Oral **or unexecuted** agreements or commitments to loan money, extend credit or to forbear from enforcing repayment of a debt including promises to extend or renew such debt are not enforceable, regardless of the legal theory upon which it is based that is in any way related to the credit agreement. To protect you (borrower(s)) and us (creditor) from misunderstanding or disappointment, any agreements we reach covering such matters are contained in this writing, which is the complete and exclusive statement of the agreement between us, except as we may later agree in writing to modify it.".

(2) Notwithstanding any other law to the contrary in this chapter, the provisions of this section shall apply to commercial credit agreements only and shall not apply to credit agreements for personal, family, or household purposes.

4. Nothing contained in this section shall affect the enforceability by a creditor of any promissory note, guaranty, security agreement, deed of trust, mortgage, or other instrument, agreement, or document evidencing or creating an obligation for the payment of money or other financial accommodation, lien, or security interest.

443.723. CONTINUING EDUCATION REQUIREMENTS. — 1. To meet the annual continuing education requirements referred to in sections 443.701 to 443.893, a licensed mortgage loan originator shall complete at least eight hours of education approved in accordance with subsection 2 of this section, which shall include at least:

(1) Three hours of federal law and regulations;

(2) Two hours of ethics, which shall include instruction on fraud, consumer protection, and fair lending issues; **[**and**]**

(3) Two hours of training related to lending standards for the nontraditional mortgage product marketplace**; and**

(4) One hour of Missouri law and regulations.

2. For purposes of subsection 1 of this section, continuing education courses shall be reviewed, and approved by the NMLSR based upon reasonable standards. Review and approval of a continuing education course shall include review and approval of the course provider.

3. Nothing in this section shall preclude any education course, as approved by the NMLSR, that is provided by the employer of the mortgage loan originator or person who is affiliated with the mortgage loan originator by an agency contract, or any subsidiary or affiliate of such employer or person.

4. Continuing education may be offered either in a classroom, online, or by any other means approved by the NMLSR.

5. A licensed mortgage loan originator:

(1) Shall only receive credit for a continuing education course in the year in which the course is taken except in the case of an expired license and under subsection 9 of this section; and

(2) Shall not take the same approved course in the same or successive years to meet the annual requirements for continuing education.

6. A licensed mortgage loan originator who is an approved instructor of an approved continuing education course may receive credit for the licensed mortgage loan originator's own annual continuing education requirement at the rate of two hours credit for every one hour taught.

7. A person having successfully completed the education requirements approved by the NMLSR in subdivisions (1) to (3) of subsection 1 of this section for any state shall be accepted as credit towards completion of continuing education requirements in Missouri.

8. A licensed mortgage loan originator who subsequently becomes unlicensed shall complete the continuing education requirements for the last year in which the license was held prior to issuance of a new or renewed license.

9. A person meeting the requirements of subdivisions (1) and (3) of subsection 2 of section 443.719 may make up any deficiency in continuing education as established by rule of the director.

452.400. VISITATION RIGHTS, AWARDED WHEN — HISTORY OF DOMESTIC VIOLENCE, CONSIDERATION OF — PROHIBITED, WHEN — MODIFICATION OF, WHEN — SUPERVISED VISITATION DEFINED — NONCOMPLIANCE WITH ORDER, EFFECT OF — FAMILY ACCESS MOTIONS, PROCEDURE, PENALTY FOR VIOLATION — ATTORNEY FEES AND COSTS ASSESSED, WHEN. — 1. (1) A parent not granted custody of the child is entitled to reasonable visitation rights unless the court finds, after a hearing, that visitation would endanger the child's physical health or impair his or her emotional development. The court shall enter an order specifically detailing the visitation rights of the parent without physical custody rights to the child and any other children for whom such parent has custodial or visitation rights. In determining the granting of visitation rights, the court shall consider evidence of domestic violence. If the court finds that domestic violence has occurred, the court may find that granting visitation to the abusive party is in the best interests of the child.

(2) (a) The court shall not grant visitation to the parent not granted custody if such parent or any person residing with such parent has been found guilty of or pled guilty to any of the following offenses when a child was the victim:

a. A felony violation of section 566.030, 566.032, 566.040, 566.060, 566.062, 566.064, 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111, 566.151, 566.203, 566.206, 566.209, 566.212, or 566.215;

b. A violation of section 568.020;

c. A violation of subdivision (2) of subsection 1 of section 568.060;

d. A violation of section 568.065;

e. A violation of section 568.080;

f. A violation of section 568.090; or

g. A violation of section 568.175.

(b) For all other violations of offenses in chapters 566 and 568 not specifically listed in paragraph (a) of this subdivision or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri, the court may exercise its discretion in granting visitation to a parent not granted custody if such parent or any person residing with such parent has been found guilty of, or pled guilty to, any such offense.

(3) The court shall consider the parent's history of inflicting, or tendency to inflict, physical harm, bodily injury, assault, or the fear of physical harm, bodily injury, or assault on other persons and shall grant visitation in a manner that best protects the child and the parent or other family or household member who is the victim of domestic violence, and any other children for whom the parent has custodial or visitation rights from any further harm.

(4) The court, if requested by a party, shall make specific findings of fact to show that the visitation arrangements made by the court best protect the child or the parent or other family or household member who is the victim of domestic violence, or any other child for whom the parent has custodial or visitation rights from any further harm.

2. (1) The court may modify an order granting or denying visitation rights whenever modification would serve the best interests of the child, but the court shall not restrict a parent's visitation rights unless it finds that the visitation would endanger the child's physical health or impair his or her emotional development.

(2) (a) In any proceeding modifying visitation rights, the court shall not grant unsupervised visitation to a parent if the parent or any person residing with such parent has been found guilty of or pled guilty to any of the following offenses when a child was the victim:

a. A felony violation of section 566.030, 566.032, 566.040, 566.060, 566.062, 566.064, 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111, 566.151, 566.203, 566.206, 566.209, 566.212, or 566.215;

b. A violation of section 568.020;

c. A violation of subdivision (2) of subsection 1 of section 568.060;

d. A violation of section 568.065;

e. A violation of section 568.080;

f. A violation of section 568.090; or

g. A violation of section 568.175.

(b) For all other violations of offenses in chapters 566 and 568 not specifically listed in paragraph (a) of this subdivision or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri, the division may exercise its discretion regarding the placement of a child taken into the custody of the state in which a parent or any person residing in the home has been found guilty of, or pled guilty to, any such offense.

(3) When a court restricts a parent's visitation rights or when a court orders supervised visitation because of allegations of abuse or domestic violence, a showing of proof of treatment and rehabilitation shall be made to the court before unsupervised visitation may be ordered.

"Supervised visitation", as used in this section, is visitation which takes place in the presence of a responsible adult appointed by the court for the protection of the child.

3. The court shall mandate compliance with its order by all parties to the action, including parents, children and third parties. In the event of noncompliance, the aggrieved person may file a verified motion for contempt. If custody, visitation or third-party custody is denied or interfered with by a parent or third party without good cause, the aggrieved person may file a family access motion with the court stating the specific facts which constitute a violation of the judgment of dissolution**, [**or**]** legal separation **or judgment of paternity**. The state courts administrator shall develop a simple form for pro se motions to the aggrieved person, which shall be provided to the person by the circuit clerk. Clerks, under the supervision of a circuit clerk, shall explain to aggrieved parties the procedures for filing the form. Notice of the fact that clerks will provide such assistance shall be conspicuously posted in the clerk's offices. The location of the office where the family access motion may be filed shall be conspicuously posted in the court building. The performance of duties described in this section shall not constitute the practice of law as defined in section 484.010. Such form for pro se motions shall not require the assistance of legal counsel to prepare and file. The cost of filing the motion shall be the standard court costs otherwise due for instituting a civil action in the circuit court.

4. Within five court days after the filing of the family access motion pursuant to subsection 3 of this section, the clerk of the court shall issue a summons pursuant to applicable state law, and applicable local or supreme court rules. A copy of the motion shall be personally served upon the respondent by personal process server as provided by law or by any sheriff. Such service shall be served at the earliest time and shall take priority over service in other civil actions, except those of an emergency nature or those filed pursuant to chapter 455. The motion shall contain the following statement in boldface type:

"PURSUANT TO SECTION 452.400, RSMO, YOU ARE REQUIRED TO RESPOND TO THE CIRCUIT CLERK WITHIN TEN DAYS OF THE DATE OF SERVICE. FAILURE TO RESPOND TO THE CIRCUIT CLERK MAY RESULT IN THE FOLLOWING:

(1) AN ORDER FOR A COMPENSATORY PERIOD OF CUSTODY, VISITATION OR THIRD-PARTY CUSTODY AT A TIME CONVENIENT FOR THE AGGRIEVED PARTY NOT LESS THAN THE PERIOD OF TIME DENIED;

(2) PARTICIPATION BY THE VIOLATOR IN COUNSELING TO EDUCATE THE VIOLATOR ABOUT THE IMPORTANCE OF PROVIDING THE CHILD WITH A CONTINUING AND MEANINGFUL RELATIONSHIP WITH BOTH PARENTS;

(3) ASSESSMENT OF A FINE OF UP TO FIVE HUNDRED DOLLARS AGAINST THE VIOLATOR;

(4) REQUIRING THE VIOLATOR TO POST BOND OR SECURITY TO ENSURE FUTURE COMPLIANCE WITH THE COURT'S ORDERS;

(5) ORDERING THE VIOLATOR TO PAY THE COST OF COUNSELING TO REESTABLISH THE PARENT-CHILD RELATIONSHIP BETWEEN THE AGGRIEVED PARTY AND THE CHILD; AND

(6) A JUDGMENT IN AN AMOUNT NOT LESS

THAN THE REASONABLE EXPENSES, INCLUDING ATTORNEY'S FEES AND COURT COSTS ACTUALLY INCURRED BY THE AGGRIEVED PARTY AS A RESULT OF THE DENIAL OF CUSTODY, VISITATION OR THIRD-PARTY CUSTODY.".

5. If an alternative dispute resolution program is available pursuant to section 452.372, the clerk shall also provide information to all parties on the availability of any such services, and within fourteen days of the date of service, the court may schedule alternative dispute resolution.

6. Upon a finding by the court pursuant to a motion for a family access order or a motion for contempt that its order for custody, visitation or third-party custody has not been complied with, without good cause, the court shall order a remedy, which may include, but not be limited to:

(1) A compensatory period of visitation, custody or third-party custody at a time convenient for the aggrieved party not less than the period of time denied;

(2) Participation by the violator in counseling to educate the violator about the importance of providing the child with a continuing and meaningful relationship with both parents;

(3) Assessment of a fine of up to five hundred dollars against the violator payable to the aggrieved party;

(4) Requiring the violator to post bond or security to ensure future compliance with the court's access orders; and

(5) Ordering the violator to pay the cost of counseling to reestablish the parent-child relationship between the aggrieved party and the child.

7. The reasonable expenses incurred as a result of denial or interference with custody or visitation, including attorney's fees and costs of a proceeding to enforce visitation rights, custody or third-party custody, shall be assessed, if requested and for good cause, against the parent or party who unreasonably denies or interferes with visitation, custody or third-party custody. In addition, the court may utilize any and all powers relating to contempt conferred on it by law or rule of the Missouri supreme court.

8. Final disposition of a motion for a family access order filed pursuant to this section shall take place not more than sixty days after the service of such motion, unless waived by the parties or determined to be in the best interest of the child. Final disposition shall not include appellate review.

9. Motions filed pursuant to this section shall not be deemed an independent civil action from the original action pursuant to which the judgment or order sought to be enforced was entered.

453.030. APPROVAL OF COURT REQUIRED — HOW OBTAINED, CONSENT OF CHILD AND PARENT REQUIRED, WHEN — VALIDITY OF CONSENT — FORMS, DEVELOPED BY DEPARTMENT, CONTENTS — COURT APPOINTMENT OF ATTORNEY, WHEN. — 1. In all cases the approval of the court of the adoption shall be required and such approval shall be given or withheld as the welfare of the person sought to be adopted may, in the opinion of the court, demand.

2. The written consent of the person to be adopted shall be required in all cases where the person sought to be adopted is fourteen years of age or older, except where the court finds that such child has not sufficient mental capacity to give the same. In a case involving a child under fourteen years of age, the guardian ad litem shall ascertain the child's wishes and feelings about his or her adoption by conducting an interview or interviews with the child, if appropriate based on the child's age and maturity level, which shall be considered by the court as a factor in determining if the adoption is in the child's best interests.

3. With the exceptions specifically enumerated in section 453.040, when the person sought to be adopted is under the age of eighteen years, the written consent of the following persons shall be required and filed in and made a part of the files and record of the proceeding:

(1) The mother of the child; and

(2) Only the man who:

(a) Is presumed to be the father pursuant to the subdivision (1), (2), or (3) of subsection 1 of section 210.822; or

(b) Has filed an action to establish his paternity in a court of competent jurisdiction no later than fifteen days after the birth of the child and has served a copy of the petition on the mother in accordance with section 506.100; or

(c) Filed with the putative father registry pursuant to section 192.016 a notice of intent to claim paternity or an acknowledgment of paternity either prior to or within fifteen days after the child's birth, and has filed an action to establish his paternity in a court of competent jurisdiction no later than fifteen days after the birth of the child; or

(3) The child's current adoptive parents or other legally recognized mother and father. Upon request by the petitioner and within one business day of such request, the clerk of the local court shall verify whether such written consents have been filed with the court.

4. The written consent required in subdivisions (2) and (3) of subsection 3 of this section may be executed before or after the commencement of the adoption proceedings, and shall be **executed in front of a judge or** acknowledged before a notary public. **If consent is executed in front of a judge, it shall be the duty of the judge to advise the consenting birth parent of the consequences of the consent.** In lieu of such acknowledgment, the signature of the person giving such written consent shall be witnessed by the signatures of at least two adult persons whose signatures and addresses shall be plainly written thereon. The two adult witnesses shall not be the prospective adoptive parents or any attorney representing a party to the adoption proceeding. The notary public or witnesses shall verify the identity of the party signing the consent.

5. The written consent required in subdivision (1) of subsection 3 of this section by the birth parent shall not be executed anytime before the child is forty-eight hours old. Such written consent shall be executed in front of a judge or **acknowledged before** a notary public. **If consent is executed in front of a judge, it shall be the duty of the judge to advise the consenting party of the consequences of the consent.** In lieu of such acknowledgment, the signature of the person giving such written consent shall be witnessed by the signatures of at least two adult persons who are present at the execution whose signatures and addresses shall be plainly written thereon and who determine and certify that the consent is knowingly and freely given. The two adult witnesses shall not be the prospective adoptive parents or any attorney representing a party to the adoption proceeding. The notary public or witnesses shall verify the identity of the party signing the consent.

6. **[**The written consents shall be reviewed and, if found to be in compliance with this section, approved by the court within three business days of such consents being presented to the court. Upon review, in lieu of approving the consent within three business days, the court may set a date for a prompt evidentiary hearing upon notice to the parties. Failure to review and approve the written consent within three business days shall not void the consent, but a party may seek a writ of mandamus from the appropriate court, unless an evidentiary hearing has been set by the court pursuant to this subsection.

7. The written consent required in subsection 3 of this section may be withdrawn anytime until it has been reviewed and accepted by a judge.

8.**] A consent is final when executed, unless the consenting party, prior to a final decree of adoption, alleges and proves by clear and convincing evidence that the consent was not freely and voluntarily given. The burden of proving the consent was not freely and voluntarily given shall rest with the consenting party. Consents in all cases shall have been executed not more than six months prior to the date the petition for adoption is filed.**

7. A consent form shall be developed through rules and regulations promulgated by the department of social services. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. If a written consent is obtained after August 28, 1997, but prior to the development of a consent form by the department and the written consent complies with the provisions of subsection **[**9**]** **8** of this section, such written consent shall be deemed valid.

[9.**]** **8.** However, the consent form must specify that:

(1) The birth parent understands the importance of identifying all possible fathers of the child and may provide the names of all such persons; and

(2) The birth parent understands that if he denies paternity, but consents to the adoption, he waives any future interest in the child.

[10.**]** **9.** The written consent to adoption required by subsection 3 and executed through procedures set forth in subsection 5 of this section shall be valid and effective even though the parent consenting was under eighteen years of age, if such parent was represented by a guardian ad litem, at the time of the execution thereof.

[11.**]** **10.** Where the person sought to be adopted is eighteen years of age or older, his **or her** written consent alone to his **or her** adoption shall be sufficient.

[12.**]** **11.** A birth parent, including a birth parent less than eighteen years of age, shall have the right to legal representation and payment of any reasonable legal fees incurred throughout the adoption process. In addition, the court may appoint an attorney to represent a birth parent if:

(1) A birth parent requests representation;

(2) The court finds that hiring an attorney to represent such birth parent would cause a financial hardship for the birth parent; and

(3) The birth parent is not already represented by counsel.

[13.**]** **12.** Except in cases where the court determines that the adoptive parents are unable to pay reasonable attorney fees and appoints pro bono counsel for the birth parents, the court shall order the costs of the attorney fees incurred pursuant to subsection **[**12**]** **11** of this section to be paid by the prospective adoptive parents or the child-placing agency.

453.050. WAIVING OF NECESSITY OF CONSENT, WHEN PERMITTED — HOW EXECUTED. — 1. The juvenile court may, upon application, permit a parent to waive the necessity of **[**his**]** **such person's** consent to a future adoption of the child. However, that approval cannot be granted until the child is at least two days old.

2. The waiver of consent may be executed before or after the institution of the adoption proceedings, and shall be **executed in front of a judge or** acknowledged before a notary public, or in lieu of such acknowledgment, the signature of the person giving such written consent shall be witnessed by the signatures of at least two adult persons whose addresses shall be plainly written thereon. **If waiver of consent is executed in front of a judge, it shall be the duty of the judge to advise the consenting party of the consequences of the waiver of consent.**

3. A waiver of consent shall be valid and effective even though the parent waiving consent was under eighteen years of age at the time of the execution thereof.

454.475. ADMINISTRATIVE HEARING, PROCEDURE, EFFECT ON ORDERS OF SOCIAL SERVICES — SUPPORT, HOW DETERMINED — FAILURE OF PARENT TO APPEAR, RESULT — JUDICIAL REVIEW — ERRORS AND VACATION OF ORDERS. — 1. Hearings provided for in this section shall be conducted pursuant to chapter 536 by administrative hearing officers designated by the Missouri department of social services. The hearing officer shall provide the parents, the person having custody of the child, or other appropriate agencies or their attorneys with notice of any proceeding in which support obligations may be established or modified. The department shall not be stayed from enforcing and collecting upon the administrative order during the

hearing process and during any appeal to the courts of this state, unless specifically enjoined by court order.

2. If no factual issue has been raised by the application for hearing, or the issues raised have been previously litigated or do not constitute a defense to the action, the director may enter an order without an evidentiary hearing, which order shall be a final decision entitled to judicial review as provided in sections 536.100 to 536.140.

3. After full and fair hearing, the hearing officer shall make specific findings regarding the liability and responsibility, if any, of the alleged responsible parent for the support of the dependent child, and for repayment of accrued state debt or arrearages, and the costs of collection, and shall enter an order consistent therewith. In making the determination of the amount the parent shall contribute toward the future support of a dependent child, the hearing officer shall consider the factors set forth in section 452.340.

4. If the person who requests the hearing fails to appear at the time and place set for the hearing, upon a showing of proper notice to that **[**parent**]** **person**, the hearing officer shall enter findings and order in accordance with the provisions of the notice **[**and finding of support responsibility**]** **or motion** unless the hearing officer determines that no good cause therefor exists.

5. In contested cases, the findings and order of the hearing officer shall be the decision of the director. Any parent or person having custody of the child adversely affected by such decision may obtain judicial review pursuant to sections 536.100 to 536.140 by filing a petition for review in the circuit court of proper venue within thirty days of mailing of the decision. Copies of the decision or order of the hearing officer shall be mailed to any parent, person having custody of the child and the division within fourteen days of issuance.

6. If a hearing has been requested, and upon request of a parent, a person having custody of the child, the division or a IV-D agency, the director shall enter a temporary order requiring the provision of child support pending the final decision or order pursuant to this section if there is clear and convincing evidence establishing a presumption of paternity pursuant to section 210.822. In determining the amount of child support, the director shall consider the factors set forth in section 452.340. The temporary order, effective upon filing pursuant to section 454.490, is not subject to a hearing pursuant to this section. The temporary order may be stayed by a court of competent jurisdiction only after a hearing and a finding by the court that the order fails to comply with rule 88.01.

7. (1) Any administrative decision or order issued under this section containing clerical mistakes arising from oversight or omission, except proposed administrative modifications of judicial orders, may be corrected by an agency administrative hearing officer at any time upon their own initiative or written motion filed by the division or any party to the action provided the written motion is mailed to all parties. Any objection or response to the written motion shall be made in writing and filed with the hearing officer within fifteen days from the mailing date of the motion. Proposed administrative modifications of judicial orders may be corrected by an agency administrative hearing officer prior to the filing of the proposed administrative modification of a judicial order with the court that entered the underlying judicial order as required in section 454.496, or upon express order of the court that entered the underlying judicial order. No correction shall be made during the court's review of the administrative decision, order, or proposed order as authorized under sections 536.100 to 536.140, except in response to an express order from the reviewing court.

(2) Any administrative decision or order or proposed administrative modification of judicial order issued under this section containing errors arising from mistake, surprise, fraud, misrepresentation, excusable neglect or inadvertence, may be corrected prior to being filed with the court by an agency administrative hearing officer upon their own initiative or by written motion filed by the division or any party to the action provided the written motion is mailed to all parties and filed within sixty days of the administrative decision, order, or proposed decision and order. Any objection or response to the written

motion shall be made in writing and filed with the hearing officer within fifteen days from the mailing date of the motion. No decision, order, or proposed administrative modification of judicial order may be corrected after ninety days from the mailing of the administrative decision, order, or proposed order or during the court's review of the administrative decision, order, or proposed order as authorized under sections 536.100 to 536.140, except in response to an express order from the reviewing court.

(3) Any administrative decision or order or proposed administrative modification of judicial order, issued under this section may be vacated by an agency administrative hearing officer upon their own initiative or by written motion filed by the division or any party to the action provided the written motion is mailed to all parties, if the administrative hearing officer determines that the decision or order was issued without subject matter jurisdiction, without personal jurisdiction, or without affording the parties due process. Any objection or response to the written motion shall be made in writing and filed with the hearing officer within fifteen days from the mailing date of the motion. A proposed administrative modification of a judicial order may only be vacated prior to being filed with the court. No decision, order, or proposed administrative modification of a judicial order may be vacated during the court's review of the administrative decision, order, or proposed order as authorized under sections 536.100 to 536.140, except in response to an express order from the reviewing court.

476.057. JUDICIAL PERSONNEL TRAINING FUND, JUDICIAL PERSONNEL DEFINED. — 1. The state courts administrator shall determine the amount of the projected total collections of fees pursuant to section 488.015, payable to the state pursuant to section 488.023, or subdivision (4) of subsection 2 of section 488.018; and the amount of such projected total collections of fees required to be deposited into the fund in order to maintain the fund required pursuant to subsection 2 of this section. The amount of fees payable for court cases may thereafter be adjusted pursuant to section 488.015, as provided by said section. All proceeds of the adjusted fees shall thereupon be collected and deposited to the state general revenue fund as otherwise provided by law, subject to the transfer of a portion of such proceeds to the fund established pursuant to subsection 2 of this section.

2. There is hereby established in the state treasury a special fund for purposes of providing training and education for judicial personnel, including any clerical employees of each circuit court clerk. Moneys from collected fees shall be annually transferred by the state treasurer into the fund from the state general revenue fund in the amount of no more than two percent of the amount expended for personal service by state and local government entities for judicial personnel as determined by the state courts administrator pursuant to subsection 1 of this section. Any unexpended balance remaining in the fund at the end of each biennium shall be exempt from the provisions of section 33.080 relating to the transfer of unexpended balances to the state general revenue fund, until the amount in the fund exceeds two percent of the amounts expended for personal service by state and local government for judicial personnel.

3. **In addition, any moneys received by or on behalf of the state courts administrator from fees, grants, or any other sources in connection with providing training to judicial personnel shall be deposited in the fund provided, however, that moneys collected in the fund in connection with a particular purpose shall be segregated and shall not be disbursed for any other purpose.**

4. The state treasurer shall administer the fund and, pursuant to appropriations, shall disburse moneys from the fund to the state courts administrator in order to provide training and to purchase goods and services determined appropriate by the state courts administrator related to the training and education of judicial personnel. As used in this section, the term "judicial personnel" shall include court personnel as defined in section 476.058, and judges.

477.405. JUDICIAL PERSONNEL, COURT TO FURNISH GUIDELINES FOR GENERAL ASSEMBLY. — On or before **[**March 1, 1989**]** **January 1, 2015**, the supreme court of the state of Missouri shall recommend guidelines appropriate for use by the general assembly in determining the need for additional judicial personnel or reallocation of existing personnel in this state, and shall recommend guidelines appropriate for the evaluation of judicial performance. The guidelines shall be filed with the **[**chairmen**]** **chairs** of the house and senate judiciary committees **for distribution to the members of the general assembly**, and the court shall file therewith a report measuring and assessing judicial performance in the appellate and circuit courts of this state**, including a judicial weighted workload model and a clerical weighted workload model**.

478.007. DWI, ALTERNATIVE DISPOSITION OF CASES, DOCKET OR COURT MAY BE ESTABLISHED — PRIVATE PROBATION SERVICES, WHEN (JACKSON COUNTY). — 1. Any circuit court, or any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants with a county municipal court established under section 66.010, may establish a docket or court to provide an alternative for the judicial system to dispose of cases in which a person has pleaded guilty to driving while intoxicated or driving with excessive blood alcohol content and:

(1) The person was operating a motor vehicle with at least fifteen-hundredths of one percent or more by weight of alcohol in such person's blood; or

(2) The person has previously pleaded guilty to or has been found guilty of one or more intoxication-related traffic offenses as defined by section 577.023; or

(3) The person has two or more previous alcohol-related enforcement contacts as defined in section 302.525.

2. This docket or court shall combine judicial supervision, drug testing, continuous alcohol monitoring, substance abuse traffic offender program compliance, and treatment of DWI court participants. The court may assess any and all necessary costs for participation in DWI court against the participant. Any money received from such assessed costs by a court from a defendant shall not be considered court costs, charges, or fines. This docket or court may operate in conjunction with a drug court established pursuant to sections 478.001 to 478.006.

3. If the division of probation and parole is otherwise unavailable to assist in the judicial supervision of any person who wishes to enter a DWI court, a court-approved private probation service may be utilized by the DWI court to fill the division's role. In such case, any and all necessary additional costs may be assessed against the participant. No person shall be rejected from participating in DWI court solely for the reason that the person does not reside in the city or county where the applicable DWI court is located but the DWI court can base acceptance into a treatment court program on its ability to adequately provide services for the person or handle the additional caseload.

478.320. ASSOCIATE CIRCUIT JUDGES, AUTHORIZED NUMBER — ADDITIONAL JUDGE, WHEN — POPULATION DETERMINATION — ELECTION — RESTRICTIONS ON PRACTICE OF LAW OR PAID PUBLIC APPOINTMENT — RESIDENCY REQUIREMENT. — 1. In counties having a population of thirty thousand or less, there shall be one associate circuit judge. In counties having a population of more than thirty thousand and less than one hundred thousand, there shall be two associate circuit judges. In counties having a population of one hundred thousand or more, there shall be three associate circuit judges and one additional associate circuit judge for each additional one hundred thousand inhabitants.

2. **When the office of state courts administrator indicates in an annual weighted workload model for three consecutive years or more the need for four or more full-time judicial positions in any judicial circuit having a population of one hundred thousand or more, there shall be one additional associate circuit judge position in such circuit for every four full-time judicial positions needed as indicated in the weighted workload model. In**

a multicounty circuit, the additional associate circuit judge positions shall be apportioned among the counties in the circuit on the basis of population, starting with the most populous county, then the next most populous county, and so forth.

3. For purposes of this section, notwithstanding the provisions of section 1.100, population of a county shall be determined on the basis of the last previous decennial census of the United States; and, beginning after certification of the year 2000 decennial census, on the basis of annual population estimates prepared by the United States Bureau of the Census, provided that the number of associate circuit judge positions in a county shall be adjusted only after population estimates for three consecutive years indicate population change in the county to a level provided by subsection 1 of this section.

[3.**]** **4.** Except in circuits where associate circuit judges are selected under the provisions of sections 25(a) to (g) of article V of the constitution, the election of associate circuit judges shall in all respects be conducted as other elections and the returns made as for other officers.

[4.**]** **5.** In counties not subject to sections 25(a) to (g) of article V of the constitution, associate circuit judges shall be elected by the county at large.

[5.**]** **6.** No associate circuit judge shall practice law, or do a law business, nor shall he **or she** accept, during his **or her** term of office, any public appointment for which he **or she** receives compensation for his **or her** services.

[6.**]** **7.** No person shall be elected as an associate circuit judge unless he **or she** has resided in the county for which he **or she** is to be elected at least one year prior to the date of his **or her** election; provided that, a person who is appointed by the governor to fill a vacancy may file for election and be elected notwithstanding the provisions of this subsection.

488.426. DEPOSIT REQUIRED IN CIVIL ACTIONS — EXEMPTIONS — SURCHARGE TO REMAIN IN EFFECT — ADDITIONAL FEE FOR ADOPTION AND SMALL CLAIMS COURT (FRANKLIN COUNTY) — EXPIRATION DATE. — 1. The judges of the circuit court, en banc, in any circuit in this state may require any party filing a civil case in the circuit court, at the time of filing the suit, to deposit with the clerk of the court a surcharge in addition to all other deposits required by law or court rule. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or are to be paid by the county or state or any city.

2. The surcharge in effect on August 28, 2001, shall remain in effect until changed by the circuit court. The circuit court in any circuit, except the circuit court in Jackson County **or the circuit court in any circuit that reimburses the state for the salaries of family court commissioners under section 487.020**, may change the fee to any amount not to exceed fifteen dollars. The circuit court in Jackson County **or the circuit court in any circuit that reimburses the state for the salaries of family court commissioners under section 487.020** may change the fee to any amount not to exceed twenty dollars. A change in the fee shall become effective and remain in effect until further changed.

3. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or are paid by the county or state or any city.

4. In addition to any fee authorized by subsection 1 of this section, any county of the first classification with more than ninety-three thousand eight hundred but less than ninety-three thousand nine hundred inhabitants may impose an additional fee of ten dollars excluding cases concerning adoption and those in small claims court. The provisions of this subsection shall expire on December 31, 2014.

488.2230. MUNICIPAL ORDINANCE VIOLATIONS, ADDITIONAL COURT COSTS (KANSAS CITY). — 1. In addition to all other court costs for municipal ordinance violations, any home rule city with more than four hundred thousand inhabitants and located in more than one county may provide for additional court costs in an amount up to seven dollars per case for each municipal ordinance violation case, except that no such additional cost

shall be collected in any proceeding involving a violation of an ordinance when the proceeding or defendant has been dismissed by the court.

2. The judge may waive the assessment of the cost in those cases where the defendant is found by the judge to be indigent and unable to pay the costs.

3. Such cost shall be calculated by the clerk and disbursed to the city at least monthly. The city shall use such additional costs exclusively to fund special mental health, drug, and veterans courts, including indigent defense and ancillary services associated with such specialized courts.

488.2250. FEES FOR APPEAL TRANSCRIPT OF TESTIMONY — JUDGE MAY ORDER TRANSCRIPT, WHEN. — **[**For all transcripts of testimony given or proceedings had in any circuit court, the court reporter shall receive the sum of two dollars per twenty-five-line page for the original of the transcript, and the sum of thirty-five cents per twenty-five-line page for each carbon copy thereof; the page to be approximately eight and one-half inches by eleven inches in size, with left-hand margin of approximately one and one-half inches and the right-hand margin of approximately one-half inch; answer to follow question on same line when feasible; such page to be designated as a legal page. Any judge, in his or her discretion, may order a transcript of all or any part of the evidence or oral proceedings, and the court reporter's fees for making the same shall be paid by the state upon a voucher approved by the court, and taxed against the state. In criminal cases where an appeal is taken by the defendant, and it appears to the satisfaction of the court that the defendant is unable to pay the costs of the transcript for the purpose of perfecting the appeal, the court shall order the court reporter to furnish three transcripts in duplication of the notes of the evidence, for the original of which the court reporter shall receive two dollars per legal page and for the copies twenty cents per page. The payment of court reporter's fees provided in this section shall be made by the state upon a voucher approved by the court**] 1. For all appeal transcripts of testimony given or proceedings in any circuit court, the court reporter shall receive the sum of three dollars and fifty cents per legal page for the preparation of a paper and an electronic version of the transcript**.

2. In criminal cases where an appeal is taken by the defendant and it appears to the satisfaction of the court that the defendant is unable to pay the costs of the transcript for the purpose of perfecting the appeal, the court reporter shall receive a fee of two dollars and sixty cents per legal page for the preparation of a paper and an electronic version of the transcript.

3. Any judge, in his or her discretion, may order a transcript of all or any part of the evidence or oral proceedings and the court reporter shall receive the sum of two dollars and sixty cents per legal page for the preparation of a paper and an electronic version of the transcript.

4. For purposes of this section, a legal page, other than the first page and the final page of the transcript, shall be twenty-five lines, approximately eight and one-half inches by eleven inches in size, with the left-hand margin of approximately one and one-half inches, and with the right-hand margin of approximately one-half inch.

5. Notwithstanding any law to the contrary, the payment of court reporter's fees provided in subsections 2 and 3 of this section shall be made by the state upon a voucher approved by the court. The cost to prepare all other transcripts of testimony or proceedings shall be borne by the party requesting their preparation and production, who shall reimburse the court reporter the sum provided in subsection 1 of this section.

488.5320. CHARGES IN CRIMINAL CASES, SHERIFFS AND OTHER OFFICERS — MODEX FUND CREATED. — 1. Sheriffs, county marshals or other officers shall be allowed a charge for their services rendered in criminal cases and in all proceedings for contempt or attachment, as required by law, the sum of seventy-five dollars for each felony case or contempt or attachment proceeding, ten dollars for each misdemeanor case, and six dollars for each infraction,

[excluding**]** **including** cases disposed of by a **[**traffic**]** violations bureau established pursuant to law or supreme court rule. Such charges shall be charged and collected in the manner provided by sections 488.010 to 488.020 and shall be payable to the county treasury**; except that, those charges from cases disposed of by a violations bureau shall be distributed as follows: one-half of the charges collected shall be forwarded and deposited to the credit of the MODEX fund established in subsection 6 of this section for the operational cost of the Missouri data exchange (MODEX) system, and one-half of the charges collected shall be deposited to the credit of the inmate security fund, established in section 488.5026, of the county or municipal political subdivision from which the citation originated. If the county or municipal political subdivision has not established an inmate security fund, all of the funds shall be deposited in the MODEX fund**.

2. **Notwithstanding subsection 1 of this section to the contrary, sheriffs, county marshals, or other officers in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants or in any city not within a county shall not be allowed a charge for their services rendered in cases disposed of by a violations bureau established pursuant to law or supreme court rule.**

3. The sheriff receiving any charge pursuant to subsection 1 of this section shall reimburse the sheriff of any other county or the city of St. Louis the sum of three dollars for each pleading, writ, summons, order of court or other document served in connection with the case or proceeding by the sheriff of the other county or city, and return made thereof, to the maximum amount of the total charge received pursuant to subsection 1 of this section.

[3.**]** **4.** The charges provided in subsection 1 of this section shall be taxed as other costs in criminal proceedings immediately upon a plea of guilty or a finding of guilt of any defendant in any criminal procedure. The clerk shall tax all the costs in the case against such defendant, which shall be collected and disbursed as provided by sections 488.010 to 488.020; provided, that no such charge shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court; provided further, that all costs, incident to the issuing and serving of writs of scire facias and of writs of fieri facias, and of attachments for witnesses of defendant, shall in no case be paid by the state, but such costs incurred under writs of fieri facias and scire facias shall be paid by the defendant and such defendant's sureties, and costs for attachments for witnesses shall be paid by such witnesses.

[4.**]** **5.** Mileage shall be reimbursed to sheriffs, county marshals and guards for all services rendered pursuant to this section at the rate prescribed by the Internal Revenue Service for allowable expenses for motor vehicle use expressed as an amount per mile.

6. (1) There is hereby created in the state treasury the "MODEX Fund", which shall consist of money collected under subsection 1 of this section. The fund shall be administered by the Peace Officers Standards and Training Commission established in section 590.120. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the fund shall be used solely for the operational support and expansion of the MODEX system.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

513.430. PROPERTY EXEMPT FROM ATTACHMENT — BENEFITS FROM CERTAIN EMPLOYEE PLANS, EXCEPTION — BANKRUPTCY PROCEEDING, FRAUDULENT TRANSFERS, EXCEPTION — CONSTRUCTION OF SECTION. — 1. The following property shall be exempt from attachment and execution to the extent of any person's interest therein:

(1) Household furnishings, household goods, wearing apparel, appliances, books, animals, crops or musical instruments that are held primarily for personal, family or household use of such person or a dependent of such person, not to exceed three thousand dollars in value in the aggregate;

(2) A wedding ring not to exceed one thousand five hundred dollars in value and other jewelry held primarily for the personal, family or household use of such person or a dependent of such person, not to exceed five hundred dollars in value in the aggregate;

(3) Any other property of any kind, not to exceed in value six hundred dollars in the aggregate;

(4) Any implements or professional books or tools of the trade of such person or the trade of a dependent of such person not to exceed three thousand dollars in value in the aggregate;

(5) Any motor vehicles, not to exceed three thousand dollars in value in the aggregate;

(6) Any mobile home used as the principal residence but not attached to real property in which the debtor has a fee interest, not to exceed five thousand dollars in value;

(7) Any one or more unmatured life insurance contracts owned by such person, other than a credit life insurance contract;

(8) The amount of any accrued dividend or interest under, or loan value of, any one or more unmatured life insurance contracts owned by such person under which the insured is such person or an individual of whom such person is a dependent; provided, however, that if proceedings under Title 11 of the United States Code are commenced by or against such person, the amount exempt in such proceedings shall not exceed in value one hundred fifty thousand dollars in the aggregate less any amount of property of such person transferred by the life insurance company or fraternal benefit society to itself in good faith if such transfer is to pay a premium or to carry out a nonforfeiture insurance option and is required to be so transferred automatically under a life insurance contract with such company or society that was entered into before commencement of such proceedings. No amount of any accrued dividend or interest under, or loan value of, any such life insurance contracts shall be exempt from any claim for child support. Notwithstanding anything to the contrary, no such amount shall be exempt in such proceedings under any such insurance contract which was purchased by such person within one year prior to the commencement of such proceedings;

(9) Professionally prescribed health aids for such person or a dependent of such person;

(10) Such person's right to receive:

(a) A Social Security benefit, unemployment compensation or a public assistance benefit;

(b) A veteran's benefit;

(c) A disability, illness or unemployment benefit;

(d) Alimony, support or separate maintenance, not to exceed seven hundred fifty dollars a month;

(e) Any payment under a stock bonus plan, pension plan, disability or death benefit plan, profit-sharing plan, nonpublic retirement plan or any plan described, defined, or established pursuant to section 456.072, the person's right to a participant account in any deferred compensation program offered by the state of Missouri or any of its political subdivisions, or annuity or similar plan or contract on account of illness, disability, death, age or length of service, to the extent reasonably necessary for the support of such person and any dependent of such person unless:

a. Such plan or contract was established by or under the auspices of an insider that employed such person at the time such person's rights under such plan or contract arose;

b. Such payment is on account of age or length of service; and

c. Such plan or contract does not qualify under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, (26 U.S.C. 401(a), 403(a), 403(b), 408, 408A or 409); except that any such payment to any person shall be subject to attachment or execution pursuant to a qualified domestic relations order, as defined by Section 414(p) of the Internal Revenue Code of 1986, as amended, issued by a court in any proceeding for dissolution

of marriage or legal separation or a proceeding for disposition of property following dissolution of marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of marital property at the time of the original judgment of dissolution;

(f) Any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan **[**or**],** profit-sharing plan**, health savings plan, or similar plan, including an inherited account or plan,** that is qualified under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, **whether such participant's or beneficiary's interest arises by inheritance, designation, appointment, or otherwise,** except as provided in this paragraph. Any plan or arrangement described in this paragraph shall not be exempt from the claim of an alternate payee under a qualified domestic relations order; however, the interest of any and all alternate payees under a qualified domestic relations order shall be exempt from any and all claims of any creditor, other than the state of Missouri through its division of family services. As used in this paragraph, the terms "alternate payee" and "qualified domestic relations order" have the meaning given to them in Section 414(p) of the Internal Revenue Code of 1986, as amended. If proceedings under Title 11 of the United States Code are commenced by or against such person, no amount of funds shall be exempt in such proceedings under any such plan, contract, or trust which is fraudulent as defined in subsection 2 of section 428.024 and for the period such person participated within three years prior to the commencement of such proceedings. For the purposes of this section, when the fraudulently conveyed funds are recovered and after, such funds shall be deducted and then treated as though the funds had never been contributed to the plan, contract, or trust;

(11) The debtor's right to receive, or property that is traceable to, a payment on account of the wrongful death of an individual of whom the debtor was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor.

2. Nothing in this section shall be interpreted to exempt from attachment or execution for a valid judicial or administrative order for the payment of child support or maintenance any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan which is qualified pursuant to Section 408A of the Internal Revenue Code of 1986, as amended.

514.040. PLAINTIFF MAY SUE AS PAUPER, WHEN — COUNSEL ASSIGNED HIM BY COURT — CORRECTIONAL CENTER OFFENDERS, COSTS — WAIVER OF COSTS AND EXPENSES, WHEN. — 1. Except as provided in subsection 3 of this section, if any court shall, before or after the commencement of any suit pending before it, be satisfied that the plaintiff is a poor person, and unable to prosecute his or her suit, and pay all or any portion of the costs and expenses thereof, such court may, in its discretion, permit him or her to commence and prosecute his or her action as a poor person, and thereupon such poor person shall have all necessary process and proceedings as in other cases, without fees, tax or charge as the court determines the person cannot pay; and the court may assign to such person counsel, who, as well as all other officers of the court, shall perform their duties in such suit without fee or reward as the court may excuse; but if judgment is entered for the plaintiff, costs shall be recovered, which shall be collected for the use of the officers of the court.

2. In any civil action brought in a court of this state by any offender convicted of a crime who is confined in any state prison or correctional center, the court shall not reduce the amount required as security for costs upon filing such suit to an amount of less than ten dollars pursuant to this section. This subsection shall not apply to any action for which no sum as security for costs is required to be paid upon filing such suit.

3. Where a party is represented in a civil action by a legal aid society or a legal services or other nonprofit organization funded in whole or substantial part by moneys appropriated by the general assembly of the state of Missouri, which has as its primary purpose the furnishing of legal services to indigent persons**, by a law school clinic which has as its primary purpose educating law students through furnishing legal services to indigent persons**, or by private

counsel working on behalf of or under the auspices of such society, all costs and expenses related to the prosecution of the suit may be waived without the necessity of a motion and court approval, provided that a determination has been made by such society or organization that such party is unable to pay the costs, fees and expenses necessary to prosecute or defend the action, and that a certification that such determination has been made is filed with the clerk of the court.

Approved July 2, 2013

SB 106 [CCS SCS SB 106]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Modifies provisions relating to veterans and members of the military

AN ACT to repeal sections 8.012 and 253.048, RSMo, and to enact in lieu thereof six new sections relating to current and former military personnel.

SECTION
A. Enacting clause.
8.012. Flags authorized to be displayed at all state buildings.
173.1158. Veterans, educational credits for courses that are part of military training or service — rulemaking authority.
192.360. Active duty military, license to remain in good standing for duration of duty — licensing board procedure required — renewal of license.
253.048. Flags authorized for display in state parks.
324.007. Military education, training, and service to be accepted toward qualifications for licensure — rulemaking authority.
452.413. Military deployment, child custody and visitation, effect of — nondeploying parent requirements — procedure — failure to comply, effect of.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 8.012 and 253.048, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 8.012, 173.1158, 192.360, 253.048, 324.007, and 452.413, to read as follows:

8.012. FLAGS AUTHORIZED TO BE DISPLAYED AT ALL STATE BUILDINGS. — At all state buildings and upon the grounds thereof, the board of public buildings may accompany the display of the flag of the United States and the flag of this state with the display of the POW/MIA flag, which is designed to commemorate the service and sacrifice of the members of the Armed Forces of the United States who were prisoners of war or missing in action **and with the display of the Honor and Remember flag as an official recognition and in honor of fallen members of the armed forces of the United States**.

173.1158. VETERANS, EDUCATIONAL CREDITS FOR COURSES THAT ARE PART OF MILITARY TRAINING OR SERVICE — RULEMAKING AUTHORITY. — 1. By no later than January 1, 2014, the coordinating board for higher education shall adopt a policy requiring every public institution of postsecondary education, including but not limited to every public university, college, vocational and technical school, in this state to award educational credits to a student enrolled in a postsecondary education institution, who is also a veteran, for courses that are part of the student's military training or service, that meet the standards of the American Council on Education or equivalent standards for awarding academic credit, and that are determined by the academic department or

appropriate faculty of the awarding institution to be equivalent in content or experience to courses at that institution. All credit that is deemed acceptable must meet the scope and mission of the awarding institution.

2. Beginning with the 2014-2015 academic year and for every academic year thereafter, the department of higher education and every governing body of a public institution of postsecondary education in this state shall adopt necessary rules and procedures to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

192.360. ACTIVE DUTY MILITARY, LICENSE TO REMAIN IN GOOD STANDING FOR DURATION OF DUTY — LICENSING BOARD PROCEDURE REQUIRED — RENEWAL OF LICENSE. — 1. Notwithstanding any other provision of law to the contrary, the department of health and senior services and the department of insurance, financial institutions and professional registration shall require every health-related professional licensing board to establish a procedure to ensure any member of the United States armed forces on active duty who, at the time of activation, was a member in good standing with any professional licensing body in this state and was licensed or certified to engage in his or her profession or vocation in this state shall be kept in good standing by the professional licensing body with which he or she is licensed or certified.

2. While a licensee or certificate holder is an active duty member of the United States armed forces, the license or certificate referenced in subsection 1 of this section shall be renewed without:

(1) The payment of dues or fees;

(2) Obtaining continuing education credits when:

(a) Circumstances associated with military duty prevent obtaining such training and a waiver request has been submitted to the appropriate licensing body; or

(b) The military member, while on active duty, performs the licensed or certified occupation as part of his or her military duties as annotated in Defense Department form 214 (DD 214); or

(c) Performing any other act typically required for the renewal of the license or certificate.

3. The license or certificate issued under this section shall be continued as long as the licensee or certificate holder is a member of the United States armed forces on active duty and for a period of at least six months after being released from active duty.

253.048. FLAGS AUTHORIZED FOR DISPLAY IN STATE PARKS. — Within the state parks, the department may accompany the display of the flag of the United States and the flag of this state with the display of the MIA/POW flag, which is designed to commemorate the service and sacrifice of members of the Armed Forces of the United States who were prisoners of war or missing in action **and with the display of the Honor and Remember flag as an official recognition and in honor of fallen members of the armed forces of the United States**.

324.007. MILITARY EDUCATION, TRAINING, AND SERVICE TO BE ACCEPTED TOWARD QUALIFICATIONS FOR LICENSURE — RULEMAKING AUTHORITY. — 1. By no later than January 1, 2014, every professional licensing board or commission in this state shall, upon presentation of satisfactory evidence by an applicant for certification or licensure, accept

education, training, or service completed by an individual who is a member of the United States armed forces or reserves, the national guard of any state, the military reserves of any state, or the naval militia of any state toward the qualifications to receive the license or certification.

2. Every examination and professional licensing board in this state shall adopt necessary procedures to implement the provisions of this section.

3. The division of professional registration within the department of insurance, financial institutions and professional registration shall promulgate rules to implement this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

452.413. MILITARY DEPLOYMENT, CHILD CUSTODY AND VISITATION, EFFECT OF — NONDEPLOYING PARENT REQUIREMENTS — PROCEDURE — FAILURE TO COMPLY, EFFECT OF.— 1. As used in this section, the following terms shall mean:

(1) "Deploying parent", a parent of a child less than eighteen years of age whose parental rights have not been terminated by a court of competent jurisdiction or a guardian of a child less than eighteen years of age who is deployed or who has received written orders to deploy with the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or any other reserve component thereof;

(2) "Deployment", military service in compliance with military orders received by a member of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or any other reserve component thereof to report for combat operations, contingency operations, peacekeeping operations, temporary duty (TDY), a remote tour of duty, or other service for which the deploying parent is required to report unaccompanied by any family member. Military service includes a period during which a military parent remains subject to deployment orders and remains deployed on account of sickness, wounds, leave, or other lawful cause;

(3) "Military parent", a parent of a child less than eighteen years of age whose parental rights have not been terminated by a court of competent jurisdiction or a guardian of a child less than eighteen years of age who is a service member of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or any other reserve component thereof;

(4) "Nondeploying parent", a parent or guardian not subject to deployment.

2. If a military parent is required to be separated from a child due to deployment, a court shall not enter a final order modifying the terms establishing custody or visitation contained in an existing order until ninety days after the deployment ends unless there is a written agreement by both parties.

3. In accordance with section 452.412, deployment or the potential for future deployment shall not be the sole factor supporting a change in circumstances or grounds sufficient to support a permanent modification of the custody or visitation terms established in an existing order.

4. (1) An existing order establishing the terms of custody or visitation in place at the time a military parent is deployed may be temporarily modified to make reasonable accommodation for the parties due to the deployment.

(2) A temporary modification order issued under this section shall provide that the deploying parent shall have custody of the child or reasonable visitation, whichever is

applicable under the original order, during a period of leave granted to the deploying parent, unless it is not in the best interest of the child.

(3) Any court order modifying a previously ordered custody or visitation due to deployment shall specify that the deployment is the basis for the order and shall be entered by the court as a temporary order.

(4) Any such temporary custody or visitation order shall require the nondeploying parent to provide the court and the deploying parent with written notice of the nondeploying parent's address and telephone number, and update such information within seven days of any change. However, if a valid order of protection under chapter 455 from this or another jurisdiction is in effect that requires that the address or contact information of the parent who is not deployed be kept confidential, the notification shall be made to the court only, and a copy of the order shall be included in the notification. Nothing in this subdivision shall be construed to eliminate the requirements under section 452.377.

(5) Upon motion of a deploying parent, with reasonable advance notice and for good cause shown, the court shall hold an expedited hearing in any custody or visitation matters instituted under this section when the military duties of the deploying parent have a material effect on his or her ability or anticipated ability to appear in person at a regularly scheduled hearing.

5. (1) A temporary modification of such an order automatically ends no later than thirty days after the return of the deploying parent and the original terms of the custody or visitation order in place at the time of deployment are automatically reinstated.

(2) Nothing in this section shall limit the power of the court to conduct an expedited or emergency hearing regarding custody or visitation upon return of the deploying parent, and the court shall do so within ten days of the filing of a motion alleging an immediate danger or irreparable harm to the child.

(3) The nondeploying parent shall bear the burden of showing that reentry of the custody or visitation order in effect before the deployment is no longer in the child's best interests. The court shall set any nonemergency motion by the nondeploying parent for hearing within thirty days of the filing of the motion.

6. (1) Upon motion of the deploying parent or upon motion of a family member of the deploying parent with his or her consent, the court may delegate his or her visitation rights, or a portion of such rights, to a family member with a close and substantial relationship to the minor child or children for the duration of the deployment if it is in the best interest of the child.

(2) Such delegated visitation time or access does not create an entitlement or standing to assert separate rights to parent time or access for any person other than a parent, and shall terminate by operation of law upon the end of the deployment, as set forth in this section.

(3) Such delegated visitation time shall not exceed the visitation time granted to the deploying parent under the existing order; except that, the court may take into consideration the travel time necessary to transport the child for such delegated visitation time.

(4) In addition, there is a rebuttable presumption that a deployed parent's visitation rights shall not be delegated to a family member who has a history of perpetrating domestic violence as defined under section 455.010 against another family or household member, or delegated to a family member with an individual in the family member's household who has a history of perpetrating domestic violence against another family or household member.

(5) The person or persons to whom delegated visitation time has been granted shall have full legal standing to enforce such rights.

7. Upon motion of a deploying parent and upon reasonable advance notice and for good cause shown, the court shall permit such parent to present testimony and evidence by affidavit or electronic means in support, custody, and visitation matters instituted under this section when the military duties of such parent have a material effect on his or her ability to appear in person at a regularly scheduled hearing. Electronic means includes communication by telephone, video conference, or the internet.

8. Any order entered under this section shall require that the nondeploying parent:

(1) Make the child or children reasonably available to the deploying parent when the deploying parent has leave;

(2) Facilitate opportunities for telephonic and electronic mail contact between the deploying parent and the child or children during deployment; and

(3) Receive timely information regarding the deploying parent's leave schedule.

9. (1) If there is no existing order establishing the terms of custody and visitation and it appears that deployment is imminent, upon the filing of initial pleadings and motion by either parent, the court shall expedite a hearing to establish temporary custody or visitation to ensure the deploying parent has access to the child, to ensure disclosure of information, to grant other rights and duties set forth in this section, and to provide other appropriate relief.

(2) Any initial pleading filed to establish custody or visitation for a child of a deploying parent shall be so identified at the time of filing by stating in the text of the pleading the specific facts related to deployment.

10. (1) Since military necessity may preclude court adjudication before deployment, the parties shall cooperate with each other in an effort to reach a mutually agreeable resolution of custody, visitation, and child support.

(2) A deploying parent shall provide a copy of his or her orders to the nondeploying parent promptly and without delay prior to deployment. Notification shall be made within ten days of receipt of deployment orders. If less than ten days notice is received by the deploying parent, notice shall be given immediately upon receipt of military orders. If all or part of the orders are classified or restricted as to release, the deploying parent shall provide, under the terms of this subdivision, all such nonclassified or nonrestricted information to the nondeploying parent.

11. In an action brought under this chapter, whenever the court declines to grant or extend a stay of proceedings under the Servicemembers Civil Relief Act, 50 U.S.C. Appendix Sections 521-522, and decides to proceed in the absence of the deployed parent, the court shall appoint a guardian ad litem to represent the minor child's interests.

12. Service of process on a nondeploying parent whose whereabouts are unknown may be accomplished in accordance with the provisions of section 506.160.

13. In determining whether a parent has failed to exercise visitation rights, the court shall not count any time periods during which the parent did not exercise visitation due to the material effect of such parent's military duties on visitation time.

14. Once an order for custody has been entered in Missouri, any absence of a child from this state during deployment shall be denominated a temporary absence for the purposes of application of the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA). For the duration of the deployment, Missouri shall retain exclusive jurisdiction under the UCCJEA and deployment shall not be used as a basis to assert inconvenience of the forum under the UCCJEA.

15. In making determinations under this section, the court may award attorney's fees and costs based on the court's consideration of:

(1) The failure of either party to reasonably accommodate the other party in custody or visitation matters related to a military parent's service;

(2) Unreasonable delay caused by either party in resolving custody or visitation related to a military parent's service;

(3) Failure of either party to timely provide military orders, income, earnings, or payment information, housing or education information, or physical location of the child to the other party; and

(4) Other factors as the court may consider appropriate and as may be required by law.

Approved July 10, 2013

SB 116 [HCS SS SCS SB 116]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Modifies the law relating to uniformed military and overseas voters

AN ACT to repeal sections 115.156, 115.159, 115.275, 115.277, 115.278, 115.281, 115.283, 115.287, 115.291, and 115.292, RSMo, and to enact in lieu thereof twenty-eight new sections relating to voting procedures for uniformed services and overseas voters, with penalty provisions and an effective date.

SECTION
A. Enacting clause.
115.159. Registration by mail — delivery of absentee ballots, when — provisional ballot by mail permitted, when.
115.275. Definitions relative to absentee ballots.
115.277. Persons eligible to vote absentee.
115.281. Absentee ballots to be printed, when.
115.283. Statements of absentee voters or persons providing assistance to absentee voters — forms — notary seal not required, when — charges by notaries, limitations.
115.287. Absentee ballot, how delivered.
115.291. Procedure for absentee ballots — declared emergencies, delivery and return of ballots — envelopes, refusal to accept ballot based on prohibited.
115.900. Citation of law.
115.902. Definitions.
115.904. Applicability.
115.906. Secretary of state to implement, duties.
115.908. Federal postcard application permitted — declaration for federal write-in absentee ballot used to register to vote, when — electronic transmissions, secretary of state's duties.
115.910. Application procedure.
115.912. Timeliness of application, when.
115.914. Transmission of ballots to voters, when.
115.916. Receipt of ballot by election authority, deadline.
115.918. Federal write-in absentee ballot, used to vote, when.
115.920. Ballot to be counted, when.
115.922. Declaration to accompany ballot — penalty for misstatement of fact.
115.924. Electronic free-access system required, contents.
115.926. Electronic-mail address to be requested, use, confidentiality of.
115.928. Federal write-in absentee ballots, electronic notice, when-procedure.
115.930. Mistake or omission not to invalidate document, when — notarization not required, when.
115.932. Compliance, court may issue injunction or grant other equitable relief.
115.934. Uniformity of law to be considered.
115.936. Act to supersede other federal law, when.
1. Persons in federal service, permitted to vote in same manner under uniformed military and overseas voters act.
2. Certification of election prohibited prior to noon on Friday after election day.
115.156. Voter registration application request, absent uniformed services and overseas voters.
115.278. Absentee ballot application request, absent uniformed services and overseas voters.
115.292. Special write-in absentee ballot for persons in military service or remote areas for all officers, forms — write-in ballot to be replaced by regular ballot, when, effect.
B. Delayed effective date.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 115.156, 115.159, 115.275, 115.277, 115.278, 115.281, 115.283, 115.287, 115.291, and 115.292, RSMo, are repealed and twenty-eight new sections enacted in lieu thereof, to be known as sections 115.159, 115.275, 115.277, 115.281, 115.283, 115.287, 115.291, 115.900, 115.902, 115.904, 115.906, 115.908, 115.910, 115.912, 115.914, 115.916, 115.918, 115.920, 115.922, 115.924, 115.926, 115.928, 115.930, 115.932, 115.934, 115.936, 1 and 2, to read as follows:

115.159. REGISTRATION BY MAIL — DELIVERY OF ABSENTEE BALLOTS, WHEN — PROVISIONAL BALLOT BY MAIL PERMITTED, WHEN. — 1. Any person who is qualified to register in Missouri shall, upon application, be entitled to register by mail. Upon request, application forms shall be furnished by the election authority or the secretary of state.

2. Notwithstanding any provision of law to the contrary, the election authority shall not deliver any absentee ballot to any person who registers to vote by mail until after such person has:

(1) Voted, in person, after presentation of a proper form of identification set out in section 115.427, for the first time following registration; or

(2) Provided a copy of identification set out in section 115.427 to the election authority. This subsection shall not apply to those persons identified in section 115.283 who are exempted from obtaining a notary seal or signature on their absentee ballots. An individual who has registered to vote by mail but who does not meet the requirements of this subsection may cast a provisional ballot by mail. Such ballot shall not be counted pursuant to this chapter, and the individual shall be notified of the reason for not counting the ballot.

3. Subsection 2 of this section shall not apply in the case of a person:

(1) Who registers to vote by mail pursuant to Section 6 of the National Voter Registration Act of 1993 and submits a copy of a current and valid photo identification as part of such registration;

(2) Who registers to vote by mail pursuant to Section 6 of the National Voter Registration Act of 1993 and:

(a) Submits with such registration either a driver's license number, or at least the last four digits of the individual's Social Security number; and

(b) With respect to whom the secretary of state matches the information submitted pursuant to paragraph (a) of this subdivision with an existing state identification record bearing the same number, name, and date of birth as provided in such registration;

(3) Who is:

(a) **[**Entitled to vote by absentee ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act**] A covered voter defined in section 115.902**;

(b) Provided the right to vote otherwise than in person pursuant to Section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act; or

(c) Entitled to vote otherwise than in person pursuant to any other federal law.

115.275. DEFINITIONS RELATIVE TO ABSENTEE BALLOTS. — As used in sections 115.275 to 115.304, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Absentee ballot", any of the ballots a person is authorized to cast away from a polling place pursuant to the provisions of sections 115.275 to 115.304;

(2) "Interstate former resident", a former resident and registered voter in this state who moves from Missouri to another state after the deadline to register to vote in any presidential election in the new state and who otherwise possesses the qualifications to register and vote in such state;

(3) "Intrastate new resident", a registered voter of this state who moves from one election authority's jurisdiction in the state to another election authority's jurisdiction in the state after the

last day authorized in this chapter to register to vote in an election and otherwise possesses the qualifications to vote;

(4) "New resident", a person who moves to this state after the last date authorized in this chapter to register to vote in any presidential election**[**;

(5) "Overseas voter" includes:

(a) An absent uniformed services voter who, by reason of active duty or service is absent from the United States on the date of the election involved;

(b) A person who resides outside the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States; or

(c) A person who resides outside the United States and (but for such residence) would be qualified to vote in the last place in which the person was domiciled before leaving the United States;

(6)**] (5)** "Persons in federal service" includes:

(a) Members of the armed forces of the United States, while in active service, and their spouses and dependents;

(b) Active members of the merchant marine of the United States and their spouses and dependents;

(c) Civilian employees of the United States government working outside the boundaries of the United States, and their spouses and dependents;

(d) Active members of religious or welfare organizations assisting servicemen, and their spouses and dependents;

(e) Persons who have been honorably discharged from the armed forces or who have terminated their service or employment in any group mentioned in this section within sixty days of an election, and their spouses and dependents.

115.277. PERSONS ELIGIBLE TO VOTE ABSENTEE. — 1. Except as provided in subsections **2,** 3, 4**,** and 5 of this section, any registered voter of this state may vote by absentee ballot for all candidates and issues for which such voter would be eligible to vote at the polling place if such voter expects to be prevented from going to the polls to vote on election day due to:

(1) Absence on election day from the jurisdiction of the election authority in which such voter is registered to vote;

(2) Incapacity or confinement due to illness or physical disability, including a person who is primarily responsible for the physical care of a person who is incapacitated or confined due to illness or disability;

(3) Religious belief or practice;

(4) Employment as an election authority, as a member of an election authority, or by an election authority at a location other than such voter's polling place;

(5) Incarceration, provided all qualifications for voting are retained.

2. Any person in federal service, as defined in section 115.275, who is eligible to register and vote in this state but is not registered may vote only in the election of presidential and vice presidential electors, United States senator and representative in Congress even though the person is not registered. Each person in federal service may vote by absentee ballot or, upon submitting an affidavit that the person is qualified to vote in the election, may vote at the person's polling place.

3. Any interstate former resident, as defined in section 115.275, may vote by absentee ballot for presidential and vice presidential electors.

4. Any intrastate new resident, as defined in section 115.275, may vote by absentee ballot at the election for presidential and vice presidential electors, United States senator, representative in Congress, statewide elected officials and statewide questions, propositions and amendments from such resident's new jurisdiction of residence after registering to vote in such resident's new jurisdiction of residence.

5. Any new resident, as defined in section 115.275, may vote by absentee ballot for presidential and vice presidential electors after registering to vote in such resident's new jurisdiction of residence.

115.281. ABSENTEE BALLOTS TO BE PRINTED, WHEN. — 1. Except as provided in **[**subsection 3 of this**]** section **115.914**, not later than the sixth Tuesday prior to each election, or within fourteen days after candidates' names or questions are certified pursuant to section 115.125, the election authority shall cause to have printed and made available a sufficient quantity of absentee ballots, ballot envelopes and mailing envelopes. As soon as possible after the proper officer calls a special state or county election, the election authority shall cause to have printed and made available a sufficient quantity of absentee ballots, ballot envelopes and mailing envelopes.

2. All absentee ballots for an election shall be in the same form as the official ballots for the election, except that in lieu of the words "Official Ballot" at the top of the ballot, the words "Official Absentee Ballot" shall appear.

[3. Not later than forty-five days before each general, primary, and special election for federal office, the election authority shall cause to have printed and made available a sufficient quantity of absentee ballots, ballot envelopes, and mailing envelopes for absent uniformed services voters and overseas voters and shall begin transmitting such ballots to absent uniformed services and overseas voters who have submitted an absentee ballot application.**]**

115.283. STATEMENTS OF ABSENTEE VOTERS OR PERSONS PROVIDING ASSISTANCE TO ABSENTEE VOTERS — FORMS — NOTARY SEAL NOT REQUIRED, WHEN — CHARGES BY NOTARIES, LIMITATIONS. — 1. Each ballot envelope shall bear a statement on which the voter shall state the voter's name, the voter's voting address, the voter's mailing address and the voter's reason for voting an absentee ballot. On the form, the voter shall also state under penalties of perjury that the voter is qualified to vote in the election, that the voter has not previously voted and will not vote again in the election, that the voter has personally marked the voter's ballot in secret or supervised the marking of the voter's ballot if the voter is unable to mark it, that the ballot has been placed in the ballot envelope and sealed by the voter or under the voter's supervision if the voter is unable to seal it, and that all information contained in the statement is true. In addition, any person providing assistance to the absentee voter shall include a statement on the envelope identifying the person providing assistance under penalties of perjury. Persons authorized to vote only for federal and statewide officers shall also state their former Missouri residence.

2. The statement for persons voting absentee ballots who are registered voters shall be in substantially the following form:

State of Missouri

County (City) of .....

I, ... (print name), a registered voter of ..... County (City of St. Louis, Kansas City), declare under the penalties of perjury that I expect to be prevented from going to the polls on election day due to (check one):

..... absence on election day from the jurisdiction of the election authority in which I am registered;

..... incapacity or confinement due to illness or physical disability, including caring for a person who is incapacitated or confined due to illness or disability;

..... religious belief or practice;

..... employment as an election authority or by an election authority at a location other than my polling place;

..... incarceration, although I have retained all the necessary qualifications for voting.

I hereby state under penalties of perjury that I am qualified to vote at this election; I have not voted and will not vote other than by this ballot at this election. I further state that I marked the

enclosed ballot in secret or that I am blind, unable to read or write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

.....	.....
Signature of Voter	Signature of Person Assisting Voter (if applicable)
Signed	Subscribed and sworn to
Signed	before me this ..... day
Address of Voter	of ....., ...
.....	.....
.....	.....
Mailing addresses (if different)	Signature of notary or other officer authorized to administer oaths

3. The statement for persons voting absentee ballots pursuant to the provisions of **[**subsection**]** **subsections** 2, 3, 4, or 5 of section 115.277 without being registered shall be in substantially the following form:

State of Missouri

County (City) of .....

I, ... (print name), declare under the penalties of perjury that I am a citizen of the United States and eighteen years of age or older. I am not adjudged incapacitated by any court of law, and if I have been convicted of a felony or of a misdemeanor connected with the right of suffrage, I have had the voting disabilities resulting from such conviction removed pursuant to law. I hereby state under penalties of perjury that I am qualified to vote at this election.

[(1)**]** I am **[**a resident of the state of Missouri and**]** (check one):

[..... am a member of the U.S. armed forces in active service;

..... am an active member of the U.S. merchant marine;

..... am a civilian employee of the U.S. government working outside the United States;

..... am an active member of a religious or welfare organization assisting servicemen;

..... have been honorably discharged or terminated my service in one of the groups mentioned above within sixty days of this election;

..... am a spouse or dependent of one of the above;**]**

..... **[**am**]** a **resident of the state of Missouri and a** registered voter in ..... County and moved from that county to ..... County, Missouri, after the last day to register to vote in this election.

[OR (check if applicable)

(2)**]** ..... **[**I am**]** an interstate former resident of Missouri and authorized to vote for presidential and vice presidential electors. I further state under penalties of perjury that I have not voted and will not vote other than by this ballot at this election; I marked the enclosed ballot in secret or am blind, unable to read or write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

.....	Subscribed to and sworn
Signature of Voter	before me this ..... day
	of ....., ...
.....	
.....	
	.....
Address of Voter	Signature of notary or other officer authorized

	to administer oaths
.....	.....
Mailing Address (if different)	.....
	.....
.....	.....
Signature of Person Assisting Voter	Address of Last Missouri Residence (if applicable)

4. The statement for persons voting absentee ballots who are entitled to vote at the election pursuant to the provisions of subsection 2 of section 115.137 shall be in substantially the following form:

State of Missouri

County (City) of .....

I, ... (print name), declare under the penalties of perjury that I expect to be prevented from going to the polls on election day due to (check one):

..... absence on election day from the jurisdiction of the election authority in which I am directed to vote;

..... incapacity or confinement due to illness or physical disability, including caring for a person who is incapacitated or confined due to illness or disability;

..... religious belief or practice;

..... employment as an election authority or by an election authority at a location other than my polling place;

..... incarceration, although I have retained all the necessary qualifications of voting.

I hereby state under penalties of perjury that I own property in the ..... district and am qualified to vote at this election; I have not voted and will not vote other than by this ballot at this election. I further state that I marked the enclosed ballot in secret or that I am blind, unable to read and write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

.....	Subscribed and sworn
Signature of Voter	to before me this .....
	day of ....., ...
.....	
.....	.....
	Signature of notary or other officer authorized to administer oaths

.....

Signature of Person Assisting Voter (if applicable)

5. The statement for persons providing assistance to absentee voters shall be in substantially the following form:

The voter needed assistance in marking the ballot and signing above, because of blindness, other physical disability, or inability to read or to read English. I marked the ballot enclosed in this envelope at the voter's direction, when I was alone with the voter, and I had no other communication with the voter as to how he or she was to vote. The voter swore or affirmed the voter affidavit above and I then signed the voter's name and completed the other voter information above. Signed under the penalties of perjury.

Reason why voter needed assistance: .....

ASSISTING PERSON SIGN HERE

1. ..... (signature of assisting person)

2. ..... (assisting person's name printed)
3. ..... (assisting person's residence)
4. ..... (assisting person's home city or town).

6. Notwithstanding any other provision of this section, any **[**resident of the state of Missouri who resides outside the boundaries of the United States or who is on active duty with the armed forces of the United States or members of their immediate family living with them**]** **covered voter as defined in section 115.902** or persons who have declared themselves to be permanently disabled pursuant to section 115.284, otherwise entitled to vote, shall not be required to obtain a notary seal or signature on his or her absentee ballot.

7. Notwithstanding any other provision of this section or section 115.291 to the contrary, the subscription, signature and seal of a notary or other officer authorized to administer oaths shall not be required on any ballot, ballot envelope, or statement required by this section if the reason for the voter voting absentee is due to the reasons established pursuant to subdivision (2) of subsection 1 of section 115.277.

8. No notary shall charge or collect a fee for notarizing the signature on any absentee ballot or absentee voter registration.

9. A notary public who charges more than the maximum fee specified or who charges or collects a fee for notarizing the signature on any absentee ballot or absentee voter registration is guilty of official misconduct.

115.287. ABSENTEE BALLOT, HOW DELIVERED. — 1. Upon receipt of a signed application for an absentee ballot and if satisfied the applicant is entitled to vote by absentee ballot, the election authority shall, within three working days after receiving the application, or if absentee ballots are not available at the time the application is received, within five working days after they become available, deliver to the voter an absentee ballot, ballot envelope and such instructions as are necessary for the applicant to vote. Delivery shall be made to the voter personally in the office of the election authority or by bipartisan teams appointed by the election authority, or by first class, registered, or certified mail at the discretion of the election authority, or in the case of **[**absent uniformed services voters and overseas voters, by electronic transmission if electronic transmission is requested by the voter**]** **a covered voter as defined in section 115.902, the method of transmission prescribed in section 115.914**. Where the election authority is a county clerk, the members of bipartisan teams representing the political party other than that of county clerk shall be selected from a list of persons submitted to the county clerk by the county chairman of that party. If no list is provided by the time that absentee ballots are to be made available, the county clerk may select a person or persons from lists provided in accordance with section 115.087. If the election authority is not satisfied that any applicant is entitled to vote by absentee ballot, it shall not deliver an absentee ballot to the applicant. Within three working days of receiving such an application, the election authority shall notify the applicant and state the reason he or she is not entitled to vote by absentee ballot. The applicant may appeal the decision of the election authority to the circuit court in the manner provided in section 115.223.

2. If, after 5:00 p.m. on the Wednesday before an election, any voter from the jurisdiction has become hospitalized, becomes confined due to illness or injury, or is confined in an adult boarding facility, intermediate care facility, residential care facility, or skilled nursing facility, as defined in section 198.006, in the county in which the jurisdiction is located or in the jurisdiction or an adjacent election authority within the same county, the election authority shall appoint a team to deliver, witness the signing of and return the voter's application and deliver, witness the voting of and return the voter's absentee ballot. In counties with a charter form of government and in cities not within a county, and in each city which has over three hundred thousand inhabitants, and is situated in more than one county, if the election authority receives ten or more applications for absentee ballots from the same address it may appoint a team to deliver and witness the voting and return of absentee ballots by voters residing at that address, except when

such addresses are for an apartment building or other structure wherein individual living units are located, each of which has its own separate cooking facilities. Each team appointed pursuant to this subsection shall consist of two registered voters, one from each major political party. Both members of any team appointed pursuant to this subsection shall be present during the delivery, signing or voting and return of any application or absentee ballot signed or voted pursuant to this subsection.

3. On the mailing and ballot envelopes for each applicant in federal service, the election authority shall stamp prominently in black the words "FEDERAL BALLOT, STATE OF MISSOURI" and "U.S. Postage Paid, 39 U.S.C. 3406".

4. No information which encourages a vote for or against a candidate or issue shall be provided to any voter with an absentee ballot.

115.291. PROCEDURE FOR ABSENTEE BALLOTS — DECLARED EMERGENCIES, DELIVERY AND RETURN OF BALLOTS — ENVELOPES, REFUSAL TO ACCEPT BALLOT BASED ON PROHIBITED. — 1. Upon receiving an absentee ballot in person or by mail, the voter shall mark the ballot in secret, place the ballot in the ballot envelope, seal the envelope and fill out the statement on the ballot envelope. The affidavit of each person voting an absentee ballot shall be subscribed and sworn to before the election official receiving the ballot, a notary public or other officer authorized by law to administer oaths, unless the voter is voting absentee due to incapacity or confinement due to the provisions of section 115.284, illness or physical disability, or the voter is **[**an absent uniformed services voter or an overseas voter**] a covered voter as defined in section 115.902**. If the voter is blind, unable to read or write the English language, or physically incapable of voting the ballot, the voter may be assisted by a person of the voter's own choosing. Any person assisting a voter who is not entitled to such assistance, and any person who assists a voter and in any manner coerces or initiates a request or a suggestion that the voter vote for or against or refrain from voting on any question, ticket or candidate, shall be guilty of a class one election offense. If, upon counting, challenge or election contest, it is ascertained that any absentee ballot was voted with unlawful assistance, the ballot shall be rejected.

2. Except as provided in subsection 4 of this section, each absentee ballot shall be returned to the election authority in the ballot envelope and shall only be returned by the voter in person, or in person by a relative of the voter who is within the second degree of consanguinity or affinity, by mail or registered carrier or by a team of deputy election authorities; except that persons in federal service, when sent from a location determined by the secretary of state to be inaccessible on election day, shall be allowed to return their absentee ballots cast by use of facsimile transmission or under a program approved by the Department of Defense for electronic transmission of election materials.

3. In cases of an emergency declared by the President of the United States or the governor of this state where the conduct of an election may be affected, the secretary of state may provide for the delivery and return of absentee ballots by use of a facsimile transmission device or system. Any rule promulgated pursuant to this subsection shall apply to a class or classes of voters as provided for by the secretary of state.

4. No election authority shall refuse to accept and process any otherwise valid marked absentee ballot submitted in any manner by **[**an absent uniformed services voter or overseas**] a covered** voter solely on the basis of restrictions on envelope type.

[5. As provided in the Military and Overseas Voter Empowerment Act, the secretary of state shall, in coordination with local election authorities, develop a free access system by which an absent uniformed services voter or overseas voter may determine whether the voter's absentee ballot has been received by the appropriate election authority.**]**

115.900. CITATION OF LAW. — Sections 115.900 to 115.936 may be cited as the "Uniformed Military and Overseas Voters Act".

115.902. DEFINITIONS. — As used in sections 115.900 to 115.936, the following terms shall mean:

(1) "Covered voter":

(a) A uniformed services voter who is registered to vote in this state;

(b) A uniformed services voter defined in this section whose voting residence is in this state and who otherwise satisfies this state's voter eligibility requirements; or

(c) An overseas voter;

(2) "Dependent", an individual recognized as a dependent by a uniformed service;

(3) "Federal postcard application", the application prescribed under Section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff(b)(2);

(4) "Federal write-in absentee ballot", the ballot described in Section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff-2;

(5) "Military-overseas ballot":

(a) A federal write-in absentee ballot;

(b) A ballot specifically prepared or distributed for use by a covered voter in accordance with sections 115.900 to 115.936; and

(c) A ballot cast by a covered voter in accordance with sections 115.900 to 115.936;

(6) "Overseas voter":

(a) A person who resides outside the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States; or

(b) A person who resides outside the United States and, but for such residence, would be qualified to vote in the last place in which the person was domiciled before leaving the United States;

(7) "State", a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States;

(8) "Uniformed services":

(a) Active and reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States;

(b) The Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or

(c) The Missouri National Guard;

(9) "Uniformed services voter", an individual who is qualified to vote and is:

(a) A member of the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who is on active duty;

(b) A member of the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States;

(c) A member on activated status of the National Guard; or

(d) A spouse or dependent of a member referred to in this subdivision;

(10) "United States", used in the territorial sense, the several states, the District of Columbia, Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction of the United States.

115.904. APPLICABILITY. — The voting procedures in sections 115.900 to 115.936 shall apply to:

(1) A general, special, presidential preference, or primary election for federal office;

(2) A general, special, or primary election for statewide or state legislative office or state ballot measure; or

(3) Any election in which absentee voting is conducted pursuant to sections 115.275 to 115.304.

115.906. SECRETARY OF STATE TO IMPLEMENT, DUTIES. — 1. The secretary of state shall be responsible for implementing sections 115.900 to 115.936 and the state's responsibilities under the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff, et seq.

2. The secretary of state shall make available to covered voters, information regarding voter registration procedures for covered voters and procedures for casting military-overseas ballots. The secretary of state may delegate the responsibility under this subsection only to the state office designated in compliance with Section 102(b)(1) of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff-1(b)(1).

3. The secretary of state shall establish an electronic transmission system through which a covered voter may apply for and receive voter registration materials, military-overseas ballots, and other information under sections 115.900 to 115.936.

4. The secretary of state shall:

(1) Develop standardized absentee-voting materials, including privacy and transmission envelopes and their electronic equivalents, authentication materials, and voting instructions, to be used with the military-overseas ballot of a voter authorized to vote in any jurisdiction in this state; and

(2) To the extent reasonably possible, coordinate with other states to carry out this subsection.

5. The secretary of state shall prescribe the form and content of a declaration for use by a covered voter to swear or affirm specific representations pertaining to the voter's identity, eligibility to vote, status as a covered voter, and timely and proper completion of a military-overseas ballot. The declaration shall be based on the declaration prescribed to accompany a federal write-in absentee ballot, as modified to be consistent with sections 115.900 to 115.936. The secretary of state shall ensure that a form for the execution of the declaration, including an indication of the date of execution of the declaration, is a prominent part of all balloting materials for which the declaration is required.

115.908. FEDERAL POSTCARD APPLICATION PERMITTED — DECLARATION FOR FEDERAL WRITE-IN ABSENTEE BALLOT USED TO REGISTER TO VOTE, WHEN — ELECTRONIC TRANSMISSIONS, SECRETARY OF STATE'S DUTIES. — 1. To apply to register to vote, in addition to any other approved method, a covered voter may use a federal postcard application, or the application's electronic equivalent.

2. A covered voter may use the declaration accompanying a federal write-in absentee ballot to apply to register to vote simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received no later than 5:00 p.m. on the fourth Tuesday prior to the election. If the declaration is received after that date, it shall be treated as an application to register to vote for subsequent elections.

3. The secretary of state shall ensure that the electronic transmission system described in subdivision (3) of section 115.906 is capable of accepting both a federal postcard application and any other approved electronic registration application sent to the appropriate election official. The voter may use the electronic transmission system or any other approved method to register to vote.

115.910. APPLICATION PROCEDURE. — 1. A covered voter who is registered to vote in this state may apply for a military-overseas ballot using either the application for absentee ballot under section 115.279 or the federal postcard application or the application's electronic equivalent.

2. A covered voter who is not registered to vote in this state may use a federal postcard application or the application's electronic equivalent to apply simultaneously to register to vote under section 115.908 and for a military-overseas ballot.

3. The secretary of state shall ensure that the electronic transmission system described in section 115.906 is capable of accepting the submission of both a federal postcard application and any other approved electronic military-overseas ballot application sent to the appropriate election official. The voter may use the electronic transmission system or any other approved method to apply for a military-overseas ballot.

4. A covered voter may use the declaration accompanying a federal write-in absentee ballot as an application for a military-overseas ballot simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the appropriate election official by 5:00 p.m. on the Wednesday immediately prior to the election.

5. To receive the benefits of sections 115.900 to 115.936, a covered voter shall inform the election authority that the voter is a covered voter. Methods of informing the election authority that a voter is a covered voter include:

(1) The use of a federal postcard application or federal write-in absentee ballot;

(2) The use of an overseas address on an approved voter registration application or ballot application; or

(3) The inclusion on an approved voter registration application or ballot application of other information sufficient to identify the voter as a covered voter.

115.912. TIMELINESS OF APPLICATION, WHEN. — An application for a military-overseas ballot is timely if received by 5:00 p.m. on the Wednesday prior to the election. An application for a military-overseas ballot for a primary election, whether or not timely, shall be effective as an application for a military-overseas ballot for the general election.

115.914. TRANSMISSION OF BALLOTS TO VOTERS, WHEN. — 1. For an election described in section 115.904 for which this state has not received a waiver under Section 579 of the Military and Overseas Voter Empowerment Act, 42 U.S.C. Section 1973ff-1(g)(2), not later than forty-five days before the election or, if the forty-fifth day before the election is a weekend or holiday, not later than the business day preceding the forty-fifth day, the election authority in each jurisdiction charged with distributing a ballot and balloting materials shall transmit a ballot and balloting materials to all covered voters who by that date submit a valid military-overseas ballot application.

2. A covered voter who requests that a ballot and balloting materials be sent to the voter by electronic transmission may choose facsimile transmission or electronic mail delivery, or, if offered by the voter's jurisdiction, internet delivery. The election authority in each jurisdiction charged with distributing a ballot and balloting materials shall transmit the ballot and balloting materials to the voter using the means of transmission chosen by the voter.

3. If a ballot application from a covered voter arrives after the jurisdiction begins transmitting ballots and balloting materials to voters, the election authority charged with distributing a ballot and balloting materials shall transmit them to the voter not later than two business days after the application arrives.

115.916. RECEIPT OF BALLOT BY ELECTION AUTHORITY, DEADLINE. — To be valid, a military-overseas ballot shall be received by the appropriate local election official not later than the close of the polls, or the voter shall submit the ballot for mailing, or other authorized means of delivery not later than 12:01 a.m., at the place where the voter completes the ballot, on the date of the election.

115.918. FEDERAL WRITE-IN ABSENTEE BALLOT, USED TO VOTE, WHEN. — A covered voter may use a federal write-in absentee ballot to vote for all offices and ballot measures in an election described in section 115.904.

115.920. BALLOT TO BE COUNTED, WHEN. — 1. A valid military-overseas ballot cast in accordance with section 115.916 shall be counted if it is received before noon on the Friday after election day so that certification under section 1 may commence.

2. If, at the time of completing a military-overseas ballot and balloting materials, the voter has declared under penalty of perjury that the ballot was timely submitted, the ballot shall not be rejected on the basis that it has a late postmark, an unreadable postmark, or no postmark.

115.922. DECLARATION TO ACCOMPANY BALLOT — PENALTY FOR MISSTATEMENT OF FACT. — A military-overseas ballot shall include or be accompanied by a declaration signed by the voter that a material misstatement of fact in completing the ballot may be grounds for a conviction of perjury under the laws of the United States or this state.

115.924. ELECTRONIC FREE-ACCESS SYSTEM REQUIRED, CONTENTS. — The secretary of state, in coordination with local election authorities, shall implement an electronic free-access system by which a covered voter may determine:

(1) The voter's federal postcard application or other registration or military-overseas ballot application has been received and accepted; and

(2) The voter's military-overseas ballot has been received and the current status of the ballot.

115.926. ELECTRONIC-MAIL ADDRESS TO BE REQUESTED, USE, CONFIDENTIALITY OF. — 1. The election authority shall request an electronic-mail address from each covered voter who registers to vote. An electronic-mail address provided by a covered voter shall not be made available to the public or any individual or organization other than an authorized agent of the local election authority and is exempt from disclosure under the Missouri sunshine law contained in chapter 610. The address shall be used only for official communication with the voter about the voting process, including transmitting military-overseas ballots and election materials if the voter has requested electronic transmission, and verifying the voter's mailing address and physical location. The request for an electronic-mail address shall describe the purposes for which the electronic-mail address may be used and include a statement that any other use or disclosure of the electronic-mail address is prohibited.

2. A covered voter who provides an electronic-mail address may request that the voter's application for a military-overseas ballot be considered a standing request for electronic delivery of a ballot for all elections held through December thirty-first of the year following the calendar year of the date of the application or another shorter period the voter specifies. An election authority shall provide a military-overseas ballot to a voter who makes a standing request for each election to which the request is applicable. A covered voter who is entitled to receive a military-overseas ballot for a primary election under this subsection is entitled to receive a military-overseas ballot for the general election.

115.928. FEDERAL WRITE-IN ABSENTEE BALLOTS, ELECTRONIC NOTICE, WHEN-PROCEDURE. — 1. Not later than the tenth Tuesday before a regularly scheduled election and as soon as practicable before an election not regularly scheduled, the election authority in each jurisdiction charged with printing and distributing ballots and balloting material shall prepare an election notice for that jurisdiction, to be used in conjunction

with a federal write-in absentee ballot. The election notice shall contain a list of all of the ballot measures and federal, state, and local offices that, as of that date, the official expects to be on the ballot on the date of the election. The notice also shall contain specific instructions for how a voter is to indicate on the federal write-in absentee ballot the voter's choice for each office to be filled and for each ballot measure to be contested.

2. A covered voter may request a copy of an election notice. The election authority charged with preparing the election notice shall send the notice to the voter by facsimile, electronic mail, or regular mail, as the voter requests.

3. Not later than forty-five days prior to the election, the official charged with preparing the election notice under subsection 1 of this section shall update the notice with the certified candidates for each office and ballot measure questions and make the updated notice publicly available.

4. A local election jurisdiction that maintains an internet website shall make the election notice prepared under subsection 1 of this section and updated versions of the election notice regularly available on the website.

115.930. MISTAKE OR OMISSION NOT TO INVALIDATE DOCUMENT, WHEN — NOTARIZATION NOT REQUIRED, WHEN. — 1. If a voter's mistake or omission in the completion of a document under sections 115.900 to 115.936 does not prevent determining whether a covered voter is eligible to vote, the mistake or omission shall not invalidate the document. Failure to satisfy a nonsubstantive requirement, such as using paper or envelopes of a specified size or weight, shall not invalidate a document submitted under sections 115.900 to 115.936. In a write-in ballot authorized by sections 115.900 to 115.936 or in a vote for a write-in candidate on a regular ballot, if the intention of the voter is discernable under this state's uniform definition of what constitutes a vote, an abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party shall be accepted as a valid vote.

2. Notarization shall not be required for the execution of a document under sections 115.900 to 115.936. An authentication, other than the declaration specified in section 115.922 or the declaration on the federal postcard application and federal write-in absentee ballot, shall not be required for execution of a document under sections 115.900 to 115.936. The declaration and any information in the declaration may be compared with information on file to ascertain the validity of the document.

115.932. COMPLIANCE, COURT MAY ISSUE INJUNCTION OR GRANT OTHER EQUITABLE RELIEF. — A court may issue an injunction or grant other equitable relief appropriate to ensure substantial compliance with, or enforce, sections 115.900 to 115.936 on application by:

(1) A covered voter alleging a grievance under sections 115.900 to 115.936; or

(2) An election authority in this state.

115.934. UNIFORMITY OF LAW TO BE CONSIDERED. — In applying and construing sections 115.900 to 115.936, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

115.936. ACT TO SUPERSEDE OTHER FEDERAL LAW, WHEN. — Sections 115.900 to 115.936 modify, limit, and supersede the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et seq., but shall not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b).

SECTION 1. PERSONS IN FEDERAL SERVICE, PERMITTED TO VOTE IN SAME MANNER UNDER UNIFORMED MILITARY AND OVERSEAS VOTERS ACT. — Notwithstanding any other provision of law, a person in the federal service as defined under section 115.275 may vote in the same manner, using the same technology and requirements, as an overseas voter under sections 115.900 to 115.936.

SECTION 2. CERTIFICATION OF ELECTION PROHIBITED PRIOR TO NOON ON FRIDAY AFTER ELECTION DAY. — Notwithstanding any other provision of law to the contrary, no election authority or verification board shall certify election results, as required under section 115.507, before noon on the Friday after election day.

[115.156. VOTER REGISTRATION APPLICATION REQUEST, ABSENT UNIFORMED SERVICES AND OVERSEAS VOTERS. — 1. The secretary of state shall establish procedures for absent uniformed services voters and overseas voters to request, by mail or electronically, that voter registration applications be sent to the voter, and to request that such voter registration applications be sent by mail or electronically in the preferred method of transmission designated by the voter. The secretary of state shall designate not less than one means of electronic communication for use by absent uniformed services voters and overseas voters to request voter registration applications and to send such voter registration applications.

2. No election authority shall refuse to accept and process any otherwise valid voter registration application submitted by an absent uniformed services voter or an overseas voter solely on the basis of restrictions on paper type.**]**

[115.278. ABSENTEE BALLOT APPLICATION REQUEST, ABSENT UNIFORMED SERVICES AND OVERSEAS VOTERS. — The secretary of state shall establish procedures for absent uniformed services voters and overseas voters to request, by mail or electronically, that absentee ballot applications be sent to the voter, and to request that such absentee ballot applications be sent by mail or electronically in the preferred method of transmission designated by the voter. The secretary of state shall designate not less than one means of electronic communication for use by absent uniformed services voters and overseas voters to request absentee ballot applications, to send such absentee ballot applications, and to provide related voting, balloting, and election information to such voters.**]**

[115.292. SPECIAL WRITE-IN ABSENTEE BALLOT FOR PERSONS IN MILITARY SERVICE OR REMOTE AREAS FOR ALL OFFICERS, FORMS — WRITE-IN BALLOT TO BE REPLACED BY REGULAR BALLOT, WHEN, EFFECT. — 1. Notwithstanding any other provision of this chapter, a qualified absentee voter may apply for a special write-in absentee ballot within eighty days of a special, primary, or general election for federal office. Such a ballot shall be for voting for all offices being contested at such election.

2. A qualified absentee voter applying for a special write-in absentee ballot pursuant to this section shall apply to the local election authority of the area which contains his last residence in this state for such ballot. The application for a special write-in absentee ballot may be made on the federal postcard application form, by letter, or on a form provided by the local election authority.

3. Upon receipt of the application, the election authority shall issue a special write-in absentee ballot. Such ballot shall permit the voter to cast a ballot by writing in a party preference for each office, the names of specific candidates, or the names of persons whom the voter prefers.

4. The election authority shall issue a regular absentee ballot as soon as such ballots are available. If both the regular absentee ballot and the special write-in absentee ballot are returned, the regular absentee ballot shall be counted and the special write-in absentee ballot shall be voided.

5. The special write-in absentee ballot provided for in this section shall be used instead of the federal write-in absentee ballot in general, special, and primary elections for federal office as authorized in Title 42, U.S.C. Section 1973ff-2(e), as amended.**]**

SECTION B. DELAYED EFFECTIVE DATE. — The repeal and reenactment of Section A of this act shall be effective on July 1, 2014.

Approved July 10, 2013

SB 117 [CCS HCS SCS SB 117]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Modifies provisions relating to military affairs

AN ACT to repeal sections 8.012 and 253.048, RSMo, and to enact in lieu thereof four new sections relating to military affairs.

SECTION
A. Enacting clause.
8.012. Flags authorized to be displayed at all state buildings.
173.1150. Student resident status for separating military personnel, eligibility — rulemaking authority.
253.048. Flags authorized for display in state parks.
452.413. Military deployment, child custody and visitation, effect of — nondeploying parent requirements — procedure — failure to comply, effect of.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 8.012 and 253.048, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 8.012, 173.1150, 253.048, and 452.413, to read as follows:

8.012. FLAGS AUTHORIZED TO BE DISPLAYED AT ALL STATE BUILDINGS. — At all state buildings and upon the grounds thereof, the board of public buildings may accompany the display of the flag of the United States and the flag of this state with the display of the POW/MIA flag, which is designed to commemorate the service and sacrifice of the members of the Armed Forces of the United States who were prisoners of war or missing in action **and with the display of the Honor and Remember flag as an official recognition and in honor of fallen members of the Armed Forces of the United States**.

173.1150. STUDENT RESIDENT STATUS FOR SEPARATING MILITARY PERSONNEL, ELIGIBILITY — RULEMAKING AUTHORITY. — 1. Notwithstanding any provision of law to the contrary, any individual who is in the process of separating from any branch of the military forces of the United States with an honorable discharge or a general discharge shall have student resident status for purposes of admission and in-state tuition at any approved public four-year institution in Missouri or in-state, in-district tuition at any approved two-year institution in Missouri.

2. To be eligible for student resident status under this section, any such individual shall demonstrate presence and declare residency within the state of Missouri. For purposes of attending a community college, an individual shall demonstrate presence and declare residency within the taxing district of the community college he or she attends.

3. The coordinating board for higher education shall promulgate rules to implement this section.

4. For purposes of this section, "approved public institution" shall have the same meaning as provided in subdivision (3) of section 173.1102.

5. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

253.048. FLAGS AUTHORIZED FOR DISPLAY IN STATE PARKS. — Within the state parks, the department may accompany the display of the flag of the United States and the flag of this state with the display of the MIA/POW flag, which is designed to commemorate the service and sacrifice of members of the Armed Forces of the United States who were prisoners of war or missing in action **and with the display of the Honor and Remember flag as an official recognition and in honor of fallen members of the Armed Forces of the United States**.

452.413. MILITARY DEPLOYMENT, CHILD CUSTODY AND VISITATION, EFFECT OF — NONDEPLOYING PARENT REQUIREMENTS — PROCEDURE — FAILURE TO COMPLY, EFFECT OF. — 1. As used in this section, the following terms shall mean:

(1) "Deploying parent", a parent of a child less than eighteen years of age whose parental rights have not been terminated by a court of competent jurisdiction or a guardian of a child less than eighteen years of age who is deployed or who has received written orders to deploy with the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or any other reserve component thereof;

(2) "Deployment", military service in compliance with military orders received by a member of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or any other reserve component thereof to report for combat operations, contingency operations, peacekeeping operations, temporary duty (TDY), a remote tour of duty, or other service for which the deploying parent is required to report unaccompanied by any family member. Military service includes a period during which a military parent remains subject to deployment orders and remains deployed on account of sickness, wounds, leave, or other lawful cause;

(3) "Military parent", a parent of a child less than eighteen years of age whose parental rights have not been terminated by a court of competent jurisdiction or a guardian of a child less than eighteen years of age who is a service member of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or any other reserve component thereof;

(4) "Nondeploying parent", a parent or guardian not subject to deployment.

2. If a military parent is required to be separated from a child due to deployment, a court shall not enter a final order modifying the terms establishing custody or visitation contained in an existing order until ninety days after the deployment ends unless there is a written agreement by both parties.

3. In accordance with section 452.412, deployment or the potential for future deployment shall not be the sole factor supporting a change in circumstances or grounds

sufficient to support a permanent modification of the custody or visitation terms established in an existing order.

4. (1) An existing order establishing the terms of custody or visitation in place at the time a military parent is deployed may be temporarily modified to make reasonable accommodation for the parties due to the deployment.

(2) A temporary modification order issued under this section shall provide that the deploying parent shall have custody of the child or reasonable visitation, whichever is applicable under the original order, during a period of leave granted to the deploying parent, unless it is not in the best interest of the child.

(3) Any court order modifying a previously ordered custody or visitation due to deployment shall specify that the deployment is the basis for the order and shall be entered by the court as a temporary order.

(4) Any such temporary custody or visitation order shall require the nondeploying parent to provide the court and the deploying parent with written notice of the nondeploying parent's address and telephone number, and update such information within seven days of any change. However, if a valid order of protection under chapter 455 from this or another jurisdiction is in effect that requires that the address or contact information of the parent who is not deployed be kept confidential, the notification shall be made to the court only, and a copy of the order shall be included in the notification. Nothing in this subdivision shall be construed to eliminate the requirements under section 452.377.

(5) Upon motion of a deploying parent, with reasonable advance notice and for good cause shown, the court shall hold an expedited hearing in any custody or visitation matters instituted under this section when the military duties of the deploying parent have a material effect on his or her ability or anticipated ability to appear in person at a regularly scheduled hearing.

5. (1) A temporary modification of such an order automatically ends no later than thirty days after the return of the deploying parent and the original terms of the custody or visitation order in place at the time of deployment are automatically reinstated.

(2) Nothing in this section shall limit the power of the court to conduct an expedited or emergency hearing regarding custody or visitation upon return of the deploying parent, and the court shall do so within ten days of the filing of a motion alleging an immediate danger or irreparable harm to the child.

(3) The nondeploying parent shall bear the burden of showing that reentry of the custody or visitation order in effect before the deployment is no longer in the child's best interests. The court shall set any nonemergency motion by the nondeploying parent for hearing within thirty days of the filing of the motion.

6. (1) Upon motion of the deploying parent or upon motion of a family member of the deploying parent with his or her consent, the court may delegate his or her visitation rights, or a portion of such rights, to a family member with a close and substantial relationship to the minor child or children for the duration of the deployment if it is in the best interest of the child.

(2) Such delegated visitation time or access does not create an entitlement or standing to assert separate rights to parent time or access for any person other than a parent, and shall terminate by operation of law upon the end of the deployment, as set forth in this section.

(3) Such delegated visitation time shall not exceed the visitation time granted to the deploying parent under the existing order; except that, the court may take into consideration the travel time necessary to transport the child for such delegated visitation time.

(4) In addition, there is a rebuttable presumption that a deployed parent's visitation rights shall not be delegated to a family member who has a history of perpetrating

domestic violence as defined under section 455.010 against another family or household member, or delegated to a family member with an individual in the family member's household who has a history of perpetrating domestic violence against another family or household member.

(5) The person or persons to whom delegated visitation time has been granted shall have full legal standing to enforce such rights.

7. Upon motion of a deploying parent and upon reasonable advance notice and for good cause shown, the court shall permit such parent to present testimony and evidence by affidavit or electronic means in support, custody, and visitation matters instituted under this section when the military duties of such parent have a material effect on his or her ability to appear in person at a regularly scheduled hearing. Electronic means includes communication by telephone, video conference, or the internet.

8. Any order entered under this section shall require that the nondeploying parent:

(1) Make the child or children reasonably available to the deploying parent when the deploying parent has leave;

(2) Facilitate opportunities for telephonic and electronic mail contact between the deploying parent and the child or children during deployment; and

(3) Receive timely information regarding the deploying parent's leave schedule.

9. (1) If there is no existing order establishing the terms of custody and visitation and it appears that deployment is imminent, upon the filing of initial pleadings and motion by either parent, the court shall expedite a hearing to establish temporary custody or visitation to ensure the deploying parent has access to the child, to ensure disclosure of information, to grant other rights and duties set forth in this section, and to provide other appropriate relief.

(2) Any initial pleading filed to establish custody or visitation for a child of a deploying parent shall be so identified at the time of filing by stating in the text of the pleading the specific facts related to deployment.

10. (1) Since military necessity may preclude court adjudication before deployment, the parties shall cooperate with each other in an effort to reach a mutually agreeable resolution of custody, visitation, and child support.

(2) A deploying parent shall provide a copy of his or her orders to the nondeploying parent promptly and without delay prior to deployment. Notification shall be made within ten days of receipt of deployment orders. If less than ten days' notice is received by the deploying parent, notice shall be given immediately upon receipt of military orders. If all or part of the orders are classified or restricted as to release, the deploying parent shall provide, under the terms of this subdivision, all such nonclassified or nonrestricted information to the nondeploying parent.

11. In an action brought under this chapter, whenever the court declines to grant or extend a stay of proceedings under the Servicemembers Civil Relief Act, 50 U.S.C. Appendix Sections 521-522, and decides to proceed in the absence of the deployed parent, the court shall appoint a guardian ad litem to represent the minor child's interests.

12. Service of process on a nondeploying parent whose whereabouts are unknown may be accomplished in accordance with the provisions of section 506.160.

13. In determining whether a parent has failed to exercise visitation rights, the court shall not count any time periods during which the parent did not exercise visitation due to the material effect of such parent's military duties on visitation time.

14. Once an order for custody has been entered in Missouri, any absence of a child from this state during deployment shall be denominated a temporary absence for the purposes of application of the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA). For the duration of the deployment, Missouri shall retain exclusive jurisdiction under the UCCJEA and deployment shall not be used as a basis to assert inconvenience of the forum under the UCCJEA.

15. In making determinations under this section, the court may award attorney's fees and costs based on the court's consideration of:

(1) The failure of either party to reasonably accommodate the other party in custody or visitation matters related to a military parent's service;

(2) Unreasonable delay caused by either party in resolving custody or visitation related to a military parent's service;

(3) Failure of either party to timely provide military orders, income, earnings, or payment information, housing or education information, or physical location of the child to the other party; and

(4) Other factors as the court may consider appropriate and as may be required by law.

Approved July 10, 2013

SB 118 [HCS SCS SB 118]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Authorizes the creation of veterans treatment courts

AN ACT to amend chapter 478, RSMo, by adding thereto one new section relating to veterans treatment courts.

SECTION
A. Enacting clause.
478.008. Veterans treatment courts authorized, requirements.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Chapter 478, RSMo, is amended by adding thereto one new section, to be known as section 478.008, to read as follows:

478.008. VETERANS TREATMENT COURTS AUTHORIZED, REQUIREMENTS. — 1. Veterans treatment courts may be established by any circuit court, or combination of circuit courts, upon agreement of the presiding judges of such circuit courts to provide an alternative for the judicial system to dispose of cases which stem from substance abuse or mental illness of military veterans or current military personnel.

2. A veterans treatment court shall combine judicial supervision, drug testing, and substance abuse and mental health treatment to participants who have served or are currently serving the United States armed forces, including members of the reserves, national guard, or state guard.

3. (1) Each circuit court, which establishes such courts as provided in subsection 1 of this section, shall establish conditions for referral of proceedings to the veterans treatment court; and

(2) Each circuit court shall enter into a memorandum of understanding with each participating prosecuting attorney in the circuit court. The memorandum of understanding shall specify a list of felony offenses ineligible for referral to the veterans treatment court. The memorandum of understanding may include other parties considered necessary including, but not limited to, defense attorneys, treatment providers, and probation officers.

4. (1) A circuit that has adopted a veterans treatment court under this section may accept participants from any other jurisdiction in this state based upon either the residence of the participant in the receiving jurisdiction or the unavailability of a veterans treatment court in the jurisdiction where the participant is charged.

(2) The transfer can occur at any time during the proceedings, including, but not limited to, prior to adjudication. The receiving court shall have jurisdiction to impose sentence, including, but not limited to, sanctions, incentives, incarceration, and phase changes.

(3) A transfer under this subsection is not valid unless it is agreed to by all of the following:

(a) The defendant or respondent;

(b) The attorney representing the defendant or respondent;

(c) The judge of the transferring court and the prosecutor of the case; and

(d) The judge of the receiving veterans treatment court and the prosecutor of the veterans treatment court.

(4) If the defendant is terminated from the veterans treatment court program the defendant's case shall be returned to the transferring court for disposition.

5. Any proceeding accepted by the veterans treatment court program for disposition shall be upon agreement of the parties.

6. Except for good cause found by the court, a veterans treatment court shall make a referral for substance abuse or mental health treatment, or a combination of substance abuse and mental health treatment, through the Department of Defense health care, the Veterans Administration, or a community-based treatment program. Community-based programs utilized shall receive state or federal funds in connection with such referral and shall only refer the individual to a program which is certified by the Missouri department of mental health, unless no appropriate certified treatment program is located within the same county as the veterans treatment court.

7. Any statement made by a participant as part of participation in the veterans treatment court program, or any report made by the staff of the program, shall not be admissible as evidence against the participant in any criminal, juvenile, or civil proceeding. Notwithstanding the foregoing, termination from the veterans treatment court program and the reasons for termination may be considered in sentencing or disposition.

8. Notwithstanding any other provision of law to the contrary, veterans treatment court staff shall be provided with access to all records of any state or local government agency relevant to the treatment of any program participant.

9. Upon general request, employees of all such agencies shall fully inform a veterans treatment court staff of all matters relevant to the treatment of the participant. All such records and reports and the contents thereof shall:

(1) Be treated as closed records;

(2) Not be disclosed to any person outside of the veterans treatment court;

(3) Be maintained by the court in a confidential file not available to the public.

10. Upon successful completion of the treatment program, the charges, petition, or penalty against a veterans treatment court participant may be dismissed, reduced, or modified. Any fees received by a court from a defendant as payment for substance abuse or mental health treatment programs shall not be considered court costs, charges, or fines.

Approved July 10, 2013

SB 121 [SS SCS SB 121]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Modifies provisions relating to liquor control laws

AN ACT to repeal sections 311.055, 311.071, 311.091, 311.200, 311.290, and 316.150, RSMo, and to enact in lieu thereof eight new sections relating to liquor control, with existing penalty provisions and an emergency clause for a certain section.

SECTION
A. Enacting clause.
311.055. License to manufacture not required, personal or family use — limitation — removal from premises permitted, when.
311.071. Special events, not-for-profit organizations, contributions of money permitted, when.
311.091. Boat or vessel, liquor sale by drink, requirements, fee — boat defined.
311.197. Samples. furnishing and acceptance of, when.
311.200. Licenses — retail liquor dealers — fees — applications.
311.290. Time fixed for opening and closing premises — closed place defined — penalty.
311.483. Festivals, temporary permit to sell liquor by the drink, procedure.
316.150. Definitions.
B. Emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 311.055, 311.071, 311.091, 311.200, 311.290, and 316.150, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 311.055, 311.071, 311.091, 311.197, 311.200, 311.290, 311.483, and 316.150, to read as follows:

311.055. LICENSE TO MANUFACTURE NOT REQUIRED, PERSONAL OR FAMILY USE — LIMITATION — REMOVAL FROM PREMISES PERMITTED, WHEN. — **1.** No person at least twenty-one years of age shall be required to obtain a license to manufacture intoxicating liquor, as defined in section 311.020, for personal or family use. The aggregate amount of intoxicating liquor manufactured per household shall not exceed two hundred gallons per calendar year if there are two or more persons over the age of twenty-one years in such household, or one hundred gallons per calendar year if there is only one person over the age of twenty-one years in such household. **Any intoxicating liquor manufactured under this section may not be offered for sale.**

2. Beer brewed under this section may be removed from the premises where brewed for personal or family use, including use at organized affairs, exhibitions, or competitions, such as home brewer contests, tastings, or judging. The use may occur off licensed retail premises, on any premises under a temporary retail license issued under sections 311.218, 311.482, 311.485, 311.486, or 311.487, or on any tax exempt organization's licensed premises as described in section 311.090.

311.071. SPECIAL EVENTS, NOT-FOR-PROFIT ORGANIZATIONS, CONTRIBUTIONS OF MONEY PERMITTED, WHEN. — 1. Distillers, wholesalers, winemakers, brewers, or their employees or officers may make contributions of money for special events where alcohol is sold at retail to a not-for-profit organization that:

(1) Does not hold a liquor license;

(2) Less than forty percent of the members and officers are liquor licensees;

(3) Is registered with the secretary of state as a not-for-profit organization; and

(4) Of which no part of the net earnings or contributions inures to the benefit of any private shareholder or any retail licensee member of such organization. The contributions from distillers, wholesalers, winemakers, brewers, or their employees or officers shall be used to pay special event infrastructure expenses unrelated to any retail alcohol sales, which include, but are not limited to: security, sanitation, fencing, entertainment, and advertising.

2. **Distillers, wholesalers, winemakers, brewers, retailers, or their employees or officers may make contributions of money for festivals as defined in section 316.150 where alcohol is sold at retail to a not-for-profit organization that:**

(1) Is registered with the secretary of state as a not-for-profit organization;

(2) Of which no part of the net earnings or contributions, directly or indirectly, inures to the benefit of any private shareholder or any retail licensee member of such organization; and

(3) Uses the contributions from distillers, wholesalers, winemakers, brewers, retailers, or their employees or officers only to pay special event infrastructure expenses unrelated to any retail alcohol sales, which include, but are not limited to, security, sanitation, fencing, advertising and transportation.

3. Any not-for-profit organization that receives contributions under this section shall allow the division of alcohol and tobacco control full access to the organization's records for audit purposes.

311.091. BOAT OR VESSEL, LIQUOR SALE BY DRINK, REQUIREMENTS, FEE — BOAT DEFINED. — 1. **Except as provided under subsection 2 of this section and** notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter and who meets the requirements of and complies with the provisions of this chapter may apply for and the supervisor of **[**liquor**]** **alcohol and tobacco** control may issue a license to sell intoxicating liquor, as defined in this chapter, by the drink at retail for consumption on the premises of any boat, or other vessel licensed by the United States Coast Guard to carry one hundred or more passengers for hire on navigable waters in or adjacent to this state, which has a regular place of mooring in a location in this state or within two hundred yards of a location which would otherwise be licensable under this chapter. The license shall be valid even though the boat, or other vessel, leaves its regular place of mooring during the course of its operation.

2. **Any person who possesses the qualifications required by this chapter and who meets the requirements of, and complies with the provisions of, this chapter may apply for, and the supervisor of alcohol and tobacco control may issue, a license to sell intoxicating liquor by the drink at retail for consumption on the premises of any boat or other vessel licensed by the United States Coast Guard to carry forty-five to ninety-nine passengers for hire on a lake with a shoreline that is in three counties, one of which is any county of the third classification without a township form of government and with more than thirty-three thousand but fewer than thirty-seven thousand inhabitants and with a city of the fourth classification with more than three thousand but fewer than three thousand seven hundred inhabitants as the county seat, one of which is any county of the third classification without a township form of government and with more than twenty-nine thousand but fewer than thirty-three thousand inhabitants and with a city of the fourth classification with more than four hundred but fewer than four hundred fifty inhabitants as the county seat, and one of which is any county of the first classification with more than fifty thousand but fewer than seventy thousand inhabitants. The boat must have a regular place of mooring in a location in this state or within two hundred yards of a location which would otherwise be licensable under this chapter. The license shall be valid even though the boat, or other vessel, leaves its regular place of mooring during the course of its operation.**

3. For every license for sale of liquor by the drink at retail for consumption on the premises of any boat or other vessel issued under the provisions of this section, the licensee shall pay to the director of revenue the sum of three hundred dollars per year.

311.197. SAMPLES. FURNISHING AND ACCEPTANCE OF, WHEN. — 1. A wholesaler of malt liquor may furnish or give, and a retailer may accept, a sample of malt liquor as long as the retailer has not previously purchased the brand of malt liquor from that wholesaler if all of the following requirements are met:

(1) The sample shall not be more than seventy-two fluid ounces; except if a particular product is not available in a size of seventy-two fluid ounces or less, a wholesaler may furnish or give the next larger size to the retailer;

(2) The wholesaler shall keep a record of the name of the retailer and the quantity of each brand furnished or given to such retailer; and

(3) No samples of malt liquor provided shall be consumed or opened on the premises of the retailer except as provided by the retail license.

2. For purposes of this section, brands shall be differentiated by differences in the brand names of the products or the nature of the products, including products that differ in the designation of class, type, or kind. Differences in packaging, such as differences in the style, type, or size of the product container or the color or design of a label shall not be considered different brands.

311.200. LICENSES — RETAIL LIQUOR DEALERS — FEES — APPLICATIONS. — 1. No license shall be issued for the sale of intoxicating liquor in the original package, not to be consumed upon the premises where sold, except to a person engaged in, and to be used in connection with, the operation of one or more of the following businesses: a drug store, a cigar and tobacco store, a grocery store, a general merchandise store, a confectionery or delicatessen store, nor to any such person who does not have and keep in his store a stock of goods having a value according to invoices of at least one thousand dollars, exclusive of fixtures and intoxicating liquors. Under such license, no intoxicating liquor shall be consumed on the premises where sold nor shall any original package be opened on the premises of the vendor except as otherwise provided in this law. For every license for sale at retail in the original package, the licensee shall pay to the director of revenue the sum of one hundred dollars per year.

2. For a permit authorizing the sale of malt liquor not in excess of five percent by weight by grocers and other merchants and dealers in the original package direct to consumers but not for resale, a fee of fifty dollars per year payable to the director of the department of revenue shall be required. The phrase "original package" shall be construed and held to refer to any package containing three or more standard bottles of beer. Notwithstanding the provisions of section 311.290, any person licensed pursuant to this subsection may also sell malt liquor at retail between the hours of 9:00 a.m. and midnight on Sunday.

3. For every license issued for the sale of malt liquor at retail by drink for consumption on the premises where sold, the licensee shall pay to the director of revenue the sum of fifty dollars per year. Notwithstanding the provisions of section 311.290, any person licensed pursuant to this subsection may also sell malt liquor at retail between the hours of 9:00 a.m. and midnight on Sunday.

4. For every license issued for the sale of malt liquor and light wines containing not in excess of fourteen percent of alcohol by weight made exclusively from grapes, berries and other fruits and vegetables, at retail by the drink for consumption on the premises where sold, the licensee shall pay to the director of revenue the sum of fifty dollars per year.

5. For every license issued for the sale of all kinds of intoxicating liquor, at retail by the drink for consumption on premises of the licensee, the licensee shall pay to the director of

revenue the sum of three hundred dollars per year, which shall include the sale of intoxicating liquor in the original package.

6. For every license issued to any railroad company, railway sleeping car company operated in this state, for sale of all kinds of intoxicating liquor, as defined in this chapter, at retail for consumption on its dining cars, buffet cars and observation cars, the sum of one hundred dollars per year**[**; except that such license shall not permit sales at retail to be made while such cars are stopped at any station**]**. A duplicate of such license shall be posted in every car where such beverage is sold or served, for which the licensee shall pay a fee of one dollar for each duplicate license.

7. All applications for licenses shall be made upon such forms and in such manner as the supervisor of alcohol and tobacco control shall prescribe. No license shall be issued until the sum prescribed by this section for such license shall be paid to the director of revenue.

311.290. TIME FIXED FOR OPENING AND CLOSING PREMISES — CLOSED PLACE DEFINED — PENALTY. — No person having a license issued pursuant to this chapter, nor any employee of such person, shall sell, give away, or permit the consumption of any intoxicating liquor in any quantity between the hours of 1:30 a.m. and 6:00 a.m. on weekdays and between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday, upon or about his or her premises. If the person has a license to sell intoxicating liquor by the drink, his premises shall be and remain a closed place as defined in this section between the hours of 1:30 a.m. and 6:00 a.m. on weekdays and between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday. Where such licenses authorizing the sale of intoxicating liquor by the drink are held by clubs **[**or**],** hotels**, or bowling alleys**, this section shall apply only to the room or rooms in which intoxicating liquor is dispensed; and where such licenses are held by restaurants **or bowling alleys** whose business is conducted in one room only **[**and substantial quantities of food and merchandise other than intoxicating liquors are dispensed**]**, then the licensee shall keep securely locked during the hours and on the days specified in this section all refrigerators, cabinets, cases, boxes, and taps from which intoxicating liquor is dispensed. A "closed place" is defined to mean a place where all doors are locked and where no patrons are in the place or about the premises. Any person violating any provision of this section shall be deemed guilty of a class A misdemeanor. Nothing in this section shall be construed to prohibit the sale or delivery of any intoxicating liquor during any of the hours or on any of the days specified in this section by a wholesaler licensed under the provisions of section 311.180 to a person licensed to sell the intoxicating liquor at retail.

311.483. FESTIVALS, TEMPORARY PERMIT TO SELL LIQUOR BY THE DRINK, PROCEDURE. — 1. The supervisor of liquor control may issue a temporary permit to persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the premises pursuant to the provisions of this chapter who furnish provisions and service for use at a festival as defined in chapter 316. An application for a permit under this section shall be made at least five business days prior to the festival. The temporary permit shall be effective for a period not to exceed one hundred sixty-eight consecutive hours, and shall authorize the service of alcoholic beverages at such festival during the hours at which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages for on-premises consumption. For every permit issued pursuant to the provisions of this section, the permittee shall pay to the director of revenue the sum of ten dollars for each calendar day, or fraction thereof, for which the permit is issued.

2. All provisions of the liquor control law and the ordinances, rules, and regulations of the incorporated city, or the unincorporated area of any county, in which is located the premises in which such function, occasion, or event is held shall extend to such premises and shall be in force and enforceable during all the time that the permittee, its agents, servants, employees, or stock are in such premises. This temporary permit shall allow the sale of intoxicating liquor in the original package.

3. To assure and control product quality, wholesalers may, but shall not be required to, give a retailer credit for intoxicating liquor delivered and invoiced under the permit number, but not used, if the wholesaler removes the product within seventy-two hours of the expiration of the permit issued pursuant to this section.

4. No provision of law or rule or regulation of the supervisor shall be interpreted as preventing any wholesaler, retailers, or distributor from providing customary storage, cooling, or dispensing equipment for use at a festival.

316.150. DEFINITIONS. — As used in sections 316.150 to 316.185, the following terms mean:

(1) "County", any county of this state except a county having a charter form of government and having a population of nine hundred thousand inhabitants or more and no city not within a county which exercises county functions;

(2) "County clerk", the clerk of the county commission or governing body of a county;

(3) "Festival", any music festival, dance festival, "rock" festival or similar musical activity likely to attract five thousand or more people at such an activity which will continue **[**uninterrupted**]** for a period of twelve hours or more, at which music is provided by paid or amateur performers or by prerecorded means, and which is held at any place within this state, and to which members of the public are invited or admitted for a charge. It shall not include a county fair or youth fair approved by the Missouri department of agriculture, or any activity conducted by any current or future ongoing licensed business in a permanent location.

(4) "Sheriff", the sheriff of any county in this state.

SECTION B. EMERGENCY CLAUSE. — Because of the need to clarify the laws relating to beer brewed for personal or family use, the repeal and reenactment of section 311.055 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 311.055 of this act shall be in full force and effect upon its passage and approval.

Approved June 12, 2013

SB 125 [SS SCS SB 125]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Modifies duties of boards of education

AN ACT to repeal sections 161.092, 162.081, 162.083, 168.221, and 168.291, RSMo, and to enact in lieu thereof five new sections relating to duties of boards of education.

SECTION

A. Enacting clause.
161.092. Powers and duties of state board.
162.081. Failure to provide minimum school term, effect of — unaccredited schools, hearing required, board of education options — special administrative board, duration of authority.
162.083. Special administrative board, additional members authorized — term of office — return to local governance, when.
162.1300. Additional students as result of boundary change, assessment scores and performance data not to be used for three years.
168.221. Probationary period for teachers — removal of probationary and permanent personnel — hearing — demotions — reduction of personnel (metropolitan districts).
168.291. Reduction in number of personnel — leaves of absence — reinstatement (metropolitan districts).

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 161.092, 162.081, 162.083, 168.221, and 168.291, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 161.092, 162.081, 162.083, 162.1300, and 168.221, to read as follows:

161.092. POWERS AND DUTIES OF STATE BOARD. — The state board of education shall:

(1) Adopt rules governing its own proceedings and formulate policies for the guidance of the commissioner of education and the department of elementary and secondary education;

(2) Carry out the educational policies of the state relating to public schools that are provided by law and supervise instruction in the public schools;

(3) Direct the investment of all moneys received by the state to be applied to the capital of any permanent fund established for the support of public education within the jurisdiction of the department of elementary and secondary education and see that the funds are applied to the branches of educational interest of the state that by grant, gift, devise or law they were originally intended, and if necessary institute suit for and collect the funds and return them to their legitimate channels;

(4) Cause to be assembled information which will reflect continuously the condition and management of the public schools of the state;

(5) Require of county clerks or treasurers, boards of education or other school officers, recorders and treasurers of cities, towns and villages, copies of all records required to be made by them and all other information in relation to the funds and condition of schools and the management thereof that is deemed necessary;

(6) Provide blanks suitable for use by officials in reporting the information required by the board;

(7) When conditions demand, cause the laws relating to schools to be published in a separate volume, with pertinent notes and comments, for the guidance of those charged with the execution of the laws;

(8) Grant, without fee except as provided in section 168.021, certificates of qualification and licenses to teach in any of the public schools of the state, establish requirements therefor, formulate regulations governing the issuance thereof, and cause the certificates to be revoked for the reasons and in the manner provided in section 168.071;

(9) Classify the public schools of the state, subject to limitations provided by law **and subdivision (14) of this section**, establish requirements for the schools of each class, and formulate rules governing the inspection and accreditation of schools preparatory to classification, with such requirements taking effect not less than two years from the date of adoption of the proposed rule by the state board of education, provided that this condition shall not apply to any requirement for which a time line for adoption is mandated in either federal or state law;

(10) Make an annual report on or before the first Wednesday after the first day of January to the general assembly or, when it is not in session, to the governor for publication and transmission to the general assembly. The report shall be for the last preceding school year, and shall include:

(a) A statement of the number of public schools in the state, the number of pupils attending the schools, their sex, and the branches taught;

(b) A statement of the number of teachers employed, their sex, their professional training, and their average salary;

(c) A statement of the receipts and disbursements of public school funds of every description, their sources, and the purposes for which they were disbursed;

(d) Suggestions for the improvement of public schools; and

(e) Any other information relative to the educational interests of the state that the law requires or the board deems important;

(11) Make an annual report to the general assembly and the governor concerning coordination with other agencies and departments of government that support family literacy programs and other services which influence educational attainment of children of all ages;

(12) Require from the chief officer of each division of the department of elementary and secondary education, on or before the thirty-first day of August of each year, reports containing information the board deems important and desires for publication;

(13) Cause fifty copies of its annual report to be reserved for the use of each division of the state department of elementary and secondary education, and ten copies for preservation in the state library;

(14) **Promulgate rules under which the board shall classify the public schools of the state; provided that the appropriate scoring guides, instruments, and procedures used in determining the accreditation status of a district shall be subject to a public meeting upon notice in a newspaper of general circulation in each of the three most populous cities in the state and also a newspaper that is a certified minority business enterprise or woman-owned business enterprise in each of the two most populous cities in the state, and notice to each district board of education, each superintendent of a school district, and to the speaker of the house of representatives, the president pro tem of the senate, and the members of the joint committee on education, at least fourteen days in advance of the meeting, which shall be conducted by the department of elementary and secondary education not less than ninety days prior to their application in accreditation, with all comments received to be reported to the state board of education;**

(15) Have other powers and duties prescribed by law.

162.081. FAILURE TO PROVIDE MINIMUM SCHOOL TERM, EFFECT OF — UNACCREDITED SCHOOLS, HEARING REQUIRED, BOARD OF EDUCATION OPTIONS — SPECIAL ADMINISTRATIVE BOARD, DURATION OF AUTHORITY. — 1. Whenever any school district in this state fails or refuses in any school year to provide for the minimum school term required by section 163.021 or is classified unaccredited **[**for two successive school years by the state board of education, its corporate organization shall lapse. The corporate organization of any school district that is classified as unaccredited shall lapse on June thirtieth of the second full school year of such unaccredited classification after the school year during which the unaccredited classification is initially assigned. The territory theretofore embraced within any district that lapses pursuant to this section or any portion thereof may be attached to any district for school purposes by the state board of education; but no school district, except a district classified as unaccredited pursuant to section 163.023 and section 160.538 shall lapse where provision is lawfully made for the attendance of the pupils of the district at another school district that is classified as provisionally accredited or accredited by the state board of education**], the state board of education shall, upon a district's initial classification or reclassification as unaccredited:**

(1) Review the governance of the district to establish the conditions under which the existing school board shall continue to govern; or

(2) Determine the date the district shall lapse and determine an alternative governing structure for the district.

2. **[**Prior to or**] If** at the time any school district in this state shall **[**lapse, but after the school district has been**] be** classified as unaccredited, the department of elementary and secondary education shall conduct **[**a**] at least two** public **[**hearing**] hearings** at a location in the unaccredited school district **regarding the accreditation status of the school district. The hearings shall provide an opportunity to convene community resources that may be useful or necessary in supporting the school district as it attempts to return to accredited status, continues under revised governance, or plans for continuity of educational services and resources upon its attachment to a neighboring district. The department may request the attendance of stakeholders and district officials to review the district's plan to return to**

accredited status, if any; offer technical assistance; and facilitate and coordinate community resources. Such hearings shall be conducted at least twice annually for every year in which the district remains unaccredited or provisionally accredited. **[**The purpose of the hearing shall be to:

(1) Review any plan by the district to return to accredited status; or

(2) Offer any technical assistance that can be provided to the district.

3. Except as otherwise provided in section 162.1100, in a metropolitan school district or an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants and in any other school district if the local board of education does not anticipate a return to accredited status, the state board of education may appoint a special administrative board to supervise the financial operations, maintain and preserve the financial assets or, if warranted, continue operation of the educational programs within the district or what provisions might otherwise be made in the best interest of the education of the children of the district. The special administrative board shall consist of two persons who are residents of the school district, who shall serve without compensation, and a professional administrator, who shall chair the board and shall be compensated, as determined by the state board of education, in whole or in part with funds from the district.

4.**]** **3.** Upon **[**lapse of the district**] classification of a district as unaccredited**, the state board of education may:

(1) **Allow continued governance by the existing school district board of education under terms and conditions established by the state board of education; or**

(2) Lapse the corporate organization of the unaccredited district and:

(a) Appoint a special administrative board, **[**if such a board has not already been appointed, and authorize the special administrative board to retain the authority granted to a board of education**]** for the operation of all or part of the district**. The number of members of the special administrative board shall not be less than five, the majority of whom shall be residents of the district. The members of the special administrative board shall reflect the population characteristics of the district and shall collectively possess strong experience in school governance, management and finance, and leadership. Within fourteen days after the appointment by the state board of education, the special administrative board shall organize by the election of a president, vice president, secretary and a treasurer, with their duties and organization as enumerated in section 162.301. The special administrative board shall appoint a superintendent of schools to serve as the chief executive officer of the school district and to have all powers and duties of any other general superintendent of schools in a seven-director school district. Any special administrative board appointed under this section shall be responsible for the operation of the district until such time that the district is classified by the state board of education as provisionally accredited for at least two successive academic years, after which time the state board of education may provide for a transition pursuant to section 162.083**; **or**

[(2)**] (b) Determine an alternative governing structure for the district including, at a minimum:**

a. A rationale for the decision to use an alternative form of governance and in the absence of the district's achievement of full accreditation, the state board of education shall review and recertify the alternative form of governance every three years;

b. A method for the residents of the district to provide public comment after a stated period of time or upon achievement of specified academic objectives;

c. Expectations for progress on academic achievement, which shall include an anticipated time line for the district to reach full accreditation; and

d. Annual reports to the general assembly and the governor on the progress towards accreditation of any district that has been declared unaccredited and is placed under an alternative form of governance, including a review of the effectiveness of the alternative governance; or

(c) Attach the territory of the lapsed district to another district or districts for school purposes; or

[(3)**]** **(d)** Establish one or more school districts within the territory of the lapsed district, with a governance structure **[**consistent with the laws applicable to districts of a similar size**]** **specified by the state board of education**, with the option of permitting a district to remain intact for the purposes of assessing, collecting, and distributing property taxes, to be distributed equitably on a weighted average daily attendance basis, but to be divided for operational purposes, which shall take effect sixty days after the adjournment of the regular session of the general assembly next following the state board's decision unless a statute or concurrent resolution is enacted to nullify the state board's decision prior to such effective date. **[**The special administrative board may retain the authority granted to a board of education for the operation of the lapsed school district under the laws of the state in effect at the time of the lapse.

5.**]** **4. If a district remains under continued governance by the school board under subdivision (1) of subsection 3 of this section and either has been unaccredited for three consecutive school years and failed to attain accredited status after the third school year or has been unaccredited for two consecutive school years and the state board of education determines its academic progress is not consistent with attaining accredited status after the third school year, then the state board of education shall proceed under subdivision (2) of subsection 3 of this section in the following school year.**

5. A special administrative board appointed under this section shall retain the authority granted to a board of education for the operation of the lapsed school district under the laws of the state in effect at the time of the lapse and may enter into contracts with accredited school districts or other education service providers in order to deliver high quality educational programs to the residents of the district. If a student graduates while attending a school building in the district that is operated under a contract with an accredited school district as specified under this subsection, the student shall receive his or her diploma from the accredited school district. The authority of the special administrative board shall expire at the end of the third full school year following its appointment, unless extended by the state board of education. If the lapsed district is reassigned, the special administrative board shall provide an accounting of all funds, assets and liabilities of the lapsed district and transfer such funds, assets, and liabilities of the lapsed district as determined by the state board of education. **Neither the special administrative board nor its members or employees shall be deemed to be the state or a state agency for any purpose, including section 105.711, et seq. The state of Missouri, its agencies and employees, shall be absolutely immune from liability for any and all acts or omissions relating to or in any way involving the lapsed district, the special administrative board, its members or employees. Such immunities, and immunity doctrines as exist or may hereafter exist benefitting boards of education, their members and their employees shall be available to the special administrative board, its members and employees.**

6. **[**Upon recommendation of the special administrative board, the state board of education may assign the funds, assets and liabilities of the lapsed district to another district or districts. Upon assignment, all authority of the special administrative board shall transfer to the assigned districts.

7.**]** Neither the special administrative board nor any district or other entity assigned territory, assets or funds from a lapsed district shall be considered a successor entity for the purpose of employment contracts, unemployment compensation payment pursuant to section 288.110, or any other purpose.

[8.**]** **7.** If additional teachers are needed by a district as a result of increased enrollment due to the annexation of territory of a lapsed or dissolved district, such district shall grant an employment interview to any permanent teacher of the lapsed or dissolved district upon the request of such permanent teacher.

[9. (1) The governing body of a school district, upon an initial declaration by the state board of education that such district is provisionally accredited, may, and, upon an initial declaration by the state board of education that such district is unaccredited, shall develop a plan to be submitted to the voters of the school district to divide the school district if the district cannot attain accreditation within three years of the initial declaration that such district is unaccredited. In the case of such a district being declared unaccredited, such plan shall be presented to the voters of the district before the district lapses. In the case of such a district being declared provisionally accredited, such plan may be presented before the close of the current accreditation cycle.

(2) The plan may provide that the school district shall remain intact for the purposes of assessing, collecting and distributing taxes for support of the schools, and the governing body of the district shall develop a plan for the distribution of such taxes equitably on a per-pupil basis if the district selects this option.

(3) The makeup of the new districts shall be racially balanced as far as the proportions of students allow.

(4) If a majority of the district's voters approve the plan, the state board of education shall cooperate with the local board of education to implement the plan, which may include use of the provisions of this section to provide an orderly transition to new school districts and achievement of accredited status for such districts.

10.] **8.** In the event that a school district with an enrollment in excess of five thousand pupils lapses, no school district shall have all or any part of such lapsed school district attached without the approval of the board of the receiving school district.

162.083. SPECIAL ADMINISTRATIVE BOARD, ADDITIONAL MEMBERS AUTHORIZED — TERM OF OFFICE — RETURN TO LOCAL GOVERNANCE, WHEN. — 1. The state board of education may appoint additional members to any special administrative board appointed under section 162.081.

2. The state board of education may set a final term of office for any member of a special administrative board, after which a successor member shall be elected by the voters of the district.

(1) All final terms of office for members of the special administrative board established under this section shall expire on June thirtieth.

(2) The election of a successor member shall occur on the general municipal election day immediately prior to the expiration of the final term of office.

(3) The election shall be conducted in a manner consistent with the election laws applicable to the school district.

3. Nothing in this section shall be construed as barring an otherwise qualified member of the special administrative board from standing for an elected term on the board.

4. [If the state board of education appoints a successor member to replace the chair of the special administrative board, the serving members of the special administrative board shall be authorized to appoint a superintendent of schools and contract for his or her services.

5.] On a date set by the state board of education, any district operating under the governance of a special administrative board shall return to local governance, and continue operation as a school district as otherwise authorized by law.

162.1300. ADDITIONAL STUDENTS AS RESULT OF BOUNDARY CHANGE, ASSESSMENT SCORES AND PERFORMANCE DATA NOT TO BE USED FOR THREE YEARS. — If a change in school district boundary lines occurs under section 162.223, 162.431, 162.441, or 162.451, or by action of the state board of education under section 162.081, including attachment of a school district's territory to another district or dissolution, such that a school district receives additional students as a result of such change, the statewide assessment scores and

all other performance data for those students whom the district received shall not be used for three years when calculating the performance of the receiving district for three school years for purposes of the Missouri school improvement program.

168.221. PROBATIONARY PERIOD FOR TEACHERS — REMOVAL OF PROBATIONARY AND PERMANENT PERSONNEL — HEARING — DEMOTIONS — REDUCTION OF PERSONNEL (METROPOLITAN DISTRICTS). — 1. The first five years of employment of all teachers entering the employment of the metropolitan school district shall be deemed a period of probation during which period all appointments of teachers shall expire at the end of each school year. During the probationary period any probationary teacher whose work is unsatisfactory shall be furnished by the superintendent of schools with a written statement setting forth the nature of his **or her** incompetency. If improvement satisfactory to the superintendent is not made within one semester after the receipt of the statement, the probationary teacher shall be dismissed. The semester granted the probationary teacher in which to improve shall not in any case be a means of prolonging the probationary period beyond five years and six months from the date on which the teacher entered the employ of the board of education. The superintendent of schools on or before the fifteenth day of April in each year shall notify probationary teachers who will not be retained by the school district of the termination of their services. Any probationary teacher who is not so notified shall be deemed to have been appointed for the next school year. Any principal who prior to becoming a principal had attained permanent employee status as a teacher shall upon ceasing to be a principal have a right to resume his or her permanent teacher position with the time served as a principal being treated as if such time had been served as a teacher for the purpose of calculating seniority and pay scale. The rights and duties and remuneration of a teacher who was formerly a principal shall be the same as any other teacher with the same level of qualifications and time of service.

2. After completion of satisfactory probationary services, appointments of teachers shall become permanent, subject to removal for any one or more causes herein described and to the right of the board to terminate the services of all who attain the age of compulsory retirement fixed by the retirement system. In determining the duration of the probationary period of employment in this section specified, the time of service rendered as a substitute teacher shall not be included.

3. No teacher whose appointment has become permanent may be removed except for one or more of the following causes: immorality, **incompetency, or** inefficiency in line of duty, violation of the published regulations of the school district, violation of the laws of Missouri governing the public schools of the state, or physical or mental condition which incapacitates him for instructing or associating with children, and then only by a vote of not less than a majority of all the members of the board, upon written charges presented by the superintendent of schools, to be heard by the board after thirty days' notice, with copy of the charges served upon the person against whom they are preferred, who shall have the privilege of being present at the hearing, together with counsel, offering evidence and making defense thereto. **[**Notifications received by an employee during a vacation period shall be considered as received on the first day of the school term following.**]** At the request of any person so charged the hearing shall be public. During any time in which powers granted to the district's board of education are vested in a special administrative board, the special administrative board may appoint a hearing officer to conduct the hearing. The hearing officer shall conduct the hearing as a contested case under chapter 536 and shall issue a written recommendation to the board rendering the charges against the teacher. The board shall render a decision on the charges upon the review of the hearing officer's recommendations and the record from the hearing. The action and decision of the board upon the charges shall be final. Pending the hearing of the charges, the person charged may be suspended if the rules of the board so prescribe, but in the event the board does not by a majority vote of all the members remove the teacher upon charges presented by the superintendent, the person shall not suffer any loss of salary by reason of the suspension. **Incompetency or**

inefficiency in line of duty is cause for dismissal only after the teacher has been notified in writing at least **[**one semester**] thirty days** prior to the presentment of charges against him by the superintendent. The notification shall specify the nature of the **incompetency or** inefficiency with such particularity as to enable the teacher to be informed of the nature of his **or her incompetency or** inefficiency.

4. No teacher whose appointment has become permanent shall be demoted nor shall his **or her** salary be reduced unless the same procedure is followed as herein stated for the removal of the teacher because of inefficiency in line of duty, and any teacher whose salary is reduced or who is demoted may waive the presentment of charges against him by the superintendent and a hearing thereon by the board. The foregoing provision shall apply only to permanent teachers prior to the compulsory retirement age under the retirement system. Nothing herein contained shall in any way restrict or limit the power of the board of education to make reductions in the number of teachers or principals, or both, because of insufficient funds, decrease in pupil enrollment, or abolition of particular subjects or courses of instruction, except that the abolition of particular subjects or courses of instruction shall not cause those teachers who have been teaching the subjects or giving the courses of instruction to be placed on leave of absence as herein provided who are qualified to teach other subjects or courses of instruction, if positions are available for the teachers in the other subjects or courses of instruction.

5. Whenever it is necessary to decrease the number of teachers because of insufficient funds or a substantial decrease of pupil population within the school district, the board of education upon recommendation of the superintendent of schools may cause the necessary number of teachers beginning with those serving probationary periods to be placed on leave of absence without pay, but only in the inverse order of their appointment. Nothing herein stated shall prevent a readjustment by the board of education of existing salary schedules. No teacher placed on a leave of absence shall be precluded from securing other employment during the period of the leave of absence. Each teacher placed on leave of absence shall be reinstated in inverse order of his **or her** placement on leave of absence. Such reemployment shall not result in a loss of status or credit for previous years of service. **[**No new appointments shall be made while there are available teachers on leave of absence who are seventy years of age or less and who are adequately qualified to fill the vacancy unless the teachers fail to advise the superintendent of schools within thirty days from the date of notification by the superintendent of schools that positions are available to them that they will return to employment and will assume the duties of the position to which appointed not later than the beginning of the school year next following the date of the notice by the superintendent of schools**] No appointment of new teachers shall be made while there are available teachers on unrequested leave of absence who are properly qualified to fill such vacancies. Such leave of absence shall not impair the tenure of a teacher. The leave of absence shall continue for a period of not more than three years unless extended by the board**.

6. If any regulation which deals with the promotion of teachers is amended by increasing the qualifications necessary to be met before a teacher is eligible for promotion, the amendment shall fix an effective date which shall allow a reasonable length of time within which teachers may become qualified for promotion under the regulations.

7. A teacher whose appointment has become permanent may give up the right to a permanent appointment to participate in the teacher choice compensation package under sections 168.745 to 168.750.

8. Should the state mandate that professional development for teachers be provided in local school districts and any funds be utilized for such, a metropolitan school district shall be allowed to utilize a professional development plan for teachers which is known within the administration as the "St. Louis Plan," should the district and the teacher decide jointly to participate in such plan.

[168.291. REDUCTION IN NUMBER OF PERSONNEL — LEAVES OF ABSENCE — REINSTATEMENT (METROPOLITAN DISTRICTS). — Whenever it is necessary to decrease the number of employees because of insufficient funds or decrease in pupil enrollment or lack of work the board of education may cause the necessary number of employees, beginning with those serving probationary periods, to be placed on leave of absence without pay, but only in the inverse order of their appointment. Each employee placed on leave of absence shall be reinstated in inverse order of his placement on leave of absence. Such reemployment shall not result in a loss of status or credit for previous periods of service. No new appointments shall be made while there are available employees on leave of absence who have not attained the age of seventy years and who are adequately qualified to fill the vacancy in the particular department unless the employees fail to advise the board within thirty days from date of notification by the board that positions are available to them, that they will return to employment, and will assume the duties of the position to which they are appointed not later than the beginning of the month following the date of the notice by the board.**]**

Approved July 12, 2013

SB 126 [SCS SB 126]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Prohibits any requirement that pharmacies carry a specific drug or device

AN ACT to amend chapter 338, RSMo, by adding thereto one new section relating to pharmacy inventories.

SECTION
A. Enacting clause.
338.255. Specific prescription or nonprescription drugs or devices, no requirement to carry.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Chapter 338, RSMo, is amended by adding thereto one new section, to be known as section 338.255, to read as follows:

338.255. SPECIFIC PRESCRIPTION OR NONPRESCRIPTION DRUGS OR DEVICES, NO REQUIREMENT TO CARRY. — Notwithstanding any other provision of law, no pharmacy licensed in this state shall be required to carry or maintain in inventory any specific prescription or nonprescription drug or device.

Approved June 27, 2013

SB 127 [CCS HCS SB 127]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Authorizes a statewide dental delivery system under MO HealthNet

AN ACT to repeal sections 208.146, 208.151, 208.152, 208.895, and 660.315, RSMo, and to enact in lieu thereof eight new sections relating to public assistance benefits.

SECTION

A. Enacting clause.
208.146. Ticket-to-work health assurance program — eligibility — expiration date.
208.151. Medical assistance, persons eligible — rulemaking authority.
208.152. Medical services for which payment will be made — co-payments may be required — reimbursement for services.
208.240. Statewide dental delivery system authorized.
208.895. Referral for services, department duties — assessments and care plans, requirements — definitions — report.
208.990. MO Healthnet eligibility requirements.
208.995. Definitions--persons eligible for MO Healthnet--rulemaking authority.
660.315. Employee disqualification list, notification of placement, contents — challenge of allegation, procedure — hearing, procedure — appeal — removal of name from list — list provided to whom — prohibition of employment.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 208.146, 208.151, 208.152, 208.895, and 660.315, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 208.146, 208.151, 208.152, 208.240, 208.895, 208.990, 208.995, and 660.315, to read as follows:

208.146. TICKET-TO-WORK HEALTH ASSURANCE PROGRAM — ELIGIBILITY — EXPIRATION DATE. — 1. The program established under this section shall be known as the "Ticket to Work Health Assurance Program". Subject to appropriations and in accordance with the federal Ticket to Work and Work Incentives Improvement Act of 1999 (TWWIIA), Public Law 106-170, the medical assistance provided for in section 208.151 may be paid for a person who is employed and who:

(1) Except for earnings, meets the definition of disabled under the Supplemental Security Income Program or meets the definition of an employed individual with a medically improved disability under TWWIIA;

(2) Has earned income, as defined in subsection 2 of this section;

(3) Meets the asset limits in subsection 3 of this section;

(4) Has net income, as defined in subsection 3 of this section, that does not exceed the limit for permanent and totally disabled individuals to receive nonspenddown MO HealthNet under subdivision (24) of subsection 1 of section 208.151; and

(5) Has a gross income of two hundred fifty percent or less of the federal poverty level, excluding any earned income of the worker with a disability between two hundred fifty and three hundred percent of the federal poverty level. For purposes of this subdivision, "gross income" includes all income of the person and the person's spouse that would be considered in determining MO HealthNet eligibility for permanent and totally disabled individuals under subdivision (24) of subsection 1 of section 208.151. Individuals with gross incomes in excess of one hundred percent of the federal poverty level shall pay a premium for participation in accordance with subsection 4 of this section.

2. For income to be considered earned income for purposes of this section, the department of social services shall document that Medicare and Social Security taxes are withheld from such income. Self-employed persons shall provide proof of payment of Medicare and Social Security taxes for income to be considered earned.

3. (1) For purposes of determining eligibility under this section, the available asset limit and the definition of available assets shall be the same as those used to determine MO HealthNet eligibility for permanent and totally disabled individuals under subdivision (24) of subsection 1 of section 208.151 except for:

(a) Medical savings accounts limited to deposits of earned income and earnings on such income while a participant in the program created under this section with a value not to exceed five thousand dollars per year; and

(b) Independent living accounts limited to deposits of earned income and earnings on such income while a participant in the program created under this section with a value not to exceed five thousand dollars per year. For purposes of this section, an "independent living account" means an account established and maintained to provide savings for transportation, housing, home modification, and personal care services and assistive devices associated with such person's disability.

(2) To determine net income, the following shall be disregarded:

(a) All earned income of the disabled worker;

(b) The first sixty-five dollars and one-half of the remaining earned income of a nondisabled spouse's earned income;

(c) A twenty dollar standard deduction;

(d) Health insurance premiums;

(e) A seventy-five dollar a month standard deduction for the disabled worker's dental and optical insurance when the total dental and optical insurance premiums are less than seventy-five dollars;

(f) All Supplemental Security Income payments, and the first fifty dollars of SSDI payments;

(g) A standard deduction for impairment-related employment expenses equal to one-half of the disabled worker's earned income.

4. Any person whose gross income exceeds one hundred percent of the federal poverty level shall pay a premium for participation in the medical assistance provided in this section. Such premium shall be:

(1) For a person whose gross income is more than one hundred percent but less than one hundred fifty percent of the federal poverty level, four percent of income at one hundred percent of the federal poverty level;

(2) For a person whose gross income equals or exceeds one hundred fifty percent but is less than two hundred percent of the federal poverty level, four percent of income at one hundred fifty percent of the federal poverty level;

(3) For a person whose gross income equals or exceeds two hundred percent but less than two hundred fifty percent of the federal poverty level, five percent of income at two hundred percent of the federal poverty level;

(4) For a person whose gross income equals or exceeds two hundred fifty percent up to and including three hundred percent of the federal poverty level, six percent of income at two hundred fifty percent of the federal poverty level.

5. Recipients of services through this program shall report any change in income or household size within ten days of the occurrence of such change. An increase in premiums resulting from a reported change in income or household size shall be effective with the next premium invoice that is mailed to a person after due process requirements have been met. A decrease in premiums shall be effective the first day of the month immediately following the month in which the change is reported.

6. If an eligible person's employer offers employer-sponsored health insurance and the department of social services determines that it is more cost effective, such person shall participate in the employer-sponsored insurance. The department shall pay such person's portion of the premiums, co-payments, and any other costs associated with participation in the employer-sponsored health insurance.

7. The provisions of this section shall expire **[**six years after**]** August 28, **[**2007**]** **2019**.

208.151. MEDICAL ASSISTANCE, PERSONS ELIGIBLE — RULEMAKING AUTHORITY. — 1. Medical assistance on behalf of needy persons shall be known as "MO HealthNet". For the purpose of paying MO HealthNet benefits and to comply with Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. Section 301, et seq.) as amended, the following needy persons shall be eligible to receive MO HealthNet benefits to the extent and in the manner hereinafter provided:

(1) All participants receiving state supplemental payments for the aged, blind and disabled;

(2) All participants receiving aid to families with dependent children benefits, including all persons under nineteen years of age who would be classified as dependent children except for the requirements of subdivision (1) of subsection 1 of section 208.040. Participants eligible under this subdivision who are participating in drug court, as defined in section 478.001, shall have their eligibility automatically extended sixty days from the time their dependent child is removed from the custody of the participant, subject to approval of the Centers for Medicare and Medicaid Services;

(3) All participants receiving blind pension benefits;

(4) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits under the eligibility standards in effect December 31, 1973, or less restrictive standards as established by rule of the family support division, who are sixty-five years of age or over and are patients in state institutions for mental diseases or tuberculosis;

(5) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children except for the requirements of subdivision (2) of subsection 1 of section 208.040, and who are residing in an intermediate care facility, or receiving active treatment as inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. 1396d, as amended;

(6) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children benefits except for the requirement of deprivation of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(7) All persons eligible to receive nursing care benefits;

(8) All participants receiving family foster home or nonprofit private child-care institution care, subsidized adoption benefits and parental school care wherein state funds are used as partial or full payment for such care;

(9) All persons who were participants receiving old age assistance benefits, aid to the permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who continue to meet the eligibility requirements, except income, for these assistance categories, but who are no longer receiving such benefits because of the implementation of Title XVI of the federal Social Security Act, as amended;

(10) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child in the home;

(11) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child who is deprived of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(12) Pregnant women or infants under one year of age, or both, whose family income does not exceed an income eligibility standard equal to one hundred eighty-five percent of the federal poverty level as established and amended by the federal Department of Health and Human Services, or its successor agency;

(13) Children who have attained one year of age but have not attained six years of age who are eligible for medical assistance under 6401 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989). The family support division shall use an income eligibility standard equal to one hundred thirty-three percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency;

(14) Children who have attained six years of age but have not attained nineteen years of age. For children who have attained six years of age but have not attained nineteen years of age, the family support division shall use an income assessment methodology which provides for eligibility when family income is equal to or less than equal to one hundred percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency. As necessary to provide MO HealthNet coverage under this subdivision, the department of social services may revise the state MO HealthNet plan to extend coverage under 42 U.S.C. 1396a (a)(10)(A)(i)(III) to children who have attained six years of age but have not attained nineteen years of age as permitted by paragraph (2) of subsection (n) of 42 U.S.C. 1396d using a more liberal income assessment methodology as authorized by paragraph (2) of subsection ® of 42 U.S.C. 1396a;

(15) The family support division shall not establish a resource eligibility standard in assessing eligibility for persons under subdivision (12), (13) or (14) of this subsection. The MO HealthNet division shall define the amount and scope of benefits which are available to individuals eligible under each of the subdivisions (12), (13), and (14) of this subsection, in accordance with the requirements of federal law and regulations promulgated thereunder;

(16) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal care shall be made available to pregnant women during a period of presumptive eligibility pursuant to 42 U.S.C. Section 1396r-1, as amended;

(17) A child born to a woman eligible for and receiving MO HealthNet benefits under this section on the date of the child's birth shall be deemed to have applied for MO HealthNet benefits and to have been found eligible for such assistance under such plan on the date of such birth and to remain eligible for such assistance for a period of time determined in accordance with applicable federal and state law and regulations so long as the child is a member of the woman's household and either the woman remains eligible for such assistance or for children born on or after January 1, 1991, the woman would remain eligible for such assistance if she were still pregnant. Upon notification of such child's birth, the family support division shall assign a MO HealthNet eligibility identification number to the child so that claims may be submitted and paid under such child's identification number;

(18) Pregnant women and children eligible for MO HealthNet benefits pursuant to subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for MO HealthNet benefits be required to apply for aid to families with dependent children. The family support division shall utilize an application for eligibility for such persons which eliminates information requirements other than those necessary to apply for MO HealthNet benefits. The division shall provide such application forms to applicants whose preliminary income information indicates that they are ineligible for aid to families with dependent children. Applicants for MO HealthNet benefits under subdivision (12), (13) or (14) of this subsection shall be informed of the aid to families with dependent children program and that they are entitled to apply for such benefits. Any forms utilized by the family support division for assessing eligibility under this chapter shall be as simple as practicable;

(19) Subject to appropriations necessary to recruit and train such staff, the family support division shall provide one or more full-time, permanent eligibility specialists to process applications for MO HealthNet benefits at the site of a health care provider, if the health care provider requests the placement of such eligibility specialists and reimburses the division for the expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and equipment of such eligibility specialists. The division may provide a health care provider with a part-time or temporary eligibility specialist at the site of a health care provider if the health care

provider requests the placement of such an eligibility specialist and reimburses the division for the expenses, including but not limited to the salary, benefits, travel, training, telephone, supplies, and equipment, of such an eligibility specialist. The division may seek to employ such eligibility specialists who are otherwise qualified for such positions and who are current or former welfare participants. The division may consider training such current or former welfare participants as eligibility specialists for this program;

(20) Pregnant women who are eligible for, have applied for and have received MO HealthNet benefits under subdivision (2), (10), (11) or (12) of this subsection shall continue to be considered eligible for all pregnancy-related and postpartum MO HealthNet benefits provided under section 208.152 until the end of the sixty-day period beginning on the last day of their pregnancy;

(21) Case management services for pregnant women and young children at risk shall be a covered service. To the greatest extent possible, and in compliance with federal law and regulations, the department of health and senior services shall provide case management services to pregnant women by contract or agreement with the department of social services through local health departments organized under the provisions of chapter 192 or chapter 205 or a city health department operated under a city charter or a combined city-county health department or other department of health and senior services designees. To the greatest extent possible the department of social services and the department of health and senior services shall mutually coordinate all services for pregnant women and children with the crippled children's program, the prevention of intellectual disability and developmental disability program and the prenatal care program administered by the department of health and senior services. The department of social services shall by regulation establish the methodology for reimbursement for case management services provided by the department of health and senior services. For purposes of this section, the term "case management" shall mean those activities of local public health personnel to identify prospective MO HealthNet-eligible high-risk mothers and enroll them in the state's MO HealthNet program, refer them to local physicians or local health departments who provide prenatal care under physician protocol and who participate in the MO HealthNet program for prenatal care and to ensure that said high-risk mothers receive support from all private and public programs for which they are eligible and shall not include involvement in any MO HealthNet prepaid, case-managed programs;

(22) By January 1, 1988, the department of social services and the department of health and senior services shall study all significant aspects of presumptive eligibility for pregnant women and submit a joint report on the subject, including projected costs and the time needed for implementation, to the general assembly. The department of social services, at the direction of the general assembly, may implement presumptive eligibility by regulation promulgated pursuant to chapter 207;

(23) All participants who would be eligible for aid to families with dependent children benefits except for the requirements of paragraph (d) of subdivision (1) of section 208.150;

(24) (a) All persons who would be determined to be eligible for old age assistance benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriation;

(b) All persons who would be determined to be eligible for aid to the blind benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005, except that less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), shall be used to raise the income limit to one hundred percent of the federal poverty level;

(c) All persons who would be determined to be eligible for permanent and total disability benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. 1396a(f); or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriations. Eligibility standards for permanent and total disability benefits shall not be limited by age;

(25) Persons who have been diagnosed with breast or cervical cancer and who are eligible for coverage pursuant to 42 U.S.C. 1396a (a)(10)(A)(ii)(XVIII). Such persons shall be eligible during a period of presumptive eligibility in accordance with 42 U.S.C. 1396r-1;

(26) **Effective August 28, 2013,** persons who are **[**independent foster care adolescents, as defined in 42 U.S.C. Section 1396d, or who are within reasonable categories of such adolescents who are under twenty-one years of age as specified by the state, are eligible for coverage under 42 U.S.C. Section 1396a (a)(10)(A)(ii)(XVII) without regard to income or assets**] in foster care under the responsibility of the state of Missouri on the date such persons attain the age of eighteen years, or at any time during the thirty-day period preceding their eighteenth birthday, without regard to income or assets, if such persons:**

(a) Are under twenty-six years of age;

(b) Are not eligible for coverage under another mandatory coverage group; and

(c) Were covered by Medicaid while they were in foster care.

2. Rules and regulations to implement this section shall be promulgated in accordance with **[**section 431.064 and**]** chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

3. After December 31, 1973, and before April 1, 1990, any family eligible for assistance pursuant to 42 U.S.C. 601, et seq., as amended, in at least three of the last six months immediately preceding the month in which such family became ineligible for such assistance because of increased income from employment shall, while a member of such family is employed, remain eligible for MO HealthNet benefits for four calendar months following the month in which such family would otherwise be determined to be ineligible for such assistance because of income and resource limitation. After April 1, 1990, any family receiving aid pursuant to 42 U.S.C. 601, et seq., as amended, in at least three of the six months immediately preceding the month in which such family becomes ineligible for such aid, because of hours of employment or income from employment of the caretaker relative, shall remain eligible for MO HealthNet benefits for six calendar months following the month of such ineligibility as long as such family includes a child as provided in 42 U.S.C. 1396r-6. Each family which has received such medical assistance during the entire six-month period described in this section and which meets reporting requirements and income tests established by the division and continues to include a child as provided in 42 U.S.C. 1396r-6 shall receive MO HealthNet benefits without fee for an additional six months. The MO HealthNet division may provide by rule and as authorized by annual appropriation the scope of MO HealthNet coverage to be granted to such families.

4. When any individual has been determined to be eligible for MO HealthNet benefits, such medical assistance will be made available to him or her for care and services furnished in or after the third month before the month in which he made application for such assistance if such individual was, or upon application would have been, eligible for such assistance at the time

such care and services were furnished; provided, further, that such medical expenses remain unpaid.

5. The department of social services may apply to the federal Department of Health and Human Services for a MO HealthNet waiver amendment to the Section 1115 demonstration waiver or for any additional MO HealthNet waivers necessary not to exceed one million dollars in additional costs to the state, unless subject to appropriation or directed by statute, but in no event shall such waiver applications or amendments seek to waive the services of a rural health clinic or a federally qualified health center as defined in 42 U.S.C. 1396d(l)(1) and (2) or the payment requirements for such clinics and centers as provided in 42 U.S.C. 1396a(a)(15) and 1396a(bb) unless such waiver application is approved by the oversight committee created in section 208.955. A request for such a waiver so submitted shall only become effective by executive order not sooner than ninety days after the final adjournment of the session of the general assembly to which it is submitted, unless it is disapproved within sixty days of its submission to a regular session by a senate or house resolution adopted by a majority vote of the respective elected members thereof, unless the request for such a waiver is made subject to appropriation or directed by statute.

6. Notwithstanding any other provision of law to the contrary, in any given fiscal year, any persons made eligible for MO HealthNet benefits under subdivisions (1) to (22) of subsection 1 of this section shall only be eligible if annual appropriations are made for such eligibility. This subsection shall not apply to classes of individuals listed in 42 U.S.C. Section 1396a(a)(10)(A)(i).

208.152. MEDICAL SERVICES FOR WHICH PAYMENT WILL BE MADE — CO-PAYMENTS MAY BE REQUIRED — REIMBURSEMENT FOR SERVICES. — 1. MO HealthNet payments shall be made on behalf of those eligible needy persons as defined in section 208.151 who are unable to provide for it in whole or in part, with any payments to be made on the basis of the reasonable cost of the care or reasonable charge for the services as defined and determined by the MO HealthNet division, unless otherwise hereinafter provided, for the following:

(1) Inpatient hospital services, except to persons in an institution for mental diseases who are under the age of sixty-five years and over the age of twenty-one years; provided that the MO HealthNet division shall provide through rule and regulation an exception process for coverage of inpatient costs in those cases requiring treatment beyond the seventy-fifth percentile professional activities study (PAS) or the MO HealthNet children's diagnosis length-of-stay schedule; and provided further that the MO HealthNet division shall take into account through its payment system for hospital services the situation of hospitals which serve a disproportionate number of low-income patients;

(2) All outpatient hospital services, payments therefor to be in amounts which represent no more than eighty percent of the lesser of reasonable costs or customary charges for such services, determined in accordance with the principles set forth in Title XVIII A and B, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. 301, et seq.), but the MO HealthNet division may evaluate outpatient hospital services rendered under this section and deny payment for services which are determined by the MO HealthNet division not to be medically necessary, in accordance with federal law and regulations;

(3) Laboratory and X-ray services;

(4) Nursing home services for participants, except to persons with more than five hundred thousand dollars equity in their home or except for persons in an institution for mental diseases who are under the age of sixty-five years, when residing in a hospital licensed by the department of health and senior services or a nursing home licensed by the department of health and senior services or appropriate licensing authority of other states or government-owned and -operated institutions which are determined to conform to standards equivalent to licensing requirements in Title XIX of the federal Social Security Act (42 U.S.C. 301, et seq.), as amended, for nursing facilities. The MO HealthNet division may recognize through its payment methodology for nursing facilities those nursing facilities which serve a high volume of MO HealthNet patients.

The MO HealthNet division when determining the amount of the benefit payments to be made on behalf of persons under the age of twenty-one in a nursing facility may consider nursing facilities furnishing care to persons under the age of twenty-one as a classification separate from other nursing facilities;

(5) Nursing home costs for participants receiving benefit payments under subdivision (4) of this subsection for those days, which shall not exceed twelve per any period of six consecutive months, during which the participant is on a temporary leave of absence from the hospital or nursing home, provided that no such participant shall be allowed a temporary leave of absence unless it is specifically provided for in his plan of care. As used in this subdivision, the term "temporary leave of absence" shall include all periods of time during which a participant is away from the hospital or nursing home overnight because he is visiting a friend or relative;

(6) Physicians' services, whether furnished in the office, home, hospital, nursing home, or elsewhere;

(7) Drugs and medicines when prescribed by a licensed physician, dentist, **[**or**]** podiatrist**, or an advanced practice registered nurse**; except that no payment for drugs and medicines prescribed on and after January 1, 2006, by a licensed physician, dentist, **[**or**]** podiatrist**, or an advanced practice registered nurse** may be made on behalf of any person who qualifies for prescription drug coverage under the provisions of P.L. 108-173;

(8) Emergency ambulance services and, effective January 1, 1990, medically necessary transportation to scheduled, physician-prescribed nonelective treatments;

(9) Early and periodic screening and diagnosis of individuals who are under the age of twenty-one to ascertain their physical or mental defects, and health care, treatment, and other measures to correct or ameliorate defects and chronic conditions discovered thereby. Such services shall be provided in accordance with the provisions of Section 6403 of P.L. 101-239 and federal regulations promulgated thereunder;

(10) Home health care services;

(11) Family planning as defined by federal rules and regulations; provided, however, that such family planning services shall not include abortions unless such abortions are certified in writing by a physician to the MO HealthNet agency that, in his professional judgment, the life of the mother would be endangered if the fetus were carried to term;

(12) Inpatient psychiatric hospital services for individuals under age twenty-one as defined in Title XIX of the federal Social Security Act (42 U.S.C. 1396d, et seq.);

(13) Outpatient surgical procedures, including presurgical diagnostic services performed in ambulatory surgical facilities which are licensed by the department of health and senior services of the state of Missouri; except, that such outpatient surgical services shall not include persons who are eligible for coverage under Part B of Title XVIII, Public Law 89-97, 1965 amendments to the federal Social Security Act, as amended, if exclusion of such persons is permitted under Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act, as amended;

(14) Personal care services which are medically oriented tasks having to do with a person's physical requirements, as opposed to housekeeping requirements, which enable a person to be treated by his physician on an outpatient rather than on an inpatient or residential basis in a hospital, intermediate care facility, or skilled nursing facility. Personal care services shall be rendered by an individual not a member of the participant's family who is qualified to provide such services where the services are prescribed by a physician in accordance with a plan of treatment and are supervised by a licensed nurse. Persons eligible to receive personal care services shall be those persons who would otherwise require placement in a hospital, intermediate care facility, or skilled nursing facility. Benefits payable for personal care services shall not exceed for any one participant one hundred percent of the average statewide charge for care and treatment in an intermediate care facility for a comparable period of time. Such services, when delivered in a residential care facility or assisted living facility licensed under chapter 198 shall be authorized on a tier level based on the services the resident requires and the frequency

of the services. A resident of such facility who qualifies for assistance under section 208.030 shall, at a minimum, if prescribed by a physician, qualify for the tier level with the fewest services. The rate paid to providers for each tier of service shall be set subject to appropriations. Subject to appropriations, each resident of such facility who qualifies for assistance under section 208.030 and meets the level of care required in this section shall, at a minimum, if prescribed by a physician, be authorized up to one hour of personal care services per day. Authorized units of personal care services shall not be reduced or tier level lowered unless an order approving such reduction or lowering is obtained from the resident's personal physician. Such authorized units of personal care services or tier level shall be transferred with such resident if her or she transfers to another such facility. Such provision shall terminate upon receipt of relevant waivers from the federal Department of Health and Human Services. If the Centers for Medicare and Medicaid Services determines that such provision does not comply with the state plan, this provision shall be null and void. The MO HealthNet division shall notify the revisor of statutes as to whether the relevant waivers are approved or a determination of noncompliance is made;

(15) Mental health services. The state plan for providing medical assistance under Title XIX of the Social Security Act, 42 U.S.C. 301, as amended, shall include the following mental health services when such services are provided by community mental health facilities operated by the department of mental health or designated by the department of mental health as a community mental health facility or as an alcohol and drug abuse facility or as a child-serving agency within the comprehensive children's mental health service system established in section 630.097. The department of mental health shall establish by administrative rule the definition and criteria for designation as a community mental health facility and for designation as an alcohol and drug abuse facility. Such mental health services shall include:

(a) Outpatient mental health services including preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management;

(b) Clinic mental health services including preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management;

(c) Rehabilitative mental health and alcohol and drug abuse services including home and community-based preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health or alcohol and drug abuse professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management. As used in this section, mental health professional and alcohol and drug abuse professional shall be defined by the department of mental health pursuant to duly promulgated rules. With respect to services established by this subdivision, the department of social services, MO HealthNet division, shall enter into an agreement with the department of mental health. Matching funds for outpatient mental health services, clinic mental health services, and rehabilitation services for mental health and alcohol and drug abuse shall be certified by the department of mental health to the MO HealthNet division. The agreement shall establish a mechanism for the joint implementation of the provisions of this subdivision. In addition, the agreement shall establish a mechanism by which rates for services may be jointly developed;

(16) Such additional services as defined by the MO HealthNet division to be furnished under waivers of federal statutory requirements as provided for and authorized by the federal Social Security Act (42 U.S.C. 301, et seq.) subject to appropriation by the general assembly;

(17) **[**Beginning July 1, 1990,**]** The services of **[**a certified pediatric or family nursing practitioner**]** **an advanced practice registered nurse** with a collaborative practice agreement to the extent that such services are provided in accordance with chapters 334 and 335, and regulations promulgated thereunder;

(18) Nursing home costs for participants receiving benefit payments under subdivision (4) of this subsection to reserve a bed for the participant in the nursing home during the time that the participant is absent due to admission to a hospital for services which cannot be performed on an outpatient basis, subject to the provisions of this subdivision:

(a) The provisions of this subdivision shall apply only if:

a. The occupancy rate of the nursing home is at or above ninety-seven percent of MO HealthNet certified licensed beds, according to the most recent quarterly census provided to the department of health and senior services which was taken prior to when the participant is admitted to the hospital; and

b. The patient is admitted to a hospital for a medical condition with an anticipated stay of three days or less;

(b) The payment to be made under this subdivision shall be provided for a maximum of three days per hospital stay;

(c) For each day that nursing home costs are paid on behalf of a participant under this subdivision during any period of six consecutive months such participant shall, during the same period of six consecutive months, be ineligible for payment of nursing home costs of two otherwise available temporary leave of absence days provided under subdivision (5) of this subsection; and

(d) The provisions of this subdivision shall not apply unless the nursing home receives notice from the participant or the participant's responsible party that the participant intends to return to the nursing home following the hospital stay. If the nursing home receives such notification and all other provisions of this subsection have been satisfied, the nursing home shall provide notice to the participant or the participant's responsible party prior to release of the reserved bed;

(19) Prescribed medically necessary durable medical equipment. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

(20) Hospice care. As used in this subdivision, the term "hospice care" means a coordinated program of active professional medical attention within a home, outpatient and inpatient care which treats the terminally ill patient and family as a unit, employing a medically directed interdisciplinary team. The program provides relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social, and economic stresses which are experienced during the final stages of illness, and during dying and bereavement and meets the Medicare requirements for participation as a hospice as are provided in 42 CFR Part 418. The rate of reimbursement paid by the MO HealthNet division to the hospice provider for room and board furnished by a nursing home to an eligible hospice patient shall not be less than ninety-five percent of the rate of reimbursement which would have been paid for facility services in that nursing home facility for that patient, in accordance with subsection (c) of Section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989);

(21) Prescribed medically necessary dental services. Such services shall be subject to appropriations. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

(22) Prescribed medically necessary optometric services. Such services shall be subject to appropriations. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

(23) Blood clotting products-related services. For persons diagnosed with a bleeding disorder, as defined in section 338.400, reliant on blood clotting products, as defined in section 338.400, such services include:

(a) Home delivery of blood clotting products and ancillary infusion equipment and supplies, including the emergency deliveries of the product when medically necessary;

(b) Medically necessary ancillary infusion equipment and supplies required to administer the blood clotting products; and

(c) Assessments conducted in the participant's home by a pharmacist, nurse, or local home health care agency trained in bleeding disorders when deemed necessary by the participant's treating physician;

(24) The MO HealthNet division shall, by January 1, 2008, and annually thereafter, report the status of MO HealthNet provider reimbursement rates as compared to one hundred percent of the Medicare reimbursement rates and compared to the average dental reimbursement rates paid by third-party payors licensed by the state. The MO HealthNet division shall, by July 1, 2008, provide to the general assembly a four-year plan to achieve parity with Medicare reimbursement rates and for third-party payor average dental reimbursement rates. Such plan shall be subject to appropriation and the division shall include in its annual budget request to the governor the necessary funding needed to complete the four-year plan developed under this subdivision.

2. Additional benefit payments for medical assistance shall be made on behalf of those eligible needy children, pregnant women and blind persons with any payments to be made on the basis of the reasonable cost of the care or reasonable charge for the services as defined and determined by the division of medical services, unless otherwise hereinafter provided, for the following:

(1) Dental services;

(2) Services of podiatrists as defined in section 330.010;

(3) Optometric services as defined in section 336.010;

(4) Orthopedic devices or other prosthetics, including eye glasses, dentures, hearing aids, and wheelchairs;

(5) Hospice care. As used in this subsection, the term "hospice care" means a coordinated program of active professional medical attention within a home, outpatient and inpatient care which treats the terminally ill patient and family as a unit, employing a medically directed interdisciplinary team. The program provides relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social, and economic stresses which are experienced during the final stages of illness, and during dying and bereavement and meets the Medicare requirements for participation as a hospice as are provided in 42 CFR Part 418. The rate of reimbursement paid by the MO HealthNet division to the hospice provider for room and board furnished by a nursing home to an eligible hospice patient shall not be less than ninety-five percent of the rate of reimbursement which would have been paid for facility services in that nursing home facility for that patient, in accordance with subsection (c) of Section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989);

(6) Comprehensive day rehabilitation services beginning early posttrauma as part of a coordinated system of care for individuals with disabling impairments. Rehabilitation services must be based on an individualized, goal-oriented, comprehensive and coordinated treatment plan developed, implemented, and monitored through an interdisciplinary assessment designed to restore an individual to optimal level of physical, cognitive, and behavioral function. The MO HealthNet division shall establish by administrative rule the definition and criteria for designation of a comprehensive day rehabilitation service facility, benefit limitations and payment mechanism. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this subdivision shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.

This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.

3. The MO HealthNet division may require any participant receiving MO HealthNet benefits to pay part of the charge or cost until July 1, 2008, and an additional payment after July 1, 2008, as defined by rule duly promulgated by the MO HealthNet division, for all covered services except for those services covered under subdivisions (14) and (15) of subsection 1 of this section and sections 208.631 to 208.657 to the extent and in the manner authorized by Title XIX of the federal Social Security Act (42 U.S.C. 1396, et seq.) and regulations thereunder. When substitution of a generic drug is permitted by the prescriber according to section 338.056, and a generic drug is substituted for a name-brand drug, the MO HealthNet division may not lower or delete the requirement to make a co-payment pursuant to regulations of Title XIX of the federal Social Security Act. A provider of goods or services described under this section must collect from all participants the additional payment that may be required by the MO HealthNet division under authority granted herein, if the division exercises that authority, to remain eligible as a provider. Any payments made by participants under this section shall be in addition to and not in lieu of payments made by the state for goods or services described herein except the participant portion of the pharmacy professional dispensing fee shall be in addition to and not in lieu of payments to pharmacists. A provider may collect the co-payment at the time a service is provided or at a later date. A provider shall not refuse to provide a service if a participant is unable to pay a required payment. If it is the routine business practice of a provider to terminate future services to an individual with an unclaimed debt, the provider may include uncollected co-payments under this practice. Providers who elect not to undertake the provision of services based on a history of bad debt shall give participants advance notice and a reasonable opportunity for payment. A provider, representative, employee, independent contractor, or agent of a pharmaceutical manufacturer shall not make co-payment for a participant. This subsection shall not apply to other qualified children, pregnant women, or blind persons. If the Centers for Medicare and Medicaid Services does not approve the Missouri MO HealthNet state plan amendment submitted by the department of social services that would allow a provider to deny future services to an individual with uncollected co-payments, the denial of services shall not be allowed. The department of social services shall inform providers regarding the acceptability of denying services as the result of unpaid co-payments.

4. The MO HealthNet division shall have the right to collect medication samples from participants in order to maintain program integrity.

5. Reimbursement for obstetrical and pediatric services under subdivision (6) of subsection 1 of this section shall be timely and sufficient to enlist enough health care providers so that care and services are available under the state plan for MO HealthNet benefits at least to the extent that such care and services are available to the general population in the geographic area, as required under subparagraph (a)(30)(A) of 42 U.S.C. 1396a and federal regulations promulgated thereunder.

6. Beginning July 1, 1990, reimbursement for services rendered in federally funded health centers shall be in accordance with the provisions of subsection 6402(c) and Section 6404 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989) and federal regulations promulgated thereunder.

7. Beginning July 1, 1990, the department of social services shall provide notification and referral of children below age five, and pregnant, breast-feeding, or postpartum women who are determined to be eligible for MO HealthNet benefits under section 208.151 to the special supplemental food programs for women, infants and children administered by the department of health and senior services. Such notification and referral shall conform to the requirements of Section 6406 of P.L. 101-239 and regulations promulgated thereunder.

8. Providers of long-term care services shall be reimbursed for their costs in accordance with the provisions of Section 1902 (a)(13)(A) of the Social Security Act, 42 U.S.C. 1396a, as amended, and regulations promulgated thereunder.

9. Reimbursement rates to long-term care providers with respect to a total change in ownership, at arm's length, for any facility previously licensed and certified for participation in the MO HealthNet program shall not increase payments in excess of the increase that would result from the application of Section 1902 (a)(13)(c) of the Social Security Act, 42 U.S.C. 1396a (a)(13)(c).

10. The MO HealthNet division, may enroll qualified residential care facilities and assisted living facilities, as defined in chapter 198, as MO HealthNet personal care providers.

11. Any income earned by individuals eligible for certified extended employment at a sheltered workshop under chapter 178 shall not be considered as income for purposes of determining eligibility under this section.

208.240. STATEWIDE DENTAL DELIVERY SYSTEM AUTHORIZED. — The MO HealthNet division within the department of social services may implement a statewide dental delivery system to ensure participation of and access to providers in all areas of the state. The MO HealthNet division may administer the system or may seek a third party experienced in the administration of dental benefits to administer the program under the supervision of the division.

208.895. REFERRAL FOR SERVICES, DEPARTMENT DUTIES — ASSESSMENTS AND CARE PLANS, REQUIREMENTS — DEFINITIONS — REPORT. — 1. Upon **the** receipt of a properly completed referral **for service** for MO HealthNet-funded home- and community-based care **[**containing a nurse assessment**]** or **a** physician's order, the department of health and senior services **[**may**] shall**:

(1) **[**Review the recommendations regarding services and**]** Process**, review and approve or deny** the referral within fifteen business days;

(2) **[**Issue a prior-authorization for home and community-based services when information contained in the referral is sufficient to establish eligibility for MO HealthNet-funded long-term care and determine the level of service need as required under state and federal regulations;

(3) Arrange**] For approved referrals, arrange** for the provision of services by **[**an in-home**] a home- and community-based** provider;

[(4) Reimburse the in-home provider for one nurse visit to conduct an assessment and recommendation for a care plan and, where necessary based on case circumstances, a second nurse visit may be authorized to gather additional information or documentation necessary to constitute a completed referral;

(5) Notify the referring entity upon the authorization of MO HealthNet eligibility and provide MO HealthNet reimbursement for personal care benefits effective the date of the assessment or physician's order, and MO HealthNet reimbursement for waiver services effective the date the state reviews and approves the care plan;

(6)**] (3)** Notify the referring entity **or individual** within five business days of receiving the referral if **[**additional information**] a different physical address** is required to **[**process the referral; and

(7) Inform the provider and contact the individual when information is insufficient or the proposed care plan requires additional evaluation by state staff that is not obtained from the referring entity to schedule an in-home assessment to be conducted by the state staff within thirty days**] schedule the assessment. The referring entity has five days to provide a current physical address if requested by the department. If a different physical address is needed, the fifteen-day limit included in subdivision (1) of this subsection is suspended until the information is received by the department;**

(4) Inform the applicant of:

(a) The full range of available MO HealthNet home- and community-based services, including, but not limited to, adult day care services, home-delivered meals, and the benefits of self-direction and agency model services;

(b) The choice of home- and community-based service providers in the applicant's area, and that some providers conduct their own assessments, but that choosing a provider who does not conduct assessments will not delay delivery of services; and

(c) The option to choose more than one home- and community-based service provider to deliver or facilitate the services the applicant is qualified to receive;

(5) Prioritize the referrals received, giving the highest priority to referrals for high-risk individuals, followed by individuals who are alleged to be victims of abuse or neglect as a result of an investigation initiated from the elder abuse and neglect hotline, and then followed by individuals who have not selected a provider or who have selected a provider that does not conduct assessments; and

(6) Notify the referring entity and the applicant within ten business days of receiving the referral if it has not scheduled the assessment.

2. **If** the department of health and senior services **[**may contract for initial home- and community-based assessments, including a care plan, through an independent third-party assessor. The contract shall include a requirement that:

(1) Within fifteen days of receipt of a referral for service, the contractor shall have made a face-to-face assessment of care need and developed a plan of care; and

(2) The contractor notify the referring entity within five days of receipt of referral if additional information is needed to process the referral. The contract shall also include the same requirements for such assessments as of January 1, 2010, related to timeliness of assessments and the beginning of service. The contract shall be bid under chapter 34 and shall not be a risk-based contract**] has not complied with subdivision (1) of subsection 1 of this section, a provider has the option of completing an assessment and care plan recommendation. At such time that the department approves or modifies the assessment and care plan, the care plan shall become effective; such approval or modification shall occur within five business days after receipt of the assessment and care plan from the provider. If such approval, modification, or denial by the department does not occur within five business days, the provider's care plan shall be approved and payment shall begin to the provider based on the assessment and care plan recommendation submitted by the provider**.

3. **[**The two nurse visits authorized by subsection 16 of section 660.300 shall continue to be performed by home- and community-based providers for including, but not limited to, reassessment and level of care recommendations. These reassessments and care plan changes shall be reviewed and approved by the independent third-party assessor. In the event of dispute over the level of care required, the third-party assessor shall conduct a face-to-face review with the client in question.

4. The provisions of this section shall expire August 28, 2013**] At such time that the department approves or modifies the assessment and care plan, the latest approved care plan shall become effective. If the department assessment determines the client does not meet the level of care, the state shall not be responsible for the cost of services claimed prior to the department's written notification to the provider of such denial.**

4. The department shall implement subsections 2 and 3 of this section unless the Centers for Medicare and Medicaid Services disapproves any necessary state plan amendments or waivers to implement the provisions in subsections 2 and 3 of this section allowing providers to perform assessments.

5. The department's auditing of home- and community-based service providers shall include a review of the client plan of care and provider assessments, and choice and communication of home- and community-based service provider service options to individuals seeking MO HealthNet services. Such auditing shall be conducted utilizing a statistically valid sample. The department shall also make publicly available a review of

its process for informing participants of service options within MO HealthNet home- and community-based service provider services and information on referrals.

6. For purposes of this section:

(1) "Assessment" means a face-to-face determination that a MO HealthNet participant is eligible for home- and community-based services and:

(a) Is conducted by an assessor trained to perform home- and community-based care assessments;

(b) Uses forms provided by the department;

(c) Includes unbiased descriptions of each available service within home- and community-based services with a clear person-centered explanation of the benefits of each home- and community-based service, whether the applicant qualifies for more than one service and ability to choose more than one provider to deliver or facilitate services; and

(d) Informs the applicant, either by the department or the provider conducting the assessment, that choosing a provider or multiple providers that do not conduct their own assessments will in no way affect the quality of service or the timeliness of the applicant's assessment and authorization process;

(2) A "properly completed referral" shall contain basic information adequate for the department to contact the client or person needing service. At a minimum, the referral shall contain:

(a) The stated need for MO HealthNet home- and community-based services;

(b) The name, date of birth, and Social Security number of the client or person needing service, or the client's or person's MO HealthNet number; and

(c) The current physical address and phone number of the client or person needing services. Additional information which may assist the department including contact information of a responsible party shall also be submitted.

7. The department shall:

(1) Develop an automated electronic assessment care plan tool to be used by providers; and

(2) Make recommendations to the general assembly by January 1, 2014, for the implementation of the automated electronic assessment care plan tool.

8. No later than December 31, 2014, the department of health and senior services shall submit a report to the general assembly that reviews the following:

(1) How well the department is doing on meeting the fifteen-day requirement;

(2) The process the department used to approve the assessors;

(3) Financial data on the cost of the program prior to and after enactment of this section;

(4) Any audit information available on assessments performed outside the department; and

(5) The department's staffing policies implemented to meet the fifteen-day assessment requirement.

208.990. MO HEALTHNET ELIGIBILITY REQUIREMENTS. — 1. Notwithstanding any other provisions of law to the contrary, to be eligible for MO HealthNet coverage individuals shall meet the eligibility criteria set forth in 42 CFR 435, including but not limited to the requirements that:

(1) The individual is a resident of the state of Missouri;

(2) The individual has a valid Social Security number;

(3) The individual is a citizen of the United States or a qualified alien as described in Section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 8 U.S.C. Section 1641, who has provided satisfactory documentary evidence of qualified alien status which has been verified with the Department of Homeland Security under a declaration required by Section 1137(d) of the Personal Responsibility and Work

Opportunity Reconciliation Act of 1996 that the applicant or beneficiary is an alien in a satisfactory immigration status; and

(4) An individual claiming eligibility as a pregnant woman shall verify pregnancy.

2. Notwithstanding any other provisions of law to the contrary, effective January 1, 2014, the family support division shall conduct an annual redetermination of all MO HealthNet participants' eligibility as provided in 42 CFR 435.916. The department may contract with an administrative service organization to conduct the annual redeterminations if it is cost effective.

3. The department, or family support division, shall conduct electronic searches to redetermine eligibility on the basis of income, residency, citizenship, identity and other criteria as described in 42 CFR 435.916 upon availability of federal, state, and commercially available electronic data sources. The department, or family support division, may enter into a contract with a vendor to perform the electronic search of eligibility information not disclosed during the application process and obtain an applicable case management system. The department shall retain final authority over eligibility determinations made during the redetermination process.

4. Notwithstanding any other provisions of law to the contrary, applications for MO HealthNet benefits shall be submitted in accordance with the requirements of 42 CFR 435.907 and other applicable federal law. The individual shall provide all required information and documentation necessary to make an eligibility determination, resolve discrepancies found during the redetermination process, or for a purpose directly connected to the administration of the medical assistance program.

5. Notwithstanding any other provisions of law to the contrary, to be eligible for MO HealthNet coverage under section 208.995, individuals shall meet the eligibility requirements set forth in subsection 1 of this section and all other eligibility criteria set forth in 42 CFR 435 and 457, including, but not limited to, the requirements that:

(1) The department of social services shall determine the individual's financial eligibility based on projected annual household income and family size for the remainder of the current calendar year;

(2) The department of social services shall determine household income for the purpose of determining the modified adjusted gross income by including all available cash support provided by the person claiming such individual as a dependent for tax purposes;

(3) The department of social services shall determine a pregnant woman's household size by counting the pregnant woman plus the number of children she is expected to deliver;

(4) CHIP-eligible children shall be uninsured, shall not have access to affordable insurance, and their parent shall pay the required premium;

(5) An individual claiming eligibility as an uninsured woman shall be uninsured.

208.995. DEFINITIONS--PERSONS ELIGIBLE FOR MO HEALTHNET--RULEMAKING AUTHORITY. — 1. For purposes of this section and section 208.990, the following terms mean:

(1) "Child" or "children", a person or persons who are under nineteen years of age;

(2) "CHIP-eligible children", children who meet the eligibility standards for Missouri's children's health insurance program as provided in sections 208.631 to 208.658, including paying the premiums required under sections 208.631 to 208.658;

(3) "Department", the Missouri department of social services, or a division or unit within the department as designated by the department's director;

(4) "MAGI", the individual's modified adjusted gross income as defined in Section 36B(d)(2) of the Internal Revenue Code of 1986, as amended, and:

(a) Any foreign earned income or housing costs;

(b) Tax-exempt interest received or accrued by the individual; and

(c) Tax-exempt Social Security income;

(5) "MAGI equivalent net income standard", an income eligibility threshold based on modified adjusted gross income that is not less than the income eligibility levels that were in effect prior to the enactment of Public Law 111-148 and Public Law 111-152.

2. (1) Effective January 1, 2014, notwithstanding any other provision of law to the contrary, the following individuals shall be eligible for MO HealthNet coverage as provided in this section:

(a) Individuals covered by MO HealthNet for families as provided in section 208.145;

(b) Individuals covered by transitional MO HealthNet as provided in 42 U.S.C. Section 1396r-6;

(c) Individuals covered by extended MO HealthNet for families on child support closings as provided in 42 U.S.C. Section 1396r-6;

(d) Pregnant women as provided in subdivisions (10), (11), and (12) of subsection 1 of section 208.151;

(e) Children under one year of age as provided in subdivision (12) of subsection 1 of section 208.151;

(f) Children under six years of age as provided in subdivision (13) of subsection 1 of section 208.151;

(g) Children under nineteen years of age as provided in subdivision (14) of subsection 1 of section 208.151;

(h) CHIP-eligible children; and

(i) Uninsured women as provided in section 208.659.

(2) Effective January 1, 2014, the department shall determine eligibility for individuals eligible for MO HealthNet under subdivision (1) of this subsection based on the following income eligibility standards, unless and until they are changed:

(a) For individuals listed in paragraphs (a), (b), and (c) of subdivision (1) of this subsection, the department shall apply the July 16, 1996, Aid to Families with Dependent Children (AFDC) income standard as converted to the MAGI equivalent net income standard;

(b) For individuals listed in paragraphs (f) and (g) of subdivision (1) of this subsection, the department shall apply one hundred thirty-three percent of the federal poverty level converted to the MAGI equivalent net income standard;

(c) For individuals listed in paragraph (h) of subdivision (1) of this subsection, the department shall convert the income eligibility standard set forth in section 208.633 to the MAGI equivalent net income standard;

(d) For individuals listed in paragraphs (d), (e), and (i) of subdivision (1) of this subsection, the department shall apply one hundred eighty-five percent of the federal poverty level converted to the MAGI equivalent net income standard;

(3) Individuals eligible for MO HealthNet under subdivision (1) of this subsection shall receive all applicable benefits under section 208.152.

3. The department or appropriate divisions of the department shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as the term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

4. The department shall submit such state plan amendments and waivers to the Centers for Medicare and Medicaid Services of the federal Department of Health and

Human Services as the department determines are necessary to implement the provisions of this section.

660.315. EMPLOYEE DISQUALIFICATION LIST, NOTIFICATION OF PLACEMENT, CONTENTS — CHALLENGE OF ALLEGATION, PROCEDURE — HEARING, PROCEDURE — APPEAL — REMOVAL OF NAME FROM LIST — LIST PROVIDED TO WHOM — PROHIBITION OF EMPLOYMENT. — 1. After an investigation and a determination has been made to place a person's name on the employee disqualification list, that person shall be notified in writing mailed to his or her last known address that:

(1) An allegation has been made against the person, the substance of the allegation and that an investigation has been conducted which tends to substantiate the allegation;

(2) The person's name will be included in the employee disqualification list of the department;

(3) The consequences of being so listed including the length of time to be listed; and

(4) The person's rights and the procedure to challenge the allegation.

2. If no reply has been received within thirty days of mailing the notice, the department may include the name of such person on its list. The length of time the person's name shall appear on the employee disqualification list shall be determined by the director or the director's designee, based upon the criteria contained in subsection 9 of this section.

3. If the person so notified wishes to challenge the allegation, such person may file an application for a hearing with the department. The department shall grant the application within thirty days after receipt by the department and set the matter for hearing, or the department shall notify the applicant that, after review, the allegation has been held to be unfounded and the applicant's name will not be listed.

4. If a person's name is included on the employee disqualification list without the department providing notice as required under subsection 1 of this section, such person may file a request with the department for removal of the name or for a hearing. Within thirty days after receipt of the request, the department shall either remove the name from the list or grant a hearing and set a date therefor.

5. Any hearing shall be conducted in the county of the person's residence by the director of the department or the director's designee. The provisions of chapter 536 for a contested case except those provisions or amendments which are in conflict with this section shall apply to and govern the proceedings contained in this section and the rights and duties of the parties involved. The person appealing such an action shall be entitled to present evidence, pursuant to the provisions of chapter 536, relevant to the allegations.

6. Upon the record made at the hearing, the director of the department or the director's designee shall determine all questions presented and shall determine whether the person shall be listed on the employee disqualification list. The director of the department or the director's designee shall clearly state the reasons for his or her decision and shall include a statement of findings of fact and conclusions of law pertinent to the questions in issue.

7. A person aggrieved by the decision following the hearing shall be informed of his or her right to seek judicial review as provided under chapter 536. If the person fails to appeal the director's findings, those findings shall constitute a final determination that the person shall be placed on the employee disqualification list.

8. A decision by the director shall be inadmissible in any civil action brought against a facility or the in-home services provider agency and arising out of the facts and circumstances which brought about the employment disqualification proceeding, unless the civil action is brought against the facility or the in-home services provider agency by the department of health and senior services or one of its divisions.

9. The length of time the person's name shall appear on the employee disqualification list shall be determined by the director of the department of health and senior services or the director's designee, based upon the following:

(1) Whether the person acted recklessly or knowingly, as defined in chapter 562;

(2) The degree of the physical, sexual, or emotional injury or harm; or the degree of the imminent danger to the health, safety or welfare of a resident or in-home services client;

(3) The degree of misappropriation of the property or funds, or falsification of any documents for service delivery of an in-home services client;

(4) Whether the person has previously been listed on the employee disqualification list;

(5) Any mitigating circumstances;

(6) Any aggravating circumstances; and

(7) Whether alternative sanctions resulting in conditions of continued employment are appropriate in lieu of placing a person's name on the employee disqualification list. Such conditions of employment may include, but are not limited to, additional training and employee counseling. Conditional employment shall terminate upon the expiration of the designated length of time and the person's submitting documentation which fulfills the department of health and senior services' requirements.

10. The removal of any person's name from the list under this section shall not prevent the director from keeping records of all acts finally determined to have occurred under this section.

11. The department shall provide the list maintained pursuant to this section to other state departments upon request and to any person, corporation, organization, or association who:

(1) Is licensed as an operator under chapter 198;

(2) Provides in-home services under contract with the department;

(3) Employs nurses and nursing assistants for temporary or intermittent placement in health care facilities;

(4) Is approved by the department to issue certificates for nursing assistants training;

(5) Is an entity licensed under chapter 197;

(6) Is a recognized school of nursing, medicine, or other health profession for the purpose of determining whether students scheduled to participate in clinical rotations with entities described in subdivision (1), (2), or (5) of this subsection are included in the employee disqualification list; or

(7) Is a consumer reporting agency regulated by the federal Fair Credit Reporting Act that conducts employee background checks on behalf of entities listed in subdivisions (1), (2), (5), or (6) of this subsection. Such a consumer reporting agency shall conduct the employee disqualification list check only upon the initiative or request of an entity described in subdivisions (1), (2), (5), or (6) of this subsection when the entity is fulfilling its duties required under this section. The information shall be disclosed only to the requesting entity. The department shall inform any person listed above who inquires of the department whether or not a particular name is on the list. The department may require that the request be made in writing. No person, corporation, organization, or association who is entitled to access the employee disqualification list may disclose the information to any person, corporation, organization, or association who is not entitled to access the list. Any person, corporation, organization, or association who is entitled to access the employee disqualification list who discloses the information to any person, corporation, organization, or association who is not entitled to access the list shall be guilty of an infraction.

12. No person, corporation, organization, or association who received the employee disqualification list under subdivisions (1) to (7) of subsection 11 of this section shall knowingly employ any person who is on the employee disqualification list. Any person, corporation, organization, or association who received the employee disqualification list under subdivisions (1) to (7) of subsection 11 of this section, or any person responsible for providing health care service, who declines to employ or terminates a person whose name is listed in this section shall be immune from suit by that person or anyone else acting for or in behalf of that person for the failure to employ or for the termination of the person whose name is listed on the employee disqualification list.

13. Any employer **[**who is**]** **or vendor as defined in sections 197.250, 197.400, 198.006, 208.900, or 660.250** required to **[**discharge an employee because the employee was placed on a disqualification list maintained by the department of health and senior services after the date of hire**]** **deny employment to an applicant or to discharge an employee, provisional or otherwise, as a result of information obtained through any portion of the background screening and employment eligibility determination process under section 210.903, or subsequent, periodic screenings, shall not be liable in any action brought by the applicant or employee relating to discharge where the employer is required by law to terminate the employee, provisional or otherwise, and** shall not be charged for unemployment insurance benefits based on wages paid to the employee for work prior to the date of discharge, pursuant to section 288.100**[**.**]**, **if the employer terminated the employee because the employee:**

(1) Has been found guilty, pled guilty or nolo contendere in this state or any other state of a crime as listed in subsection 6 of section 660.317;

(2) Was placed on the employee disqualification list under this section after the date of hire;

(3) Was placed on the employee disqualification registry maintained by the department of mental health after the date of hire;

(4) Has a disqualifying finding under this section, section 660.317, or is on any of the background check lists in the family care safety registry under sections 210.900 to 210.936; or

(5) Was denied a good cause waiver as provided for in subsection 10 of section 660.317.

14. Any person who has been listed on the employee disqualification list may request that the director remove his or her name from the employee disqualification list. The request shall be written and may not be made more than once every twelve months. The request will be granted by the director upon a clear showing, by written submission only, that the person will not commit additional acts of abuse, neglect, misappropriation of the property or funds, or the falsification of any documents of service delivery to an in-home services client. The director may make conditional the removal of a person's name from the list on any terms that the director deems appropriate, and failure to comply with such terms may result in the person's name being relisted. The director's determination of whether to remove the person's name from the list is not subject to appeal.

Approved July 8, 2013

SB 148 [HCS SB 148]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Modifies provisions relating to the issuance of junking certificates and salvage motor vehicle titles

AN ACT to repeal sections 137.090, 137.095, 301.140, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 470, merged with conference committee substitute for house committee substitute for senate bill no. 568, merged with conference committee substitute for senate bill no. 611, ninety-sixth general assembly, second regular session, 301.140, as enacted by conference committee substitute for senate substitute for senate committee substitute for house

committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, and 301.193, RSMo, and to enact in lieu thereof five new sections relating to salvage motor vehicles.

SECTION
A. Enacting clause.
137.090. Tangible personal property to be assessed in county of owner's residence — exceptions — apportionment of assessment of tractors and trailers..
137.095. Corporate property, where taxed — tractors and trailers.
301.140. Plates removed on transfer or sale of vehicles — use by purchaser — reregistration — use of dealer plates — temporary permits, fees — credit, when — expiration date, certain subsections — additional temporary license plate may be purchased, when — salvage vehicles, temporary permits.
301.193. Abandoned property, titling of, privately owned real estate, procedure — inability to obtain negotiable title, salvage or junking certificate authorized.
301.642. Purchase of motor vehicles and trailers through claims adjustment process by insurers, procedure, requirements.
301.140. Plates removed on transfer or sale of vehicles — use by purchaser — reregistration — use of dealer plates — temporary permits, fees — credit, when — expiration date, certain subsections — additional temporary license plate may be purchased, when — salvage vehicles, temporary permits.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 137.090, 137.095, 301.140, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 470, merged with conference committee substitute for house committee substitute for senate bill no. 568, merged with conference committee substitute for senate bill no. 611, ninety-sixth general assembly, second regular session, 301.140, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, and 301.193, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 137.090, 137.095, 301.140, 301.193, and 301.642, to read as follows:

137.090. TANGIBLE PERSONAL PROPERTY TO BE ASSESSED IN COUNTY OF OWNER'S RESIDENCE — EXCEPTIONS — APPORTIONMENT OF ASSESSMENT OF TRACTORS AND TRAILERS.. — **1.** All tangible personal property of whatever nature and character situate in a county other than the one in which the owner resides shall be assessed in the county where the owner resides; except that, houseboats, cabin cruisers, floating boat docks, and manufactured homes, as defined in section 700.010, used for lodging shall be assessed in the county where they are located, and tangible personal property belonging to estates shall be assessed in the county in which the probate division of the circuit court has jurisdiction. Tangible personal property, other than motor vehicles as the term is defined in section 301.010, used exclusively in connection with farm operations of the owner and kept on the farmland, shall not be assessed by a city, town or village unless the farmland is totally within the boundaries of the city, town or village. No tangible personal property shall be simultaneously assessed in more than one county.

2. The assessed valuation of any tractor or trailer as defined in section 301.010 owned by an individual, partner, or member and used in interstate commerce must be apportioned to Missouri based on the ratio of miles traveled in this state to miles traveled in the United States in interstate commerce during the preceding tax year or on the basis of the most recent annual mileage figures available.

137.095. CORPORATE PROPERTY, WHERE TAXED — TRACTORS AND TRAILERS. — 1. The real and tangible personal property of all corporations operating in any county in the state

of Missouri and in the city of St. Louis, and subject to assessment by county or township assessors, shall be assessed and taxed in the county in which the property is situated on the first day of January of the year for which the taxes are assessed, and every general or business corporation having or owning tangible personal property on the first day of January in each year, which is situated in any other county than the one in which the corporation is located, shall make return to the assessor of the county or township where the property is situated, in the same manner as other tangible personal property is required by law to be returned, except that all motor vehicles which are the property of the corporation and which are subject to regulation under chapter 390 shall be assessed for tax purposes in the county in which the motor vehicles are based.

2. For the purposes of subsection 1 of this section, the term "based" means the place where the vehicle is most frequently dispatched, garaged, serviced, maintained, operated or otherwise controlled, except that leased passenger vehicles shall be assessed at the residence of the driver or, if the residence of the driver is unknown, at the location of the lessee.

3. The assessed valuation of any tractor or trailer as defined in section 301.010 owned by a corporation and used in interstate commerce must be apportioned to Missouri based on the ratio of miles traveled in this state to miles traveled in the United States in interstate commerce during the preceding tax year or on the basis of the most recent annual mileage figures available.

301.140. PLATES REMOVED ON TRANSFER OR SALE OF VEHICLES — USE BY PURCHASER — REREGISTRATION — USE OF DEALER PLATES — TEMPORARY PERMITS, FEES — CREDIT, WHEN — EXPIRATION DATE, CERTAIN SUBSECTIONS — ADDITIONAL TEMPORARY LICENSE PLATE MAY BE PURCHASED, WHEN — SALVAGE VEHICLES, TEMPORARY PERMITS. — 1. Upon the transfer of ownership of any motor vehicle or trailer, the certificate of registration and the right to use the number plates shall expire and the number plates shall be removed by the owner at the time of the transfer of possession, and it shall be unlawful for any person other than the person to whom such number plates were originally issued to have the same in his or her possession whether in use or not, unless such possession is solely for charitable purposes; except that the buyer of a motor vehicle or trailer who trades in a motor vehicle or trailer may attach the license plates from the traded-in motor vehicle or trailer to the newly purchased motor vehicle or trailer. The operation of a motor vehicle with such transferred plates shall be lawful for no more than thirty days. As used in this subsection, the term "trade-in motor vehicle or trailer" shall include any single motor vehicle or trailer sold by the buyer of the newly purchased vehicle or trailer, as long as the license plates for the trade-in motor vehicle or trailer are still valid.

2. In the case of a transfer of ownership the original owner may register another motor vehicle under the same number, upon the payment of a fee of two dollars, if the motor vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that originally registered. When such motor vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a greater fee is prescribed, applicant shall pay a transfer fee of two dollars and a pro rata portion for the difference in fees. When such vehicle is of less horsepower, gross weight or (in case of a passenger-carrying commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, applicant shall not be entitled to a refund.

3. License plates may be transferred from a motor vehicle which will no longer be operated to a newly purchased motor vehicle by the owner of such vehicles. The owner shall pay a transfer fee of two dollars if the newly purchased vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that of the vehicle which will no longer be operated. When the newly purchased motor vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a greater fee is prescribed, the applicant shall pay a transfer fee of two dollars and a pro rata portion of the difference in fees. When the newly

purchased vehicle is of less horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, the applicant shall not be entitled to a refund.

4. The director of the department of revenue shall have authority to produce or allow others to produce a weather resistant, nontearing temporary permit authorizing the operation of a motor vehicle or trailer by a buyer for not more than thirty days from the date of purchase. The temporary permit authorized under this section may be purchased by the purchaser of a motor vehicle or trailer from the central office of the department of revenue or from an authorized agent of the department of revenue upon proof of purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer and upon proof of financial responsibility, or from a motor vehicle dealer upon purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer, or from a motor vehicle dealer upon purchase of a motor vehicle or trailer for which the buyer has registered and is awaiting receipt of registration plates. The director of the department of revenue or a producer authorized by the director of the department of revenue may make temporary permits available to registered dealers in this state, authorized agents of the department of revenue or the department of revenue. The price paid by a motor vehicle dealer, an authorized agent of the department of revenue or the department of revenue for a temporary permit shall not exceed five dollars for each permit. The director of the department of revenue shall direct motor vehicle dealers and authorized agents to obtain temporary permits from an authorized producer. Amounts received by the director of the department of revenue for temporary permits shall constitute state revenue; however, amounts received by an authorized producer other than the director of the department of revenue shall not constitute state revenue and any amounts received by motor vehicle dealers or authorized agents for temporary permits purchased from a producer other than the director of the department of revenue shall not constitute state revenue. In no event shall revenues from the general revenue fund or any other state fund be utilized to compensate motor vehicle dealers or other producers for their role in producing temporary permits as authorized under this section. Amounts that do not constitute state revenue under this section shall also not constitute fees for registration or certificates of title to be collected by the director of the department of revenue under section 301.190. No motor vehicle dealer, authorized agent or the department of revenue shall charge more than five dollars for each permit issued. The permit shall be valid for a period of thirty days from the date of purchase of a motor vehicle or trailer, or from the date of sale of the motor vehicle or trailer by a motor vehicle dealer for which the purchaser obtains a permit as set out above. No permit shall be issued for a vehicle under this section unless the buyer shows proof of financial responsibility. Each temporary permit issued shall be securely fastened to the back or rear of the motor vehicle in a manner and place on the motor vehicle consistent with registration plates so that all parts and qualities of the temporary permit thereof shall be plainly and clearly visible, reasonably clean and are not impaired in any way.

5. The permit shall be issued on a form prescribed by the director of the department of revenue and issued only for the applicant's temporary operation of the motor vehicle or trailer purchased to enable the applicant to temporarily operate the motor vehicle while proper title and registration plates are being obtained, or while awaiting receipt of registration plates, and shall be displayed on no other motor vehicle. Temporary permits issued pursuant to this section shall not be transferable or renewable and shall not be valid upon issuance of proper registration plates for the motor vehicle or trailer. The director of the department of revenue shall determine the size, material, design, numbering configuration, construction, and color of the permit. The director of the department of revenue, at his or her discretion, shall have the authority to reissue, and thereby extend the use of, a temporary permit previously and legally issued for a motor vehicle or trailer while proper title and registration are being obtained.

6. Every motor vehicle dealer that issues temporary permits shall keep, for inspection by proper officers, an accurate record of each permit issued by recording the permit number, the motor vehicle dealer's number, buyer's name and address, the motor vehicle's year, make, and

manufacturer's vehicle identification number, and the permit's date of issuance and expiration date. Upon the issuance of a temporary permit by either the central office of the department of revenue, a motor vehicle dealer or an authorized agent of the department of revenue, the director of the department of revenue shall make the information associated with the issued temporary permit immediately available to the law enforcement community of the state of Missouri.

7. Upon the transfer of ownership of any currently registered motor vehicle wherein the owner cannot transfer the license plates due to a change of motor vehicle category, the owner may surrender the license plates issued to the motor vehicle and receive credit for any unused portion of the original registration fee against the registration fee of another motor vehicle. Such credit shall be granted based upon the date the license plates are surrendered. No refunds shall be made on the unused portion of any license plates surrendered for such credit.

8. The provisions of subsections 4, 5, and 6 of this section shall expire July 1, 2019.

9. An additional temporary license plate produced in a manner and of materials determined by the director to be the most cost-effective means of production with a configuration that matches an existing or newly issued plate may be purchased by a motor vehicle owner to be placed in the interior of the vehicle's rear window such that the driver's view out of the rear window is not obstructed and the plate configuration is clearly visible from the outside of the vehicle to serve as the visible plate when a bicycle rack or other item obstructs the view of the actual plate. Such temporary plate is only authorized for use when the matching actual plate is affixed to the vehicle in the manner prescribed in subsection 5 of section 301.130. The fee charged for the temporary plate shall be equal to the fee charged for a temporary permit issued under subsection 4 of this section. Replacement temporary plates authorized in this subsection may be issued as needed upon the payment of a fee equal to the fee charged for a temporary permit under subsection 4 of this section. The newly produced third plate may only be used on the vehicle with the matching plate, and the additional plate shall be clearly recognizable as a third plate and only used for the purpose specified in this subsection.

10. **Notwithstanding the provisions of section 301.127, the director may issue a temporary permit to an individual who possesses a salvage motor vehicle which requires an inspection under subsection 9 of section 301.190. The operation of a salvage motor vehicle for which the permit has been issued shall be limited to the most direct route from the residence, maintenance, or storage facility of the individual in possession of such motor vehicle to the nearest authorized inspection facility and return to the originating location. Notwithstanding any other requirements for the issuance of a temporary permit under this section, an individual obtaining a temporary permit for the purpose of operating a motor vehicle to and from an examination facility as prescribed in this subsection shall also purchase the required motor vehicle examination form which is required to be completed for an examination under subsection 9 of section 301.190 and provide satisfactory evidence that such vehicle has passed a motor vehicle safety inspection for such vehicle as required in section 307.350.**

11. The director of the department of revenue may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

[11.**]** **12.** The repeal and reenactment of this section shall become effective on the date the department of revenue or a producer authorized by the director of the department of revenue begins producing temporary permits described in subsection 4 of such section, or on July 1, 2013, whichever occurs first. If the director of revenue or a producer authorized by the director

of the department of revenue begins producing temporary permits prior to July 1, 2013, the director of the department of revenue shall notify the revisor of statutes of such fact.

301.193. ABANDONED PROPERTY, TITLING OF, PRIVATELY OWNED REAL ESTATE, PROCEDURE — INABILITY TO OBTAIN NEGOTIABLE TITLE, SALVAGE OR JUNKING CERTIFICATE AUTHORIZED. — 1. Any person who purchases or is the owner of real property on which vehicles, as defined in section 301.010, vessels or watercraft, as defined in section 306.010, or outboard motors, as that term is used in section 306.530, have been abandoned, without the consent of said purchaser or owner of the real property, may apply to the department of revenue for a certificate of title. Any insurer which purchases a vehicle through the claims adjustment process for which the insurer is unable to obtain a negotiable title may make an application to the department of revenue for a salvage certificate of title pursuant to this section. Prior to making application for a certificate of title on a vehicle under this section, the insurer or owner of the real estate shall have the vehicle inspected by law enforcement pursuant to subsection 9 of section 301.190, and shall have law enforcement perform a check in the national crime information center and any appropriate statewide law enforcement computer to determine if the vehicle has been reported stolen and the name and address of the person to whom the vehicle was last titled and any lienholders of record. The insurer or owner or purchaser of the real estate shall, thirty days prior to making application for title, notify any owners or lienholders of record for the vehicle by certified mail that the owner intends to apply for a certificate of title from the director for the abandoned vehicle. The application for title shall be accompanied by:

(1) A statement explaining the circumstances by which the property came into the insurer, owner or purchaser's possession; a description of the property including the year, make, model, vehicle identification number and any decal or license plate that may be affixed to the vehicle; the current location of the property; and the retail value of the property;

(2) An inspection report of the property, if it is a vehicle, by a law enforcement agency pursuant to subsection 9 of section 301.190; and

(3) A copy of the thirty-day notice and certified mail receipt mailed to any owner and any person holding a valid security interest of record.

2. Upon receipt of the application and supporting documents, the director shall search the records of the department of revenue, or initiate an inquiry with another state, if the evidence presented indicated the property described in the application was registered or titled in another state, to verify the name and address of any owners and any lienholders. If the latest owner or lienholder was not notified the director shall inform the insurer, owner, or purchaser of the real estate of the latest owner and lienholder information so that notice may be given as required by subsection 1 of this section. Any owner or lienholder receiving notification may protest the issuance of title by, within the thirty-day notice period and may file a petition to recover the vehicle, naming the insurer or owner of the real estate and serving a copy of the petition on the director of revenue. The director shall not be a party to such petition but shall, upon receipt of the petition, suspend the processing of any further certificate of title until the rights of all parties to the vehicle are determined by the court. Once all requirements are satisfied the director shall issue one of the following:

(1) An original certificate of title if the vehicle examination certificate, as provided in section 301.190, indicates that the vehicle was not previously in a salvaged condition or rebuilt;

(2) An original certificate of title designated as prior salvage if the vehicle examination certificate as provided in section 301.190 indicates the vehicle was previously in a salvaged condition or rebuilt;

(3) A salvage certificate of title designated with the words "salvage/abandoned property" or junking certificate based on the condition of the property as stated in the inspection report. An insurer purchasing a vehicle through the claims adjustment process under this section shall only be eligible to obtain a salvage certificate of title or junking certificate.

3. Any insurer which purchases a vehicle that is currently titled in Missouri through the claims adjustment process for which the insurer is unable to obtain a negotiable title may make application to the department of revenue for a salvage certificate of title or junking certificate. Such application may be made by the insurer or its designated salvage pool on a form provided by the department and signed under penalty of perjury. The application shall include a declaration that the insurer has made at least two written attempts to obtain the certificate of title, transfer documents, or other acceptable evidence of title, and be accompanied by proof of claims payment from the insurer, evidence that letters were **[**delivered**]** **sent** to the vehicle owner, a statement explaining the circumstances by which the property came into the insurer's possession, a description of the property including the year, make, model, vehicle identification number, and current location of the property, and the fee prescribed in subsection 5 of section 301.190. The insurer shall, thirty days prior to making application for title, notify any owners or lienholders of record for the vehicle that the insurer intends to apply for a certificate of title from the director for the vehicle. Upon receipt of the application and supporting documents, the director shall search the records of the department of revenue to verify the name and address of any owners and any lienholders. **[**After thirty days from receipt of the application,**]** **If the director identifies any additional owner or lienholder who has not been notified by the insurer, the director shall inform the insurer of such additional owner or lienholder and the insurer shall notify the additional owner or lienholder of the insured's intent to obtain title as prescribed in this section.** If no valid lienholders have notified the department of the existence of a lien, the department shall issue a salvage certificate of title or junking certificate for the vehicle in the name of the insurer.

301.642. PURCHASE OF MOTOR VEHICLES AND TRAILERS THROUGH CLAIMS ADJUSTMENT PROCESS BY INSURERS, PROCEDURE, REQUIREMENTS. — Any insurer which purchases a motor vehicle or trailer through the claims adjustment process for which there is a valid lien or encumbrance perfected under sections 301.600 to 301.640 may, as an alternative to obtaining a lien release under section 301.640, apply for a salvage certificate of title or junking certificate on such motor vehicle or trailer by following the procedures in this section. The insurer may request a letter of guarantee from the lienholder containing a description of the motor vehicle or trailer, including the vehicle identification number, and indicating the amount payable by the insurer to the lienholder in order to release the lien. Upon receipt from the lienholder of such letter of guarantee, the insurer may, within ten days of such receipt, remit payment to the lienholder in accordance with the letter of guarantee, and, if such payment satisfies the lien amount indicated in the letter of guarantee to release the lien, the lienholder shall provide proof of satisfaction to the insurer. This procedure shall be followed for each lienholder indicated on the certificate of ownership for the motor vehicle or trailer. Such letter of guarantee and corresponding proof of payment need not be notarized and may be immediately transmitted electronically. The insurer may then submit proof of such payments, a copy of each letter of guarantee, and the title for such motor vehicle or trailer to the department of revenue. The department shall accept such documents in lieu of a lien release and process the insurer's application.

[301.140. PLATES REMOVED ON TRANSFER OR SALE OF VEHICLES — USE BY PURCHASER — REREGISTRATION — USE OF DEALER PLATES — TEMPORARY PERMITS, FEES — CREDIT, WHEN — EXPIRATION DATE, CERTAIN SUBSECTIONS — ADDITIONAL TEMPORARY LICENSE PLATE MAY BE PURCHASED, WHEN — SALVAGE VEHICLES, TEMPORARY PERMITS. — 1. Upon the transfer of ownership of any motor vehicle or trailer, the certificate of registration and the right to use the number plates shall expire and the number plates shall be removed by the owner at the time of the transfer of possession, and it shall be unlawful for any person other than the person to

whom such number plates were originally issued to have the same in his or her possession whether in use or not, unless such possession is solely for charitable purposes; except that the buyer of a motor vehicle or trailer who trades in a motor vehicle or trailer may attach the license plates from the traded-in motor vehicle or trailer to the newly purchased motor vehicle or trailer. The operation of a motor vehicle with such transferred plates shall be lawful for no more than thirty days. As used in this subsection, the term "trade-in motor vehicle or trailer" shall include any single motor vehicle or trailer sold by the buyer of the newly purchased vehicle or trailer, as long as the license plates for the trade-in motor vehicle or trailer are still valid.

2. In the case of a transfer of ownership the original owner may register another motor vehicle under the same number, upon the payment of a fee of two dollars, if the motor vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that originally registered. When such motor vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a greater fee is prescribed, applicant shall pay a transfer fee of two dollars and a pro rata portion for the difference in fees. When such vehicle is of less horsepower, gross weight or (in case of a passenger-carrying commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, applicant shall not be entitled to a refund.

3. License plates may be transferred from a motor vehicle which will no longer be operated to a newly purchased motor vehicle by the owner of such vehicles. The owner shall pay a transfer fee of two dollars if the newly purchased vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that of the vehicle which will no longer be operated. When the newly purchased motor vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a greater fee is prescribed, the applicant shall pay a transfer fee of two dollars and a pro rata portion of the difference in fees. When the newly purchased vehicle is of less horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, the applicant shall not be entitled to a refund.

4. Upon the sale of a motor vehicle or trailer by a dealer, a buyer who has made application for registration, by mail or otherwise, may operate the same for a period of thirty days after taking possession thereof, if during such period the motor vehicle or trailer shall have attached thereto, in the manner required by section 301.130, number plates issued to the dealer. Upon application and presentation of proof of financial responsibility as required under subsection 5 of this section and satisfactory evidence that the buyer has applied for registration, a dealer may furnish such number plates to the buyer for such temporary use. In such event, the dealer shall require the buyer to deposit the sum of ten dollars and fifty cents to be returned to the buyer upon return of the number plates as a guarantee that said buyer will return to the dealer such number plates within thirty days. The director shall issue a temporary permit authorizing the operation of a motor vehicle or trailer by a buyer for not more than thirty days of the date of purchase.

5. The temporary permit shall be made available by the director of revenue and may be purchased from the department of revenue upon proof of purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer and upon proof of financial responsibility, or from a dealer upon purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer. The director shall make temporary permits available to registered dealers in this state or authorized agents of the department of revenue in sets of ten permits. The fee for the temporary permit shall be seven dollars and fifty cents for each permit or plate

issued. No dealer or authorized agent shall charge more than seven dollars and fifty cents for each permit issued. The permit shall be valid for a period of thirty days from the date of purchase of a motor vehicle or trailer, or from the date of sale of the motor vehicle or trailer by a dealer for which the purchaser obtains a permit as set out above. No permit shall be issued for a vehicle under this section unless the buyer shows proof of financial responsibility.

6. The permit shall be issued on a form prescribed by the director and issued only for the applicant's use in the operation of the motor vehicle or trailer purchased to enable the applicant to legally operate the vehicle while proper title and registration plate are being obtained, and shall be displayed on no other vehicle. Temporary permits issued pursuant to this section shall not be transferable or renewable and shall not be valid upon issuance of proper registration plates for the motor vehicle or trailer. The director shall determine the size and numbering configuration, construction, and color of the permit.

7. The dealer or authorized agent shall insert the date of issuance and expiration date, year, make, and manufacturer's number of vehicle on the permit when issued to the buyer. The dealer shall also insert such dealer's number on the permit. Every dealer that issues a temporary permit shall keep, for inspection of proper officers, a correct record of each permit issued by recording the permit or plate number, buyer's name and address, year, make, manufacturer's vehicle identification number on which the permit is to be used, and the date of issuance.

8. Upon the transfer of ownership of any currently registered motor vehicle wherein the owner cannot transfer the license plates due to a change of vehicle category, the owner may surrender the license plates issued to the motor vehicle and receive credit for any unused portion of the original registration fee against the registration fee of another motor vehicle. Such credit shall be granted based upon the date the license plates are surrendered. No refunds shall be made on the unused portion of any license plates surrendered for such credit.

9. An additional temporary license plate produced in a manner and of materials determined by the director to be the most cost-effective means of production with a configuration that matches an existing or newly issued plate may be purchased by a motor vehicle owner to be placed in the interior of the vehicle's rear window such that the driver's view out of the rear window is not obstructed and the plate configuration is clearly visible from the outside of the vehicle to serve as the visible plate when a bicycle rack or other item obstructs the view of the actual plate. Such temporary plate is only authorized for use when the matching actual plate is affixed to the vehicle in the manner prescribed in subsection 5 of section 301.130. The fee charged for the temporary plate shall be equal to the fee charged for a temporary permit issued under subsection 5 of this section. Replacement temporary plates authorized in this subsection may be issued as needed upon the payment of a fee equal to the fee charged for a temporary permit under subsection 5 of this section. The newly produced third plate may only be used on the vehicle with the matching plate, and the additional plate shall be clearly recognizable as a third plate and only used for the purpose specified in this subsection.

10. The director may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are

subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.**]**

Approved June 26, 2013

SB 157 [CCS HCS SCS SB 157 & SB 102]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Modifies provisions relating to the disposition of personal property

AN ACT to repeal sections 407.300, 407.302, 407.303, and 407.485, RSMo, and to enact in lieu thereof five new sections relating to the disposition of personal property, with penalty provisions.

SECTION

A. Enacting clause.
407.292. Precious metals, sale of — definitions — record of transactions, requirements — purchase from minor, requirements — weighing device, use of — applicability to pawnbrokers.
407.300. Copper wire or cable, catalytic converters, collectors and dealers to keep register, information required — penalty — exempt transactions.
407.302. Metal belonging to various entities — scrap yard not to purchase — violation, penalty.
407.303. Scrap metal dealers — payments in excess of $500 to be made by check — exceptions — violations, penalty.
407.485. Unwanted household items, collection of deemed unfair business practice, when — receptacles, requirements.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 407.300, 407.302, 407.303, and 407.485, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 407.292, 407.300, 407.302, 407.303, and 407.485, to read as follows:

407.292. PRECIOUS METALS, SALE OF — DEFINITIONS — RECORD OF TRANSACTIONS, REQUIREMENTS — PURCHASE FROM MINOR, REQUIREMENTS — WEIGHING DEVICE, USE OF — APPLICABILITY TO PAWNBROKERS. — 1. As used in this section, the following words and terms have the following meanings, unless the context clearly indicates otherwise:

(1) "Business combination", the same meaning as such term is defined in section 351.459;

(2) "Buyer of gold, silver, or platinum" or "buyer", an individual, partnership, association, corporation, or business entity, who or which purchases gold, silver, or platinum from the general public for resale or refining, or an individual who acts as agent for the individual, partnership, association, corporation, or business entity for the purchases. The term does not include financial institutions licensed under federal or state banking laws, the purchaser of gold, silver, or platinum who purchases from a seller seeking a trade-in or allowance, and the purchaser of gold, silver, or platinum for his or her own use or ownership and not for resale or refining;

(3) "Gold", items containing or being of gold including, but not limited to, jewelry. The term does not include coins, ingots, or bullion or articles containing less than five percent gold by weight;

(4) "Platinum", items containing or being of platinum, but shall only include jewelry. The term does not include coins, ingots, bullion, or catalytic converters or articles containing less than five percent platinum by weight;

(5) "Silver", items containing or being of silver including, but not limited to, jewelry. The term does not include coins, ingots, bullion, or photographic film or articles containing less than five percent silver by weight;

(6) "Weighing device", shall only include a device that is inspected and approved by the weight and measures program within the department of agriculture.

2. The buyer shall completely, accurately, and legibly record and photograph every transaction on a form provided by and prepared by the buyer. The record of every transaction shall include the following:

(1) A copy of the driver's license or photo identification issued by the state or by the United States government or agency thereof to the person from whom the material is obtained;

(2) The name, current address, birth date, sex, and a photograph of the person from whom the material is obtained, if not included or are different from the identification required in subdivision (1) of this subsection;

(3) The seller shall be required to sign the form on which is recorded the information required by this section;

(4) An accurate description of the property purchased;

(5) The time and date of the transaction shall be recorded at the time of the transaction. Records of transactions shall be maintained by the buyer in gold, silver, or platinum for a period of one year and shall be available for inspection by any law enforcement official of the federal government, state, municipality, or county. No buyer shall accept any premelted gold, silver, or platinum, unless it is part of the design of an item of jewelry. Each item of gold, silver, or platinum purchased by a buyer in gold, silver, or platinum shall be retained in an unaltered condition for five full working days. It shall be the buyer's duty to inform law enforcement if the buyer has any reason to believe an item purchased may have been obtained illegally by a seller.

3. Records of buyer transactions may be made available, upon request, to law enforcement officials, governmental entities, and any other concerned entities or persons.

4. When a purchase is made from a minor, the written authority of the parent, guardian, or person in loco parentis authorizing the sale shall be attached and maintained with the record of transaction described in subsection 2 of this section.

5. (1) When a weighing device is used to purchase gold, silver, or platinum, there shall be posted, on a conspicuous sign located close to the weighing device, a statement of prices for the gold, silver, or platinum being purchased as a result of the weight determination.

(2) The statement of prices shall include, but not be limited to, the following in terms of the price per troy ounce:

(a) The price for twenty-four karat, eighteen karat, fourteen karat, and ten karat gold;

(b) The price for pure silver and sterling silver;

(c) The price for platinum.

(3) When the weight determination is expressed in metric units, a conversion chart to troy ounces shall be prominently displayed so as to facilitate price comparison. The metric equivalent of a troy ounce is 31.10348 grams.

6. A weighing device used in the purchase of gold, silver, or platinum shall be positioned in such a manner that its indications may be accurately read and the weighing operation observed from a position which may be reasonably assumed by the buyer and the seller. A verbal statement of the result of the weighing shall be made by the person operating the device and recorded on the buyer's record of transaction.

7. The purchase of an item of gold, silver, or platinum by a buyer in gold, silver, or platinum not in accordance with this section, shall constitute a violation of this section and the buyer may be subject to a fine not to exceed one thousand dollars.

8. This section shall not apply to a pawnbroker, as defined in section 367.011, or a scrap metal dealer, as provided in sections 407.300 to 407.305.

407.300. COPPER WIRE OR CABLE, CATALYTIC CONVERTERS, COLLECTORS AND DEALERS TO KEEP REGISTER, INFORMATION REQUIRED — PENALTY — EXEMPT TRANSACTIONS. — 1. Every purchaser or collector of, or dealer in, junk, scrap metal, or any secondhand property shall keep a register containing a written or electronic record for each purchase or trade in which each type of metal subject to the provisions of this section is obtained for value. There shall be a separate record for each transaction involving any:

(1) Copper, brass, or bronze;

(2) Aluminum wire, cable, pipe, tubing, bar, ingot, rod, fitting, or fastener; **[**or**]**

(3) Material containing copper or aluminum that is knowingly used for farming purposes as farming is defined in section 350.010; whatever may be the condition or length of such metal**; or**

(4) Catalytic converter.

2. The record **required by this section** shall contain the following data:

(1) A copy of the driver's license or photo identification issued by the state or by the United States government or agency thereof to the person from whom the material is obtained**[**, which shall contain a**];**

(2) The current address**, gender, birth date, and a photograph** of the person from whom the material is obtained**[**, and**] if not included or are different from the identification required in subdivision (1) of this subsection;**

(3) The date, time, and place of **[**and**] the transaction;**

(4) The license plate number of the vehicle used by the seller during the transaction;

(5) A full description of **[**each such purchase or trade**] the metal,** including the **[**quantity by**]** weight **[**thereof**] and purchase price**.

[2.**] 3.** The records required under this section shall be maintained for a minimum of twenty-four months from when such material is obtained and shall be available for inspection by any law enforcement officer.

[3.**] 4.** Anyone convicted of violating this section shall be guilty of a class **[**A**] B** misdemeanor.

[4.**] 5.** This section shall not apply to any of the following transactions:

(1) Any transaction for which the total amount paid for all regulated scrap metal purchased or sold does not exceed fifty dollars**, unless the scrap metal is a catalytic converter**;

(2) Any transaction for which the seller, including a farm or farmer, has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business; or

(3) Any transaction for which the type of metal subject to subsection 1 of this section is a minor part of a larger item, except for equipment used in the generation and transmission of electrical power or telecommunications.

407.302. METAL BELONGING TO VARIOUS ENTITIES — SCRAP YARD NOT TO PURCHASE — VIOLATION, PENALTY. — 1. No scrap yard shall purchase any metal that can be identified as belonging to a public or private cemetery**, [**or to a**]** political subdivision **[**or**], telecommunications provider, cable provider, wireless service or other communications-related provider,** electrical cooperative, **water utility,** municipal utility, or **[**a**]** utility regulated under chapter 386 or 393, including bleachers, guardrails, signs, street and traffic lights or signals, and manhole cover or covers, whether broken or unbroken, from anyone other than the cemetery or monument owner, political subdivision, **telecommunications provider, cable provider, wireless service or other communications-related provider,** electrical cooperative

[or**], water utility, municipal utility,** utility **regulated under chapter 386 or 393**, or manufacturer of the metal or item described in this section unless such person is authorized in writing by the cemetery or monument owner, political subdivision, **[**or**] telecommunications provider, cable provider, wireless service or other communications-related provider,** electrical cooperative**, water utility, municipal utility,** utility **regulated under chapter 386 or 393**, or manufacturer to sell the metal.

2. Anyone convicted of violating this section shall be guilty of a class B misdemeanor.

407.303. SCRAP METAL DEALERS — PAYMENTS IN EXCESS OF $500 TO BE MADE BY CHECK — EXCEPTIONS — VIOLATIONS, PENALTY. — 1. Any scrap metal dealer paying out an amount that is five hundred dollars or more shall make such payment **[**in the form of a check or shall pay by any method in which a financial institution makes and retains a record of the transaction**] by issuing a prenumbered check drawn on a regular bank account in the name of the licensed scrap metal dealer and with such check made payable to the person documented as the seller in accordance with this section, or by using a system for automated cash or electronic payment distribution which photographs or videotapes the payment recipient and identifies the payment with a distinct transaction in the register maintained in accordance with this chapter**.

2. **Any scrap metal dealer that purchases scrap metal from a seller and pays in the form of cash is required to obtain a copy of the seller's driver's license or nondriver's license if the metal is copper or a catalytic converter.** This section shall not apply to any transaction for which the seller has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business.

3. Any person who knowingly and willfully violates the provisions of sections 407.300 to 407.303 shall be guilty of a class B misdemeanor and a fine of up to five hundred dollars for the first offense, a class A misdemeanor and a fine of up to one thousand dollars for the second offense, and the revocation of any and all business licenses that are held with the state for the third offense.

4. Any person in violation of sections 407.300 to 407.303 by selling stolen scrap metal shall be responsible for consequential damages related to obtaining the scrap metal.

407.485. UNWANTED HOUSEHOLD ITEMS, COLLECTION OF DEEMED UNFAIR BUSINESS PRACTICE, WHEN — RECEPTACLES, REQUIREMENTS. — 1. It shall be an unfair business practice in violation of section 407.020 for a for-profit entity or natural person to collect **[**donations of**]** unwanted household items via a public receptacle and resell the **[**donated**]** deposited items for profit unless the **[**donation**] deposited item** receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: "**[**DONATIONS**] DEPOSITED ITEMS** ARE NOT FOR CHARITABLE ORGANIZATIONS AND WILL BE RESOLD FOR PROFIT**. DEPOSITED ITEMS ARE NOT TAX DEDUCTIBLE**".

2. It shall be an unfair business practice in violation of section 407.020 for a for-profit entity or natural person to collect donations of unwanted household items via a public receptacle and resell the donated items where some or all of the proceeds from the sale are directly given to a not-for-profit entity unless the donation receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: "DONATIONS TO THE FOR-PROFIT COMPANY: (name of the company) ARE SOLD FOR PROFIT AND (% of proceeds donated to the not-for-profit) % OF ALL PROCEEDS ARE DONATED TO (name of the nonprofit beneficiary organization's name)."

3. It shall be an unfair business practice in violation of section 407.020 for a for-profit entity or natural person to collect donations of unwanted household items via a public receptacle

and resell the donated items, where such for-profit entity is paid a flat fee, not contingent upon the proceeds generated by the sale of the collected goods, and one hundred percent of the proceeds from the sale of the items are given directly to the not-for-profit, unless the donation receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: "THIS DONATION RECEPTACLE IS OPERATED BY THE FOR-PROFIT ENTITY: (name of the for-profit/individual) ON BEHALF of (name of the nonprofit beneficiary organization's name)".

4. It shall be an unfair business practice in violation of section 407.020 for a not-for-profit entity to collect donations of unwanted household items via a public receptacle and resell the donated items unless the donation receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: "THIS RECEPTACLE IS OWNED AND OPERATED BY THE NOT-FOR-PROFIT ENTITY: (name of the not-for-profit/charity) AND (% of proceeds donated to the not-for-profit) % OF THE PROCEEDS FROM THE SALE OF ANY DONATIONS SHALL BE USED FOR THE CHARITABLE MISSION OF (charity name/charitable cause)".

[4.**]** **5.** The term "bold letters" as used in subsections 1, 2, and 3 of this section shall mean a primary color on a white background so as to be clearly visible to the public.

[5.**]** **6.** Nothing in this section shall apply to paper, glass, or aluminum products that are donated for the purpose of being recycled in the manufacture of other products.

[6.**]** **7.** Any entity which, on or before June 1, 2009, has distributed one hundred or more separate public receptacles within the state of Missouri to which the provisions of subsection 2 or 3 of this section would apply shall be deemed in compliance with the signage requirements imposed by this section for the first six months after August 28, 2009, provided such entity has made or is making good faith efforts to bring all signage in compliance with the provisions of this section and all such signage is in complete compliance no later than six months after August 28, 2009.

8. All receptacles described in this section shall conspicuously display the name, address, and telephone number of the owner and operator of the receptacle. The owner or operator of the receptacle shall maintain permission to place the receptacle on the property from the property owner or his or her agent where the receptacle is located. Such permission shall be in writing and clearly identify the owner of the receptacle and property owner or his or her agent in addition to the nature of the collections and where proceeds will be accrued. Failure to secure such permission shall constitute an unfair business practice in addition to any other statutory conditions. Unless otherwise agreed upon in writing, the property owner or his or her agent may remove the receptacle. Any charges incurred in such removal shall be the responsibility of the owner of the receptacle. Unless the receptacle owner pays such charges within thirty calendar days of the sending of a written certified letter from the property owner stating his or her intent to remove the receptacle, the receptacle owner shall relinquish any right to the receptacle. If the receptacle does not conspicuously display the name, address, and telephone number of the owner and operator of the receptacle, the receptacle shall be considered abandoned property and may be destroyed or permanently possessed by the property owner or their agent.

9. Any owner and operator of a receptacle that does not display the address of the owner and operator, but does display the website of the owner and operator, shall make the address easily accessible on such website for the property owner to send the letter specified in subsection 8 of this section. The provisions of this subsection shall expire on September 1, 2014.

Approved June 26, 2013

SB 159 [SS SCS SB 159]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Requires parity between the out-of-pocket expenses charged for physical therapist services and the out-of-pocket expenses charged for similar services provided by primary care physicians

AN ACT to amend chapter 376, RSMo, by adding thereto one new section relating to insurance coverage for physical therapy services.

SECTION
A. Enacting clause.
376.1235. No co-payments or coinsurance for physical therapy services, when — actuarial analysis of cost, when.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Chapter 376, RSMo, is amended by adding thereto one new section, to be known as section 376.1235, to read as follows:

376.1235. NO CO-PAYMENTS OR COINSURANCE FOR PHYSICAL THERAPY SERVICES, WHEN — ACTUARIAL ANALYSIS OF COST, WHEN. — 1. No health carrier or health benefit plan, as defined in section 376.1350, shall impose a co-payment or co-insurance percentage charged to the insured for services rendered for each date of service by a physical therapist licensed under chapter 334, for services that require a prescription, that is greater than the co-payment or co-insurance percentage charged to the insured for the services of a primary care physician licensed under chapter 334 for an office visit.

2. A health carrier or health benefit plan shall clearly state the availability of physical therapy coverage under its plan and all related limitations, conditions, and exclusions.

3. Beginning September 1, 2013, the oversight division of the joint committee on legislative research shall perform an actuarial analysis of the cost impact to health carriers, insureds with a health benefit plan, and other private and public payers if the provisions of this section were enacted. By December 31, 2013, the director of the oversight division of the joint committee on legislative research shall submit a report of the actuarial findings prescribed by this section to the speaker, the president pro tem, and the chairpersons of both the house of representatives and senate standing committees having jurisdiction over health insurance matters. If the fiscal note cost estimation is less than the cost of an actuarial analysis, the actuarial analysis requirement shall be waived.

Approved June 25, 2013

SB 161 [CCS HCS SB 161]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Requires the Joint Committee on Legislative Research to conduct an actuarial analysis to study the cost impact of mandating health insurance coverage for eating disorders

AN ACT to amend chapter 376, RSMo, by adding thereto one new section relating to an actuarial analysis to study the cost impact of mandating health insurance coverage for eating disorders.

SECTION
A. Enacting clause.
376.1192. Mandated health insurance coverage — actuarial analysis by oversight division — cost — expiration date.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Chapter 376, RSMo, is amended by adding thereto one new section, to be known as section 376.1192 to read as follows:

376.1192. MANDATED HEALTH INSURANCE COVERAGE — ACTUARIAL ANALYSIS BY OVERSIGHT DIVISION — COST — EXPIRATION DATE. — 1. As used in this section, "health benefit plan" and "health carrier" shall have the same meaning as such terms are defined in section 376.1350.

2. Beginning September 1, 2013, the oversight division of the joint committee on legislative research shall perform an actuarial analysis of the cost impact to health carriers, insureds with a health benefit plan, and other private and public payers if state mandates were enacted to provide health benefit plan coverage for the following:

(1) Orally administered anticancer medication that is used to kill or slow the growth of cancerous cells charged at the same co-payment, deductible, or coinsurance amount as intravenously administered or injected cancer medication that is provided, regardless of formulation or benefit category determination by the health carrier administering the health benefit plan;

(2) Diagnosis and treatment of eating disorders that include anorexia nervosa, bulimia, binge eating, eating disorders nonspecified, and any other severe eating disorders contained in the most recent version of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association. The actuarial analysis shall assume the following are included in health benefit plan coverage:

(a) Residential treatment for eating disorders, if such treatment is medically necessary in accordance with the Practice Guidelines for the Treatment of Patients with Eating Disorders, as most recently published by the American Psychiatric Association; and

(b) Access to medical treatment that provides coverage for integrated care and treatment as recommended by medical and mental health care professionals, including but not limited to psychological services, nutrition counseling, physical therapy, dietician services, medical monitoring, and psychiatric monitoring.

3. By December 31, 2013, the director of the oversight division of the joint committee on legislative research shall submit a report of the actuarial findings prescribed by this section to the speaker of the house of representatives, the president pro tempore of the senate, and the chairpersons of the house of representatives committee on health insurance and the senate small business, insurance and industry committee, or the committees having jurisdiction over health insurance issues if the preceding committees no longer exist.

4. For the purposes of this section, the actuarial analysis of health benefit plan coverage shall assume that such coverage:

(1) Shall not be subject to any greater deductible or co-payment than other health care services provided by the health benefit plan; and

(2) Shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit

only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months' or less duration, or any other supplemental policy.

5. The cost for each actuarial analysis shall not exceed thirty thousand dollars and the oversight division of the joint committee on legislative research may utilize any actuary contracted to perform services for the Missouri consolidated health care plan to perform the analysis required under this section.

6. The provisions of this section shall expire on December 31, 2013.

Approved July 8, 2013

SB 186 [HCS SCS SB 186]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Authorizes funeral establishments and coroners to release information to veterans' service organizations and limits liability for the organizations and funeral establishments

AN ACT to repeal sections 193.145, 194.350, 194.360, 447.559, and 447.560, RSMo, and to enact in lieu thereof five new sections relating to unclaimed veterans' remains.

SECTION
A. Enacting clause.
193.145. Death certificate — electronic system — contents, filing, locale, duties of certain persons, time allowed — certificate marked presumptive, when.
194.350. Disposition of cremated remains — if no directions are given, procedure, notice.
194.360. Veterans, cremated remains — definitions — funeral establishment or coroner, authorized release of identifying information, to whom — release of remains, when — immunity from liability.
447.559. Historical review of items by state historical society, when — fee, how determined.
447.560. Record of property, content — retained for public inspection — information not public record, when — public record, when — penalty for disclosure — military medals, procedure.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 193.145, 194.350, 194.360, 447.559, and 447.560, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 193.145, 194.350, 194.360, 447.559, and 447.560, to read as follows:

193.145. DEATH CERTIFICATE — ELECTRONIC SYSTEM — CONTENTS, FILING, LOCALE, DUTIES OF CERTAIN PERSONS, TIME ALLOWED — CERTIFICATE MARKED PRESUMPTIVE, WHEN. — 1. A certificate of death for each death which occurs in this state shall be filed with the local registrar, or as otherwise directed by the state registrar, within five days after death and shall be registered if such certificate has been completed and filed pursuant to this section. All data providers in the death registration process, including, but not limited to, the state registrar, local registrars, the state medical examiner, county medical examiners, coroners, funeral directors or persons acting as such, embalmers, sheriffs, attending physicians and resident physicians, and the chief medical officers of licensed health care facilities, and other public or private institutions providing medical care, treatment, or confinement to persons, shall be required to use and utilize any electronic death registration system required and adopted under subsection 1 of section 193.265 within six months of the system being certified by the director of the department of health and senior services, or the director's designee, to be operational and available to all data providers in the death registration process. **However, should the person or entity that certifies the cause of death not be part of, or does not use, the electronic death**

registration system, the funeral director or person acting as such may enter the required personal data into the electronic death registration system and then complete the filing by presenting the signed cause of death certification to the local registrar, in which case the local registrar shall issue death certificates as set out in subsection 2 of section 193.265. Nothing in this section shall prevent the state registrar from adopting pilot programs or voluntary electronic death registration programs until such time as the system can be certified; however, no such pilot or voluntary electronic death registration program shall prevent the filing of a death certificate with the local registrar or the ability to obtain certified copies of death certificates under subsection 2 of section 193.265 until six months after such certification that the system is operational.

2. If the place of death is unknown but the dead body is found in this state, the certificate of death shall be completed and filed pursuant to the provisions of this section. The place where the body is found shall be shown as the place of death. The date of death shall be the date on which the remains were found.

3. When death occurs in a moving conveyance in the United States and the body is first removed from the conveyance in this state, the death shall be registered in this state and the place where the body is first removed shall be considered the place of death. When a death occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the body is first removed from the conveyance in this state, the death shall be registered in this state but the certificate shall show the actual place of death if such place may be determined.

4. The funeral director or person in charge of final disposition of the dead body shall file the certificate of death. The funeral director or person in charge of the final disposition of the dead body shall obtain or verify:

(1) The personal data from the next of kin or the best qualified person or source available; and

(2) The medical certification from the person responsible for such certification.

5. The medical certification shall be completed, attested to its accuracy either by signature or an electronic process approved by the department, and returned to the funeral director or person in charge of final disposition within seventy-two hours after death by the physician in charge of the patient's care for the illness or condition which resulted in death. In the absence of the physician or with the physician's approval the certificate may be completed and attested to its accuracy either by signature or an approved electronic process by the physician's associate physician, the chief medical officer of the institution in which death occurred, or the physician who performed an autopsy upon the decedent, provided such individual has access to the medical history of the case, views the deceased at or after death and death is due to natural causes. The state registrar may approve alternate methods of obtaining and processing the medical certification and filing the death certificate. The Social Security number of any individual who has died shall be placed in the records relating to the death and recorded on the death certificate.

6. When death occurs from natural causes more than thirty-six hours after the decedent was last treated by a physician, the case shall be referred to the county medical examiner or coroner or physician or local registrar for investigation to determine and certify the cause of death. If the death is determined to be of a natural cause, the medical examiner or coroner or local registrar shall refer the certificate of death to the attending physician for such physician's certification. If the attending physician refuses or is otherwise unavailable, the medical examiner or coroner or local registrar shall attest to the accuracy of the certificate of death either by signature or an approved electronic process within thirty-six hours.

7. If the circumstances suggest that the death was caused by other than natural causes, the medical examiner or coroner shall determine the cause of death and shall complete and attest to the accuracy either by signature or an approved electronic process the medical certification within seventy-two hours after taking charge of the case.

8. If the cause of death cannot be determined within seventy-two hours after death, the attending medical examiner or coroner or attending physician or local registrar shall give the funeral director, or person in charge of final disposition of the dead body, notice of the reason for the delay, and final disposition of the body shall not be made until authorized by the medical examiner or coroner, attending physician or local registrar.

9. When a death is presumed to have occurred within this state but the body cannot be located, a death certificate may be prepared by the state registrar upon receipt of an order of a court of competent jurisdiction which shall include the finding of facts required to complete the death certificate. Such a death certificate shall be marked "Presumptive", show on its face the date of registration, and identify the court and the date of decree.

194.350. DISPOSITION OF CREMATED REMAINS — IF NO DIRECTIONS ARE GIVEN, PROCEDURE, NOTICE. — A licensed funeral establishment which cremates, or contracts for the cremation of, a dead human body, whether the cremation occurs before or after August 28, 1989, may dispose of the cremated remains by:

(1) Disposing the remains in accordance with the cremation contract, except if otherwise prohibited by law;

(2) Delivering the remains to or as directed by another licensed funeral establishment which contracted for the cremation;

(3) Delivering the remains to or as directed by the person who contracted for the cremation; or

(4) If not delivered pursuant to subdivision (2) or (3) of this section, by scattering, burying, or interring the unclaimed cremated remains in a scatter garden or pond, columbarium or other place formally dedicated for such purpose **[**or**],** by delivering the remains to any person listed in section 194.119, **or releasing the remains to a veterans' service organization per the procedures set out in section 194.360,** provided, at least ninety days prior to such action the funeral establishment shall send a written notice by mail, with confirmation of delivery, to the last known address of the person or establishment that contracted for the cremation stating that the remains will be scattered **[**or**],** interred**, or delivered** under this subdivision unless the notified establishment or person, or other person authorized by the notified establishment or person, claims and removes the remains prior to the end of such ninety-day period.

194.360. VETERANS, CREMATED REMAINS — DEFINITIONS — FUNERAL ESTABLISHMENT OR CORONER, AUTHORIZED RELEASE OF IDENTIFYING INFORMATION, TO WHOM — RELEASE OF REMAINS, WHEN — IMMUNITY FROM LIABILITY. — 1. As used in this section the following terms shall mean:

(1) "Funeral establishment", as defined in section 333.011, a funeral home, a funeral director, an embalmer, or an employee of any of the individuals or entities;

(2) **"Identifying information", data required by the Department of Veterans Affairs to verify a veteran or their dependent's eligibility for burial in a national or state cemetery: name, service number, Social Security number, date of birth, date of death, place of birth, and copy of death certificate;**

(3) "Veteran", a person honorably discharged from the armed forces of the United States, including, but not limited to, the Philippine Commonwealth Army, the Regular Scouts "Old Scouts", and the Special Philippine Scouts "New Scouts", or a person who died while on active military service with any branch of the Armed Forces of the United States;

(4) "Veterans' service organization", **[**an association or other entity organized for the benefit of veterans that has been recognized or chartered by the United States Congress, including the Disabled American Veterans, Veterans of Foreign Wars, the American Legion, the Legion of Honor, the Missing in America Project, and the Vietnam Veterans of America. The term includes a member or employee of any of those associations or entities**] a veterans organization**

that is federally chartered by the Congress of the United States, veterans' service organization recognized by the Department of Veterans Affairs or that qualifies as a Section 501(c)(3) or 501(c)(19), non-profit tax exempt organization under the Internal Revenue Code that is organized for the verification and burial of veterans and dependents.

2. A funeral establishment **[**is not liable for simple negligence in the disposition of the cremated remains of a veteran to a veterans' service organization for the purposes of interment by that organization if:

(1) The remains have been in the possession of the funeral establishment for a period of at least one year, all or any part of which period may occur or may have occurred before or after August 28, 2009;

(2) The funeral establishment has given notice, as provided in subdivision (1) or (2) of subsection 3 of this section, to the person entitled to the remains under section 194.350 of the matters provided in subsection 4 of this section; and

(3) The remains have not been claimed by the person entitled to the remains under section 194.350 within the period of time provided for in subsection 4 of this section following notice to the person entitled to the remains under section 194.350.**] or coroner in the possession of cremated remains is authorized to release the identifying information to the Department of Veterans Affairs or a veterans' service organization for the purpose of obtaining verification of the veteran's or veterans' dependent's eligibility for a military burial, interment, or scattering. When verification of a veteran or dependent is completed, the funeral establishment or coroner may release the remains to the veterans' service organization who then may arrange for the burial, interment, or scattering of the remains.**

3. **[**In order for the immunity provided in subsection 2 of this section to apply, a funeral establishment shall take the following action, alone or in conjunction with a veterans' service organization, to provide notice to the person entitled to the remains under section 194.350:

(1) Give written notice by mail to the person entitled to the remains under section 194.350 for whom the address of the person entitled to the remains under section 194.350 is known or can reasonably be ascertained by the funeral establishment giving the notice; or

(2) If the address of the person entitled to the remains under section 194.350 is not known or cannot reasonably be ascertained, give notice to the person entitled to the remains under section 194.350 by publication in a newspaper of general circulation:

(a) In the county of the veteran's residence; or

(b) If the residence of the veteran is unknown, in the county in which the veteran died; or

(c) If the county in which the veteran died is unknown, in the county in which the funeral establishment giving notice is located.

4. The notice required by subsection 3 of this section must include a statement to the effect that the remains of the veteran must be claimed by the person entitled to the remains under section 194.350 within thirty days after the date of mailing of the written notice provided for in subdivision (1) of subsection 3 of this section or within four months of the date of the first publication of the notice provided for in subdivision (2) of subsection 3 of this section, as applicable, and that if the remains are not claimed, the remains may be given to a veterans' service organization for interment.

5. A veterans' service organization receiving cremated remains of a veteran from a funeral establishment for the purposes of interment is not liable for simple negligence in the custody or interment of the remains if the veterans' service organization inters and does not scatter the remains and does not know and has no reason to know that the remains do not satisfy the requirements of subdivision (1) or (2) of subsection 3 of this section, as applicable.

6.**] A funeral establishment or coroner who releases the identifying information shall not be liable in any action regarding the release of the identifying information and neither the funeral establishment, coroner, or veterans' service organization shall be liable in any action stemming from the final disposition, interment, burial, or scattering of remains**

released to a veterans' service organization pursuant to this chapter so long as the funeral establishment, prior to the burial, interment, or scattering of the remains, follows the notification procedures for unclaimed cremated remains as set out in subdivision (4) of section 194.350.

4. A veterans' service organization accepting remains under this section shall take all reasonable steps to inter the remains in a veterans' cemetery.

447.559. HISTORICAL REVIEW OF ITEMS BY STATE HISTORICAL SOCIETY, WHEN — FEE, HOW DETERMINED. — All abandoned tangible personal property delivered to the treasurer pursuant to subdivision (4) of section 447.505 that has possible historical significance shall be reviewed as follows:

(1) The treasurer at the treasurer's discretion shall screen such property to determine if the property indicates a need for further review;

(2) In the event it is determined that such property needs further review, the treasurer shall make available such property to the state historical society of Missouri for historical review. The state historical society shall issue to the treasurer its report and recommend to the treasurer the appropriate state department or agency to act as custodian of any property deemed to be of such historical significance as to be retained;

(3) The state historical society shall receive a reasonable fee for its services. If the treasurer and the state historical society cannot agree on the amount of the fee, the commissioner of administration shall determine the fee. The fee shall be paid out of appropriations made from the abandoned fund account;

(4) The **[**state treasurer's office**]** **treasurer** upon receiving military medals shall hold and maintain such military medals until the original owner or **[**their**]** **such owner's** respective heirs or beneficiaries can be identified and the military medal returned. **The treasurer is authorized to make the information described in subsection 4 of section 447.560 available to the public in order to facilitate the identification of the original owner or such owner's respective heirs or beneficiaries.** The **[**state**]** treasurer may designate a **[**veteran's**]** **veterans'** organization or other appropriate organization as custodian of **military** medals until the original owner or their respective heirs or beneficiaries are located **and to assist the treasurer in identifying the original owner or such owner's respective heirs or beneficiaries; except that, no person or entity entering into an agreement under section 447.581 shall be designated by the treasurer as custodian or military medals, and any agreement to pay compensation to recover or assist in the recovery of military medals delivered to the treasurer is unenforceable**.

447.560. RECORD OF PROPERTY, CONTENT — RETAINED FOR PUBLIC INSPECTION — INFORMATION NOT PUBLIC RECORD, WHEN — PUBLIC RECORD, WHEN — PENALTY FOR DISCLOSURE — MILITARY MEDALS, PROCEDURE. — 1. The treasurer shall retain a record of the name and last known address of each person appearing from the holders' reports to be entitled to the abandoned moneys and property and of the name and last known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of a life insurance corporation, its number, the name of the corporation, and the amount due. The record shall be available for public inspection at all reasonable business hours.

2. Except as specifically provided by this section, no information furnished to the treasurer in the holder reports, including Social Security numbers or other identifying information, shall be open to public inspection or made public. Any officer, employee or agent of the treasurer who, in violation of the provisions of this section, divulges, discloses or permits the inspection of such information shall be guilty of a misdemeanor.

3. If an amount is turned over to the state that is less than fifty dollars, the amount reported may be made available as public information, along with the name and last known address of the person appearing from the holder report to be entitled to the abandoned moneys; except that,

no additional information other than provided for in this section may be released, and any individual other than the person appearing from the holder report to be entitled to the abandoned moneys shall be governed by sections 447.500 to 447.595 and other applicable Missouri law in his or her use or dissemination of such information.

4. If the abandoned property is a military medal, the treasurer is authorized to make any information, other than Social Security numbers, contained in the holder report and record under subsection 1 of this section, and any photograph or other visual depiction of the military medal available to the public in order to facilitate the identification of the original owner or such owner's respective heirs or beneficiaries as described under subdivision (4) of section 447.559.

Approved July 10, 2013

SB 188 [HCS SB 188]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Modifies provisions relating to civil commitment of sexually violent predators

AN ACT to repeal sections 632.480, 632.498 and 632.505, RSMo, and to enact in lieu thereof three new sections relating to conditional release of sexually violent predators, with an emergency clause.

SECTION

A. Enacting clause.
632.480. Definitions.
632.498. Annual examination of mental condition, not required, when — annual review by the court — petition for release, hearing, procedures (when director disapproves).
632.505. Conditional release — interagency agreements for supervision, plan — court review of plan, order, conditions — copy of order — continuing control and care — modifications — violations — agreements with private entities — fee, rulemaking authority — escape — notification to local law enforcement, when.
B. Emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 632.480, 632.498 and 632.505, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 632.480, 632.498 and 632.505, to read as follows:

632.480. DEFINITIONS. — As used in sections 632.480 to 632.513, the following terms mean:

(1) "Agency with jurisdiction", the department of corrections or the department of mental health;

(2) "Mental abnormality", a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to commit sexually violent offenses in a degree constituting such person a menace to the health and safety of others;

(3) "Predatory", acts directed towards individuals, including family members, for the primary purpose of victimization;

(4) "Sexually violent offense", the felonies of forcible rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the first degree, or an attempt to commit any of the preceding crimes, or child molestation in the first or second degree, sexual abuse,

sexual abuse in the first degree, sexual assault, **sexual assault in the first degree,** deviate sexual assault, **deviate sexual assault in the first degree,** or the act of abuse of a child **[**as defined in subdivision (1) of subsection 1 of section 568.060 which involves sexual contact, and as defined in subdivision (2) of subsection 1 of section 568.060**] involving either sexual contact, a prohibited sexual act, sexual abuse, or sexual exploitation of a minor, or any felony offense that contains elements substantially similar to the offenses listed above**;

(5) "Sexually violent predator", any person who suffers from a mental abnormality which makes the person more likely than not to engage in predatory acts of sexual violence if not confined in a secure facility and who:

(a) Has pled guilty or been found guilty, or been found not guilty by reason of mental disease or defect pursuant to section 552.030 of a sexually violent offense; or

(b) Has been committed as a criminal sexual psychopath pursuant to section 632.475 and statutes in effect before August 13, 1980.

632.498. ANNUAL EXAMINATION OF MENTAL CONDITION, NOT REQUIRED, WHEN — ANNUAL REVIEW BY THE COURT — PETITION FOR RELEASE, HEARING, PROCEDURES (WHEN DIRECTOR DISAPPROVES). — 1. Each person committed pursuant to sections 632.480 to 632.513 shall have a current examination of the person's mental condition made once every year by the director of the department of mental health or designee. The yearly report shall be provided to the court that committed the person pursuant to sections 632.480 to 632.513. The court shall conduct an annual review of the status of the committed person. The court shall not conduct an annual review of a person's status if he or she has been conditionally released pursuant to section 632.505.

2. Nothing contained in sections 632.480 to 632.513 shall prohibit the person from otherwise petitioning the court for release. The director of the department of mental health shall provide the committed person who has not been conditionally released with an annual written notice of the person's right to petition the court for release over the director's objection. The notice shall contain a waiver of rights. The director shall forward the notice and waiver form to the court with the annual report.

3. If the committed person petitions the court for conditional release over the director's objection, the petition shall be served upon the court that committed the person, the **prosecuting attorney of the jurisdiction into which the committed person is to be released, the** director of the department of mental health, the head of the facility housing the person, and the attorney general.

4. The committed person shall have a right to have an attorney represent the person at the hearing but the person is not entitled to be present at the hearing. If the court at the hearing determines by a preponderance of the evidence that the person no longer suffers from a mental abnormality that makes the person likely to engage in acts of sexual violence if released, then the court shall set a trial on the issue.

5. The trial shall be governed by the following provisions:

(1) The committed person shall be entitled to be present and entitled to the benefit of all constitutional protections that were afforded the person at the initial commitment proceeding;

(2) The attorney general shall represent the state and shall have a right to a jury trial and to have the committed person evaluated by a psychiatrist or psychologist not employed by the department of mental health or the department of corrections. In addition, the person may be examined by a consenting psychiatrist or psychologist of the person's choice at the person's own expense;

(3) The burden of proof at the trial shall be upon the state to prove by clear and convincing evidence that the committed person's mental abnormality remains such that the person is not safe to be at large and if released is likely to engage in acts of sexual violence. If such determination is made by a jury, the verdict must be unanimous;

(4) If the court or jury finds that the person's mental abnormality remains such that the person is not safe to be at large and if released is likely to engage in acts of sexual violence, the person shall remain in the custody of the department of mental health in a secure facility designated by the director of the department of mental health. If the court or jury finds that the person's mental abnormality has so changed that the person is not likely to commit acts of sexual violence if released, the person shall be conditionally released as provided in section 632.505.

632.505. CONDITIONAL RELEASE — INTERAGENCY AGREEMENTS FOR SUPERVISION, PLAN — COURT REVIEW OF PLAN, ORDER, CONDITIONS — COPY OF ORDER — CONTINUING CONTROL AND CARE — MODIFICATIONS — VIOLATIONS — AGREEMENTS WITH PRIVATE ENTITIES — FEE, RULEMAKING AUTHORITY — ESCAPE — NOTIFICATION TO LOCAL LAW ENFORCEMENT, WHEN. — 1. Upon determination by a court or jury that the person's mental abnormality has so changed that the person is not likely to commit acts of sexual violence if released, the court shall place the person on conditional release pursuant to the terms of this section. The primary purpose of conditional release is to provide outpatient treatment and monitoring to prevent the person's condition from deteriorating to the degree that the person would need to be returned to a secure facility designated by the director of the department of mental health.

2. The department of mental health is authorized to enter into an interagency agreement with the department of corrections for the supervision of persons granted a conditional release by the court. In conjunction with the department of corrections, the department of mental health shall develop a conditional release plan which contains appropriate conditions for the person to be released. The plan shall address the person's need for supervision, counseling, medication, community support services, residential services, vocational services, and alcohol and drug treatment. The department of mental health shall submit the proposed plan for conditional release to the court.

3. The court shall review the plan and determine the conditions that it deems necessary to meet the person's need for treatment and supervision and to protect the safety of the public. The court shall order that the person shall be subject to the following conditions and other conditions as deemed necessary:

(1) Maintain a residence approved by the department of mental health and not change residence unless approved by the department of mental health;

(2) Maintain employment unless engaged in other structured activity approved by the department of mental health;

(3) Obey all federal and state laws;

(4) Not possess a firearm or dangerous weapon;

(5) Not be employed or voluntarily participate in an activity that involves contact with children without approval of the department of mental health;

(6) Not consume alcohol or use a controlled substance except as prescribed by a treating physician and to submit, upon request, to any procedure designed to test for alcohol or controlled substance use;

(7) Not associate with any person who has been convicted of a felony unless approved by the department of mental health;

(8) Not leave the state without permission of the department of mental health;

(9) Not have contact with specific persons, including but not limited to, the victim or victim's family, as directed by the department of mental health;

(10) Not have any contact with any child without specific approval by the department of mental health;

(11) Not possess material that is pornographic, sexually oriented, or sexually stimulating;

(12) Not enter a business providing sexually stimulating or sexually oriented entertainment;

(13) Submit to a polygraph, plethysmograph, or other electronic or behavioral monitoring or assessment;

(14) Submit to electronic monitoring which may be based on a global positioning system or other technology which identifies and records a person's location at all times;

(15) Attend and fully participate in assessment and treatment as directed by the department of mental health;

(16) Take all psychiatric medications as prescribed by a treating physician;

(17) Authorize the department of mental health to access and obtain copies of confidential records pertaining to evaluation, counseling, treatment, and other such records and provide the consent necessary for the release of any such records;

(18) Pay fees to the department of mental health and the department of corrections to cover the costs of services and monitoring;

(19) Report to or appear in person as directed by the department of mental health and the department of corrections, and to follow all directives of such departments;

(20) Comply with any registration requirements under sections 589.400 to 589.425; and

(21) Comply with any other conditions that the court determines to be in the best interest of the person and society.

4. The court shall provide a copy of the order containing the conditions of release to the person, the attorney general, the department of mental health, the head of the facility housing the person, and the department of corrections.

5. A person who is conditionally released and supervised by a probation and parole officer employed by the department of corrections remains under the control, care, and treatment of the department of mental health.

6. The court may modify conditions of release upon its own motion or upon the petition of the department of mental health, the department of corrections, or the person on conditional release.

7. The following provisions shall apply to violations of conditional release:

(1) If any probation and parole officer has reasonable cause to believe that a person on conditional release has violated a condition of release or that the person is no longer a proper subject for conditional release, the officer may issue a warrant for the person's arrest. The warrant shall contain a brief recitation of the facts supporting the officer's belief. The warrant shall direct any peace officer to take the person into custody immediately so that the person can be returned to a secure facility;

(2) If the director of the department of mental health or the director's designee has reasonable cause to believe that a person on conditional release has violated a condition of release or that the person is no longer a proper subject for conditional release, the director or the director's designee may request that a peace officer take the person into custody immediately, or request that a probation and parole officer or the court which ordered the release issue a warrant for the person's arrest so that the person can be returned to a secure facility;

(3) At any time during the period of a conditional release, the court which ordered the release may issue a notice to the released person to appear to answer a charge of a violation of the terms of the release and the court may issue a warrant of arrest for the violation. Such notice shall be personally served upon the released person. The warrant shall authorize the return of the released person to the custody of the court or to the custody of the director of mental health or the director's designee;

(4) No peace officer responsible for apprehending and returning the person to the facility upon the request of the director of the department of mental health or the director's designee or a probation and parole officer shall be civilly liable for apprehending or transporting such person to the facility so long as such duties were performed in good faith and without negligence;

(5) The department of mental health shall promptly notify the court that the person has been apprehended and returned to a secure facility;

(6) Within seven days of the person's return to a secure facility, the department of mental health must either request that the attorney general file a petition to revoke the person's conditional release or continue the person on conditional release;

(7) If a petition to revoke conditional release is filed, the person shall remain in custody until a hearing is held on the petition. The hearing shall be given priority on the court's docket. If upon hearing the evidence, the court finds by preponderance of the evidence that the person has violated a condition of release and that the violation of the condition was sufficient to render the person no longer suitable for conditional release, the court shall revoke the conditional release and order the person returned to a secure facility designated by the director of the department of mental health. If the court determines that revocation is not required, the court may modify or increase the conditions of release or order the person's release on the existing conditions of release;

(8) A person whose conditional release has been revoked may petition the court for subsequent release pursuant to sections 632.498, 632.501, and 632.504 no sooner than six months after the person's return to a secure facility.

8. The department of mental health may enter into agreements with the department of corrections and other departments and may enter into contracts with private entities for the purpose of supervising a person on conditional release.

9. The department of mental health and the department of corrections may require a person on conditional release to pay a reasonable fee to cover the costs of providing services and monitoring while the person is released. Each department may adopt rules with respect to establishing, waiving, collecting, and using fees. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.

10. In the event a person on conditional release escapes from custody, the department of mental health shall notify the court, the department of corrections, the attorney general, the chief law enforcement officer of the county or city not within a county from where the person escaped or absconded, and any other persons necessary to protect the safety of the public or to assist in the apprehension of the person. The attorney general shall notify victims and witnesses. Upon receiving such notice, the attorney general shall file escape from commitment charges under section 575.195.

11. When a person who has been granted conditional release under this section is being electronically monitored and remains in the county, city, town, or village where the facility is located that released the person, the department of corrections shall provide, upon request, the chief of the local law enforcement agency of such county, city, town, or village with access to the information gathered by the global positioning system or other technology used to monitor the person. This access shall include, but not be limited to, any user name or password needed to view any real-time or recorded information about the person, and any alert or message generated by the technology. The access shall continue while the person is being electronically monitored and is living in the county, city, town, or village where the facility that released the offender is located. The information obtained by the chief of the local law enforcement agency shall be closed and shall not be disclosed to any person outside the law enforcement agency except upon an order of the court supervising the conditional release.

SECTION B. EMERGENCY CLAUSE. — Because immediate action is necessary to protect the victims of sexual violent offenses the repeal and reenactment of section 632.480 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the

constitution, and the repeal and reenactment of section 632.480 of section A of this act shall be in full force and effect upon its passage and approval.

Approved July 1, 2013

SB 191 [SCS SB 191]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Allows the Public Service Commission to publish certain papers, studies, reports, decisions and orders electronically

AN ACT to repeal sections 386.170 and 386.180, RSMo, and to enact in lieu thereof two new sections relating to the forms of publication issued by the public service commission.

SECTION
A. Enacting clause.
386.170. Publications commission, powers.
386.180. Duties of publications commission.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 386.170 and 386.180, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 386.170 and 386.180, to read as follows:

386.170. PUBLICATIONS COMMISSION, POWERS. — The members of the public service commission are hereby made and constituted a publications commission to select and designate what findings, orders and decisions of the public service commission shall be published in a series of volumes designated "Reports of the Public Service Commission of the State of Missouri" and to supervise and cause to be prepared the syllabi for the findings, orders and decisions, and to select and designate such other works, papers or studies of the public service commission relating to the field of public utilities regulation that may be of interest to the public and to cause them to be published in pamphlet **[**or**],** book**, or electronic** form.

386.180. DUTIES OF PUBLICATIONS COMMISSION. — 1. It shall be the duty of the publications commission to meet from time to time, as occasion may demand, and select from the findings, orders and decisions of the public service commission the decisions which in the judgment of the publications commission should, for public information and use, be officially reported and published and when sufficient of such decisions have been designated to constitute a volume to cause same to be published in **[**a**] an electronic or** bound volume numbered serially and designated, "Reports of the Public Service Commission of the State of Missouri".

2. The publications commission shall cause to be published from time to time an advance sheet of the public service commission reports containing all decisions of the public service commission theretofore selected and designated by the publications commission for official publication and not before officially published. Such reports shall be competent evidence of the findings, orders and decisions of the public service commission therein contained without any further proof or authentication thereof.

3. The publications commission shall also supervise and cause to be prepared all syllabi or headnotes prefixed to such published findings, orders and decisions of the public service

commission and shall cause to be prepared and published as a part of each publication herein provided an adequate index, table of cases and digest of the cases reported therein.

4. The publications commission shall also from time to time select and designate such other works, papers or studies of the public service commission relating to the field of public utilities regulation that may in the judgment of the publications commission be of interest to the public and cause same to be published in pamphlet **[**or**],** book**, or electronic** form. The official reports, advance sheets and other publications published by the publications commission shall be made available for sale to the public at a price to be fixed by the publications commission, which price shall approximate the actual cost of printing.

Approved May 16, 2013

SB 197 [SB 197]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Modifies current provisions relating to tuberculosis treatment and prevention

AN ACT to repeal sections 199.170, 199.180, 199.190, 199.200, 199.210, 199.240, 199.250, 199.260, and 199.270, RSMo, and to enact in lieu thereof thirteen new sections relating to disease management, with penalty provisions.

SECTION

A. Enacting clause.
167.638. Meningitis immunization, brochure, contents.
199.170. Definitions.
199.180. Local health agency may institute proceedings for commitment — emergency temporary commitment permitted, when.
199.190. Patients not to be committed, when.
199.200. Procedure in circuit court — duties of local prosecuting officers — costs — emergency temporary commitment, procedures.
199.210. Rights of patient, witnesses — order of court — transportation costs — department may contract for care.
199.240. Consent required for medical or surgical treatment.
199.250. Facilities, contracts with, costs, how paid.
199.260. Apprehension and return of patient leaving rehabilitation center without discharge.
199.270. Proceedings for release of patient.
199.275. Active tuberculosis, infected persons, unlawful acts — violation, penalty.
199.280. Department authority in response to outbreaks.
199.290. Mandatory testing of health care facility workers — higher education, students and faculty, testing program required — rulemaking authority.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 199.170, 199.180, 199.190, 199.200, 199.210, 199.240, 199.250, 199.260, and 199.270, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 167.638, 199.170, 199.180, 199.190, 199.200, 199.210, 199.240, 199.250, 199.260, 199.270, 199.275, 199.280, and 199.290, to read as follows:

167.638. MENINGITIS IMMUNIZATION, BROCHURE, CONTENTS. — 1. The department of health and senior services shall develop an informational brochure relating to meningococcal disease that states that an immunization against meningococcal disease is available. The department shall make the brochure available on its website and shall notify every public institution of higher education in this state of the availability of the

brochure. Each public institution of higher education shall provide a copy of the brochure to all students and if the student is under eighteen years of age, to the student's parent or guardian. Such information in the brochure shall include:

(1) The risk factors for and symptoms of meningococcal disease, how it may be diagnosed, and its possible consequences if untreated;

(2) How meningococcal disease is transmitted;

(3) The latest scientific information on meningococcal disease immunization and its effectiveness; and

(4) A statement that any questions or concerns regarding immunization against meningococcal disease may be answered by contacting the individuals's health care provider.

199.170. DEFINITIONS. — The following terms, as used in sections 199.170 to **[**199.270**]** **199.350**, mean:

(1) "Active tuberculosis", tuberculosis disease **caused by the mycobacterium tuberculosis complex** that is demonstrated to be contagious by clinical, bacteriological, or radiological evidence. Tuberculosis is considered active until cured;

(2) "Cure" or "treatment to cure", the completion of a recommended course of therapy as defined in subdivision **[**(5)**]** **(11)** of this section and as determined by the attending physician **in conjunction with the local public health authority or the department of health and senior services**;

(3) **"Department", the department of health and senior services;**

(4) "Directly observed therapy" or "DOT", a strategy in which a health care provider or other trained person watches a patient swallow each dose of prescribed antituberculosis medication;

(5) "Facility", any hospital licensed under chapter 197, any public nonlicensed hospital, any long-term care facility licensed under chapter 198, any health care institution, any correctional or detention facility, or any mental health facility approved by the local public health authority or the department;

(6) "Immediate threat", a rebuttable presumption that a person has active tuberculosis and:

(a) Is not taking medications as prescribed;

(b) Is not following the recommendations of the treating physician, local public health authority, or the department;

(c) Is not seeking treatment for signs and symptoms compatible with tuberculosis; or

(d) Evidences a disregard for the health of the public;

(7) "Isolation", the physical separation in a single-occupancy room to isolate persons with suspected or confirmed infectious tuberculosis disease. An isolation should provide negative pressure in the room, an airflow rate of six to twelve air changes per hour, and direct exhaust of air from the room to the outside of the building or recirculation of the air through a high efficiency particulate air (HEPA) filter;

(8) "Latent tuberculosis infection", infection with mycobacterium tuberculosis without symptoms or signs of disease. Patients with such infection do not have tuberculosis disease, are not infectious and cannot spread tuberculosis infection to others;

(9) "Local **[**board**]** **public health authority**", any legally constituted local city or county board of health or health center board of trustees or the director of health of the city of Kansas City, the director of the Springfield-Greene County health department, the director of health of St. Louis County or the commissioner of health of the City of St. Louis, or in the absence of such board, the county commission or the county board of tuberculosis hospital commissioners of any county;

[(4)**]** **(10)** "Potential transmitter", any person who has the diagnosis of pulmonary **or laryngeal** tuberculosis but has not begun a recommended course of therapy, or who has the diagnosis of pulmonary tuberculosis and has started a recommended course of therapy but has not completed the therapy. This status applies to any individual with tuberculosis, regardless of his or her current bacteriologic status;

[(5)**]** **(11)** "Recommended course of therapy", a regimen of antituberculosis chemotherapy in accordance with medical standards of the American Thoracic Society **[**and**],** the Centers for Disease Control and Prevention**, the Infectious Diseases Society of America, or the American Academy of Pediatrics;**

(12) "Targeted testing program", a program that screens all faculty and students to identify those at high risk for latent tuberculosis infection and persons at high risk for developing tuberculosis disease, and includes testing of identified high risk populations to determine those that would benefit from treatment. Screening shall require the completion of a tuberculosis risk assessment questionnaire form recommended by the American College of Health Association or the Centers for Disease Control and Prevention. High risk populations include students from countries where tuberculosis is endemic or students with other risk factors for tuberculosis as identified by the Centers for Disease Control and Prevention.

199.180. LOCAL HEALTH AGENCY MAY INSTITUTE PROCEEDINGS FOR COMMITMENT — EMERGENCY TEMPORARY COMMITMENT PERMITTED, WHEN. — 1. A person found to have tuberculosis shall follow the instructions of the local **[**board**]** **public health authority or the department**, shall obtain the required treatment, and shall minimize the risk of infecting others with tuberculosis.

2. When a person with active tuberculosis, or a person who is a potential transmitter, violates the rules, regulations, instructions, or orders promulgated by the department of health and senior services or the local **[**board**]** **public health authority**, and is thereby conducting himself or herself so as to expose other persons to danger of **[**infection**]** **tuberculosis**, after having been directed by the local **[**board**]** **public health authority** to comply with such rules, regulations, instructions, or orders, the local **[**board**]** **public health authority** may institute proceedings by petition for **DOT or** commitment, returnable to the circuit court of the county in which such person resides, or if the person be a nonresident or has no fixed place of abode, then in the county in which the person is found. Strictness of pleading shall not be required and a general allegation that the public health requires **DOT or** commitment of the person named therein shall be sufficient.

3. If the **[**board**]** **public health authority** determines that a person with active tuberculosis, or a person who is a potential transmitter, poses an immediate threat by conducting himself or herself so as to expose other persons to an immediate danger of **[**infection**]** **tuberculosis**, the **[**board**]** **public health authority** may file an ex parte petition for emergency temporary commitment pursuant to subsection 5 of section 199.200.

199.190. PATIENTS NOT TO BE COMMITTED, WHEN. — No potential transmitter who in his **or her** home or other place obeys the rules and regulations of the **public health authority or the** department of health and senior services**, and the policies of the treating facility,** for the control of tuberculosis or who voluntarily accepts care in a tuberculosis institution, **[**sanatorium,**]** hospital, **[**his**]** home, or other place and obeys the rules and regulations of the **public health authority or the** department of health and senior services for the control of contagious tuberculosis shall be committed under the provisions of sections 199.170 to **[**199.270**]** **199.350**.

199.200. PROCEDURE IN CIRCUIT COURT — DUTIES OF LOCAL PROSECUTING OFFICERS — COSTS — EMERGENCY TEMPORARY COMMITMENT, PROCEDURES. — 1. Upon filing of the petition, the court shall set the matter down for a hearing either during term time or in

vacation, which time shall be not less than five days nor more than fifteen days subsequent to filing. A copy of the petition together with summons stating the time and place of hearing shall be served upon the person three days or more prior to the time set for the hearing. Any X-ray picture and report of any written report relating to sputum examinations certified by the department of health and senior services or local **[**board**]** **public health authority** shall be admissible in evidence without the necessity of the personal testimony of the person or persons making the examination and report.

2. The prosecuting attorney or the city attorney shall act as legal counsel for their respective local **[**boards**]** **public health authorities** in this proceeding and such authority is hereby granted. The court shall appoint legal counsel for the individual named in the petition if requested to do so if such individual is unable to employ counsel.

3. All court costs incurred in proceedings under sections 199.170 to **[**199.270**]** **199.350**, including examinations required by order of the court but excluding examinations procured by the person named in the petition, shall be borne by the county in which the proceedings are brought.

4. Summons shall be served by the sheriff of the county in which proceedings under sections 199.170 to **[**199.270**]** **199.350** are initiated and return thereof shall be made as in other civil cases.

5. Upon the filing of an ex parte petition for emergency temporary commitment pursuant to subsection 3 of section 199.180, the court shall hear the matter within ninety-six hours of such filing. The local **[**board**]** **public health authority** shall have the authority to detain the individual named in the petition pending the court's ruling on the ex parte petition for emergency temporary commitment. If the petition is granted, the individual named in the petition shall be confined in a facility designated by the department of health and senior services in accordance with section 199.230 until a full hearing pursuant to subsections 1 to 4 of this section is held.

199.210. RIGHTS OF PATIENT, WITNESSES — ORDER OF COURT — TRANSPORTATION COSTS — DEPARTMENT MAY CONTRACT FOR CARE. — 1. Upon the hearing set in the order, the individual named in the order shall have a right to be represented by counsel, to confront and cross-examine witnesses against him **or her**, and to have compulsory process for the securing of witnesses and evidence in his **or her** own behalf. The court may in its discretion call and examine witnesses and secure the production of evidence in addition to that adduced by the parties; such additional witnesses being subject to cross-examination by either or both parties.

2. Upon a consideration of the petition and evidence, if the court finds that the person named in the petition is a potential transmitter and conducts himself **or herself** so as to be a danger to the public health, an order shall be issued committing the individual named in the petition to a facility designated by the department of health and senior services and directing the sheriff to take **[**him**]** **such individual** into custody and deliver him **or her** to the facility **or designated pickup location**. If the court does not so find, the petition shall be dismissed. The cost of transporting the person to the facility **or pickup location** designated by the department of health and senior services shall be paid out of general county funds.

3. The department may contract for the care of any tuberculosis patient. Such contracts shall provide that state payment shall be available for the treatment and care of such patients only after benefits from all third-party payers have been exhausted.

199.240. CONSENT REQUIRED FOR MEDICAL OR SURGICAL TREATMENT. — No person committed to a facility designated by the department of health and senior services under sections 199.170 to **[**199.270**]** **199.350** shall be required to submit to medical or surgical treatment without **[**his**]** **such person's** consent, or, if incapacitated, without the consent of his **or her** legal guardian, or, if a minor, without the consent of a parent or next of kin**, unless authorized by a written order of the circuit court under section 199.200 or as otherwise permitted by law**.

199.250. FACILITIES, CONTRACTS WITH, COSTS, HOW PAID. — 1. The department of health and senior services may contract for such facilities **[**at the Missouri rehabilitation center**]** as are necessary to carry out the functions of sections 199.010 to 199.350. Such contracts shall be exempt from the competitive bidding requirements of chapter 34.

2. State payment shall be available for the treatment and care of individuals committed under section 199.210 only after benefits from all third-party payers have been exhausted.

199.260. APPREHENSION AND RETURN OF PATIENT LEAVING REHABILITATION CENTER WITHOUT DISCHARGE. — Any person committed under the provisions of sections 199.170 to **[**199.270**] 199.350** who leaves the facility designated by the department of health and senior services without having been discharged by the director of the facility or other officer in charge or by order of court shall be taken into custody and returned thereto by the sheriff of any county where such person may be found, upon an affidavit being filed with the sheriff by the director of the facility, or duly authorized officer in charge thereof, to which the person had been committed. **The action may be prosecuted under section 199.275 if appropriate.**

199.270. PROCEEDINGS FOR RELEASE OF PATIENT. — Any time after commitment, the patient **[**or any friend or relative**] or, if incapacitated, the patient's legal guardian, or if a minor, a parent or next of kin** having reason to believe that such patient no longer has contagious tuberculosis or that his **or her** discharge will not endanger public health, may institute proceedings by petition, in the circuit court of the county **[**wherein the confinement exists**] that originally issued the order for commitment**, whereupon the court shall set the matter down for a hearing before **[**him**] the court** within fifteen days requiring the **[**person or persons to whose care the patient was committed**] local public health authority** to show cause on a day certain why the patient should not be released. The court shall also require that the patient be allowed the right to be examined prior to the hearing by a licensed physician of **[**his**] the patient's** own choice, if so desired, and at **[**his**] the patient's** own personal expense. Thereafter all proceedings shall be conducted the same as on the proceedings for commitment with the right of appeal by either party as herein provided; provided, however, such petition for discharge shall not be brought or renewed **[**oftener**] more** than once every six months.

199.275. ACTIVE TUBERCULOSIS, INFECTED PERSONS, UNLAWFUL ACTS — VIOLATION, PENALTY. — 1. It shall be unlawful for any person knowingly infected with active pulmonary or laryngeal tuberculosis to:

(1) Act in a reckless manner by exposing another person to tuberculosis without the knowledge and consent of such person to be exposed to tuberculosis; or

(2) Report to work with active contagious tuberculosis. The person may report to work if adhering to his or her prescribed treatment regimen and is deemed noninfectious by the attending physician in conjunction with the department or the local public health authority; or

(3) Violate the requirements of a commitment order.

2. Any person who violates subdivisions (1), (2), or (3) of subsection 1 of this section is guilty of a class B misdemeanor unless the victim contracts tuberculosis from such contact, in which case it is a class A misdemeanor.

199.280. DEPARTMENT AUTHORITY IN RESPONSE TO OUTBREAKS. — The department retains all powers granted under section 192.020 in responding to tuberculosis cases, outbreaks, and tuberculosis disease investigations.

199.290. MANDATORY TESTING OF HEALTH CARE FACILITY WORKERS — HIGHER EDUCATION, STUDENTS AND FACULTY, TESTING PROGRAM REQUIRED — RULEMAKING AUTHORITY. — 1. All employees and volunteers of a health care facility shall receive a

tuberculin skin test or interferon gamma release assay (IGRA) test upon employment as recommended in the most recent version of the Centers for Disease Control and Prevention (CDC) Guidelines for Preventing Transmission of Mycobacterium Tuberculosis in Health Care Settings. If the screening test is positive, appropriate evaluation and follow-up shall be done in accordance with such CDC guidelines. This provision shall not be construed to prohibit any institution from establishing requirements for employees or volunteers that exceed those stated in the CDC guidelines.

2. All institutions of higher education in Missouri shall implement a targeted testing program on their campuses for all on-campus students and faculty upon matriculation. If an institution does not have a student health center or similar facility, such person identified by the targeted testing program to be at high risk for latent tuberculosis infection or for developing tuberculosis disease shall be referred to a local public health agency for a course of action consistent with sections 199.170 to 199.350.

3. Any entering student of an institution of higher education in Missouri who does not comply with the targeted testing program shall not be permitted to maintain enrollment in the subsequent semester at such institution.

4. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

Approved June 12, 2013

SB 205 [HCS SB 205]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Allows for higher education or armed services visits for children in foster care or in the Division of Youth Services and raises the age limit for foster care re-entry

AN ACT to repeal section 211.036, RSMo, and to enact in lieu thereof two new sections relating to foster children.

SECTION

A. Enacting clause.
211.036. Custody of released youth may be returned to division of family services, when.
453.350. Higher education visit for certain foster children and youth in division of youth services program required — cost reimbursement, when.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Section 211.036, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 211.036 and 453.350, to read as follows:

211.036. CUSTODY OF RELEASED YOUTH MAY BE RETURNED TO DIVISION OF FAMILY SERVICES, WHEN. — If a **[**child**]** **youth** under the age of **[**eighteen**]** **twenty-one** is released from the custody of the **children's** division **[**of family services**]** and after such release it appears that it would be in such **[**child's**]** **youth's** best interest to have his **or her** custody returned to the

children's division **[**of family services**]**, the juvenile officer, the **children's** division **[**of family services**]** or the **[**child**]** **youth** may petition the court to return custody of such **[**child**]** **youth** to the division until the **[**child**]** **youth** is **[**eighteen**]** **twenty-one** years of age.

453.350. HIGHER EDUCATION VISIT FOR CERTAIN FOSTER CHILDREN AND YOUTH IN DIVISION OF YOUTH SERVICES PROGRAM REQUIRED — COST REIMBURSEMENT, WHEN. — 1. Beginning July 1, 2014, all Missouri foster children fifteen years of age or older shall receive a visit to a Missouri state university or a Missouri state community or technical college in the foster child's area or an armed services recruiter before the foster child may be adopted or otherwise terminated by foster care unless waived by the family support team. Such visit shall be in addition to any other services that older youth are usually provided and shall include the entry application process, financial support application and availability, career options with academic or technical training, a tour of the school, and other information and experience desired.

2. Beginning July 1, 2014, all youth fifteen years of age or older in the division of youth services program shall receive a visit to a Missouri state university or a Missouri state community or technical college in the youth's area or an armed services recruiter before the youth's custody or training is completed unless waived by the family support team. Such visit shall be in addition to any other services that older youth are usually provided and shall include the entry application process, financial support application and availability, career options with academic or technical training, a tour of the school, and other information and experience desired.

3. Agencies defined in subsection 2 of section 210.112 that are providing foster care case management services for foster children can document and, if requested, shall receive from the Missouri department of social services reimbursement for costs associated with meeting the requirements of this section.

Approved June 13, 2013

SB 208 [SB 208]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Raises the age limit for when a youth may reenter into foster care

AN ACT to repeal section 211.036, RSMo, and to enact in lieu thereof one new section relating to reentry into the custody of the children's division.

SECTION
A. Enacting clause.
211.036. Custody of released youth may be returned to division of family services, when.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Section 211.036, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 211.036, to read as follows:

211.036. CUSTODY OF RELEASED YOUTH MAY BE RETURNED TO DIVISION OF FAMILY SERVICES, WHEN. — If a **[**child**]** **youth** under the age of **[**eighteen**]** **twenty-one** is released from the custody of the **children's** division **[**of family services**]** and after such release it appears that it would be in such **[**child's**]** **youth's** best interest to have his **or her** custody returned to the

children's division **[**of family services**]**, the juvenile officer, the **children's** division **[**of family services**]** or the **[**child**]** **youth** may petition the court to return custody of such **[**child**]** **youth** to the division until the child is **[**eighteen**]** **twenty-one** years of age.

Approved June 13, 2013

SB 216 [SB 216]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Prohibits political activity restrictions on first responders and modifies current political activity restrictions on the Kansas City Police Department

AN ACT to repeal section 84.830, RSMo, and to enact in lieu thereof two new sections relating to first responder political activity.

SECTION
A. Enacting clause.
67.145. First responders, political activity while off duty and not in uniform, political subdivisions not to prohibit.
84.830. Police department — prohibited activities — penalties (Kansas City).

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Section 84.830, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as section 67.145 and 84.830, to read as follows:

67.145. FIRST RESPONDERS, POLITICAL ACTIVITY WHILE OFF DUTY AND NOT IN UNIFORM, POLITICAL SUBDIVISIONS NOT TO PROHIBIT. — No political subdivision of this state shall prohibit any first responder, as the term "first responder" is defined in section 192.800, from engaging in any political activity while off duty and not in uniform, being a candidate for elected or appointed public office, or holding such office unless such political activity or candidacy is otherwise prohibited by state or federal law.

84.830. POLICE DEPARTMENT — PROHIBITED ACTIVITIES — PENALTIES (KANSAS CITY). — 1. **[**No person shall solicit orally, or by letter or otherwise, or shall be in any manner concerned in soliciting, any assessment, contribution, or payment for any political purpose whatsoever from any officer or employee in the service of the police department for such cities or from members of the said police board.**]** No officer, agent, or employee of the police department of such cities shall permit any **[**such**]** solicitation **for political purpose** in any building or room occupied for the discharge of the official duties of the said department. **[**No officer or employee in the service of said police department shall directly or indirectly give, pay, lend, or contribute any part of his salary or compensation or any money or other valuable thing to any person on account of, or to be applied to, the promotion of any political party, political club, or any political purpose whatever.**]**

2. No officer or employee of said department shall promote, remove, or reduce any other official or employee, or promise or threaten to do so, for withholding or refusing to make any contribution for any political party or purpose or club, or for refusal to render any political service, and shall not directly or indirectly attempt to coerce, command, or advise any other officer or employee to make any such contribution or render any such service. No officer or employee in the service of said department or member of the police board shall use his official authority or influence for the purpose of interfering with any election or any nomination for

office, or affecting the result thereof. No officer or employee of such department shall **[**be a member or official of any committee of any political party, or be a ward committeeman or committeewoman, nor shall any such officer or employee**]** solicit any person to vote for or against any candidate for public office, or "poll precincts" or be connected with other political work of similar character on behalf of any political organization, party, or candidate **while on duty or while wearing the official uniform of the department**. All such persons shall, however, retain the right to vote as they may choose and to express their opinions on all political subjects and candidates.

3. No person or officer or employee of said department shall affix any sign, bumper sticker or other device to any property or vehicle under the control of said department which either supports or opposes any ballot measure or political candidate.

4. No question in any examination shall relate to political or religious opinions or affiliations, and no appointment, transfer, layoff, promotion, reduction, suspension, or removal shall be affected by such opinions or affiliations.

5. No person shall make false statement, certification, mark, rating, or report with regard to any tests, certificate, or appointment made under any provision of sections 84.350 to 84.860 or in any manner commit or attempt to commit any fraud preventing the impartial execution of this section or any provision thereof.

6. No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for or on account of any appointment, proposed appointment, promotion to, or any advancement in, a position in the service of the police departments of such cities.

7. No person shall defeat, deceive, or obstruct any person in his right to examination, eligibility, certification, appointment or promotion under sections 84.350 to 84.860, or furnish to any person any such secret information for the purpose of affecting the right or prospects of any person with respect to employment in the police departments of such cities.

8. Any officer or any employee of the police department of such cities who shall be found by the board to have violated any of the provisions of this section shall be discharged forthwith from said service. It shall be the duty of the chief of police to prefer charges against any such offending person at once. Any member of the board or of the common council of such cities may bring suit to restrain payment of compensation to any such offending officer or employee and, as an additional remedy, any such member of the board or of the common council of such cities may also apply to the circuit court for a writ of mandamus to compel the dismissal of such offending officer or employee. Officers or employees discharged by such mandamus shall have no right of review before the police board. Any person dismissed or convicted under this section shall, for a period of five years, be ineligible for appointment to any position in the service of the police department of such cities or the municipal government of such cities. Any persons who shall willfully or through culpable negligence violate any of the provisions of this section may, upon conviction thereof, be punished by a fine of not less than fifty dollars and not exceeding five hundred dollars, or by imprisonment for a time not exceeding six months, or by both such fine and imprisonment.

Approved June 28, 2013

SB 229 [HCS SCS SB 229]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Modifies provisions relating to the Mental Health Employment Disqualification Registry

AN ACT to repeal section 630.170, RSMo, and to enact in lieu thereof one new section relating to the mental health employment disqualification registry.

SECTION
A. Enacting clause.
630.170. Disqualification for employment because of conviction — appeal process — criminal record review, procedure — registry maintained, when — appeals procedure.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Section 630.170, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 630.170, to read as follows:

630.170. DISQUALIFICATION FOR EMPLOYMENT BECAUSE OF CONVICTION — APPEAL PROCESS — CRIMINAL RECORD REVIEW, PROCEDURE — REGISTRY MAINTAINED, WHEN — APPEALS PROCEDURE. — 1. A person who is listed on the department of mental health disqualification registry pursuant to this section, who is listed on the department of social services or the department of health and senior services employee disqualification list pursuant to section 660.315, or who has been **[**convicted**]** **found guilty** of or **[**pled**]** **pleaded** guilty or nolo contendere to any crime pursuant to section 565.210, 565.212, or 565.214, or section 630.155 or 630.160 shall be disqualified from holding any position in any public or private facility, day program, residential facility, or specialized service operated, licensed, certified, accredited, in possession of deemed status, or funded by the department or in any mental health facility or mental health program in which people are admitted on a voluntary or involuntary basis or are civilly detained pursuant to chapter 632.

2. A person who has been **[**convicted**]** **found guilty** of or **[**pled**]** **pleaded** guilty or nolo contendere to **any felony offense as defined in chapter 195;** any felony offense against persons as defined in chapter 565; any felony **[**sexual**]** offense as defined in chapter 566; any felony offense defined in section 568.020, 568.045, 568.050, 568.060, **568.175,** 569.020, 569.025, 569.030, 569.035, 569.040, 569.050, 569.070, **[**or**]** 569.160, **570.030, 570.040, 570.090, 570.145, 570.223, 575.230, or 576.080,** or of an equivalent felony offense **in another state, or an equivalent federal felony offense, or an equivalent offense under the Uniform Code of Military Justice**, or who has been **[**convicted**]** **found guilty** of or **[**pled**]** **pleaded** guilty or nolo contendere to any violation of subsection 3 of section 198.070, or has been **[**convicted**]** **found guilty** of or **[**pled**]** **pleaded** guilty or nolo contendere to any offense requiring registration under section 589.400, **or any employee hired after January 1, 2014, who has been found guilty of or pleaded guilty or nolo contendere to a violation of section 577.010 or section 577.012 and who is alleged and found by the court to be an aggravated or chronic offender under section 577.023,** shall be disqualified from holding any direct-care position in any public or private facility, day program, residential facility or specialized service operated, licensed, certified, accredited, in possession of deemed status, or funded by the department or any mental health facility or mental health program in which people are admitted on a voluntary basis or are civilly detained pursuant to chapter 632.

3. A person who has received a suspended imposition of sentence or a suspended execution of sentence following a plea of guilty to any of the disqualifying crimes listed in subsection 1 or 2 of this section shall remain disqualified.

4. Any person disqualified pursuant to the provisions of subsection 1 or 2 of this section may seek an exception to the disqualification from the director of the department or the director's designee**, especially if the person is in recovery and the disqualifying felony offense was alcohol or drug related**. The request shall be written and may not be made more than once every six months. The request may be granted by the director or designee if in the judgment of the director or designee a clear showing has been made by written submission only, that the person will not commit any additional acts for which the person had originally been disqualified

for or any other acts that would be harmful to a patient, resident or client of a facility, program or service. The director or designee may grant an exception subject to any conditions deemed appropriate and failure to comply with such terms may result in the person again being disqualified. Any person placed on the disqualification registry prior to August 28, 2012, may be removed from the registry by the director or designee if in the judgment of the director or designee a clear showing has been made, by written submission only, that the person will not commit any additional acts for which the person had originally been disqualified for or any other acts that would be harmful to a patient, resident, or client of a facility, program, or service. Decisions by the director or designee pursuant to the provisions of this subsection shall not be subject to appeal. The right to request an exception pursuant to this subsection shall not apply to persons who are disqualified due to being listed on the department of social services or department of health and senior services employee disqualification list pursuant to section 660.315, nor to persons disqualified from employment due to any crime pursuant to the provisions of chapter 566 or section 565.020, 565.021, 568.020, 568.060, 569.025, or 569.070.

5. An applicant for a position in any public or private facility, day program, residential facility, or specialized service operated, licensed, certified, accredited, in possession of deemed status, or funded by the department or any mental health facility or mental health program in which people are admitted on a voluntary basis or are civilly detained pursuant to chapter 632 shall:

(1) Sign a consent form as required by section 43.540 to provide written consent for a criminal record review;

(2) Disclose the applicant's criminal history. For the purposes of this subdivision "criminal history" includes any suspended imposition of sentence, any suspended execution of sentence, or any period of probation or parole; and

(3) Disclose if the applicant is listed on the employee disqualification list as provided in section 660.315, or the department of mental health disqualification registry as provided for in this section.

6. Any person who has received a good cause waiver issued by the department of health and senior services or its predecessor under subsection **[**9**]** **10** of section 660.317 shall not require an additional exception under this section in order to be employed in a long-term care facility licensed under chapter 198.

7. Any public or private residential facility, day program, or specialized service operated, licensed, certified, accredited, in possession of deemed status, or funded by the department or any mental health facility or mental health program in which people are admitted on a voluntary basis or are civilly detained pursuant to chapter 632 shall, not later than two working days after hiring any person for a full-time, part-time, or temporary position that will have contact with clients, residents, or patients:

(1) Request a criminal background check as provided in section 43.540;

(2) Make an inquiry to the department of social services and department of health and senior services to determine whether the person is listed on the employee disqualification list as provided in section 660.315; and

(3) Make an inquiry to the department of mental health to determine whether the person is listed on the disqualification registry as provided in this section.

8. An applicant who knowingly fails to disclose his or her criminal history as required in subsection 5 of this section is guilty of a class A misdemeanor. A provider is guilty of a class A misdemeanor if the provider hires a person to hold a direct-care position knowing that such person has been disqualified pursuant to the provisions of subsection 2 of this section. A provider is guilty of a class A misdemeanor if the provider hires a person to hold any position knowing that such person has been disqualified pursuant to the provisions of subsection 1 of this section.

9. Any public or private residential facility, day program, or specialized service operated, licensed, certified, accredited, in possession of deemed status or funded by the department or any

mental health facility or mental health program in which people are admitted on a voluntary basis or are civilly detained pursuant to chapter 632 that declines to employ or discharges a person who is disqualified pursuant to the provisions of subsection 1 or 2 of this section shall be immune from suit by that person or anyone else acting for or in behalf of that person for the failure to employ or for the discharge of the person due to disqualification.

10. Any employer who is required to discharge an employee because the employee was placed on a disqualification registry maintained by the department of mental health after the date of hire shall not be charged for unemployment insurance benefits based on wages paid to the employee for work prior to the date of discharge pursuant to section 288.100.

11. The department shall maintain a disqualification registry and place on the registry the names of any persons who have been finally determined by the department to be disqualified based upon administrative substantiations made against them for abuse or neglect pursuant to department rule or regulation. Such list shall reflect that the person is barred from holding any position in any public or private facility, day program, residential facility, or specialized service operated, licensed, certified, accredited, in possession of deemed status, or funded by the department, or any mental health facility or mental health program in which persons are admitted on a voluntary basis or are civilly detained pursuant to chapter 632. The length of time the person's name shall appear on the disqualification registry shall be determined by the director or the director's designee, based upon the criteria contained in subsection 13 of this section.

12. Persons notified that their name will be placed on the disqualification registry may appeal such determination pursuant to department rule or regulation. If the person appeals, the hearing tribunal shall not modify the length of time the person's name shall appear on the disqualification registry if the hearing tribunal upholds all of the administrative substantiations made by the director or the director's designee. If the hearing tribunal overturns part of the administrative substantiations made by the director or the director's designee, the hearing tribunal may consider modifying the length of time the person's name shall appear on the disqualification registry based upon testimony and evidence received during the hearing.

13. The length of time the person's name shall appear on the disqualification registry shall be determined by the director or the director's designee based upon the following:

(1) Whether the person acted recklessly or knowingly, as defined in chapter 562;

(2) The degree of actual or potential injury or harm to the patient, resident, or client;

(3) The degree of actual or potential danger to the health, safety, or welfare of the patient, resident, or client;

(4) The degree of misappropriation or conversion of patient, resident, or client funds or property;

(5) Whether the person has previously been listed on the department's disqualification registry;

(6) Any mitigating circumstances; and

(7) Any aggravating circumstances.

14. The department shall provide the disqualification registry maintained pursuant to this section to other state and federal agencies upon request. The department may provide the disqualification registry maintained pursuant to this section to any public or private facility, day program, residential facility, or specialized service operated, licensed, certified, accredited, in possession of deemed status, or funded by the department or to any mental health facility or mental health program in which people are admitted on a voluntary or involuntary basis or are civilly detained pursuant to chapter 632. The department may also provide the disqualification registry to a recognized school of nursing, medicine, or other health profession for the purpose of determining whether students scheduled to participate in clinical rotations are included in the employee disqualification registry.

Approved June 25, 2013

SB 230 [SB 230]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Establishes's Chloe's Law which requires newborn screenings for critical congenital heart disease

AN ACT to amend chapter 191, RSMo, by adding thereto one new section relating to newborn screenings.

SECTION
A. Enacting clause.
191.334. Chloe's Law — critical congenital heart disease screening, requirements — rulemaking authority.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Chapter 191, RSMo, is amended by adding thereto one new section, to be known as section 191.334, to read as follows:

191.334. CHLOE'S LAW — CRITICAL CONGENITAL HEART DISEASE SCREENING, REQUIREMENTS — RULEMAKING AUTHORITY. — 1. This section shall be known and may be cited as "Chloe's Law".

2. Effective January 1, 2014, every newborn infant born in this state shall be screened for critical congenital heart disease in accordance with the provisions of this section.

3. Every newborn delivered on or after January 1, 2014, in an ambulatory surgical center, birthing center, hospital, or home shall be screened for critical congenital heart disease with pulse oximetry or in another manner as directed by the department of health and senior services in accordance with the American Academy of Pediatrics and American Heart Association guidelines. Screening shall occur prior to discharge if delivery occurs in a facility. If delivery occurs in a home the individual performing the delivery shall perform the screening within forty-eight hours of birth. Screening results shall be reported to the parents or guardians of the newborn and the department of health and senior services in a manner prescribed by the department for surveillance purposes. The facility or individual shall develop and implement plans to ensure that newborns with positive screens receive appropriate confirmatory procedures and referral for treatment as indicated.

4. The provisions of this section shall not apply if a parent or guardian of the newborn objects to the screening on the grounds that it conflicts with his or her religious tenets and practices. The parent or guardian of any newborn who refuses to have the critical congenital heart disease screening administered after notice of the requirement for screening shall document the refusal in writing. Any refusal of screening shall be reported to the department of health and senior services in a manner prescribed by the department.

5. The department of health and senior services shall provide consultation and administrative technical support to facilities and persons implementing the requirements of this section including, but not limited to, assistance in:

(1) Developing and implementing critical congenital heart disease newborn screening protocols based on the American Academy of Pediatrics and American Heart Association guidelines;

(2) Developing and training facilities and persons on implementation of protocols;

(3) Developing and distributing educational materials for families; and

(4) Implementing reporting requirements.

6. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

Approved July 9, 2013

SB 234 [SB 234]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Requires an applicant for a marital and family therapist license to show a master's or doctoral degree from a Commission on Accreditation for Marriage and Family Therapy accredited program

AN ACT to repeal section 337.715, RSMo, and to enact in lieu thereof one new section relating to marital and family therapists.

SECTION
A. Enacting clause.
337.715. Qualifications for licensure, exceptions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Section 337.715, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 337.715, to read as follows:

337.715. QUALIFICATIONS FOR LICENSURE, EXCEPTIONS. — 1. Each applicant for licensure or provisional licensure as a marital and family therapist shall furnish evidence to the committee that:

(1) The applicant has a master's degree or a doctoral degree in marital and family therapy **from a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education**, or its equivalent as defined by committee regulation, from an **[**acceptable**]** educational institution accredited by a regional accrediting body **[**or accredited by an accrediting body which has been approved**]** **that is recognized** by the United States Department of Education;

(2) The applicant for licensure as a marital and family therapist has twenty-four months of postgraduate supervised clinical experience acceptable to the committee, as the state committee determines by rule;

(3) After August 28, 2008, the applicant shall have completed a minimum of three semester hours of graduate-level course work in diagnostic systems either within the curriculum leading to a degree as defined in subdivision (1) of this subsection or as post-master's graduate-level course work. Each applicant shall demonstrate supervision of diagnosis as a core component of the postgraduate supervised clinical experience as defined in subdivision (2) of this subsection;

(4) Upon examination, the applicant is possessed of requisite knowledge of the profession, including techniques and applications research and its interpretation and professional affairs and ethics;

(5) The applicant is at least eighteen years of age, is of good moral character, is a United States citizen or has status as a legal resident alien, and has not been convicted of a felony during the ten years immediately prior to application for licensure.

2. Any person otherwise qualified for licensure holding a current license, certificate of registration, or permit from another state or territory of the United States or the District of Columbia to practice marriage and family therapy may be granted a license without examination to engage in the practice of marital and family therapy in this state upon application to the state committee, payment of the required fee as established by the state committee, and satisfaction of the following:

(1) Determination by the state committee that the requirements of the other state or territory are substantially the same as Missouri;

(2) Verification by the applicant's licensing entity that the applicant has a current license; and

(3) Consent by the applicant to examination of any disciplinary history in any state.

3. The state committee shall issue a license to each person who files an application and fee as required by the provisions of sections 337.700 to 337.739.

Approved May 17, 2013

SB 235 [SB 235]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Modifies the law relating to residential real estate loan reporting

AN ACT to repeal sections 408.590, 408.592, and 408.600, RSMo, and to enact in lieu thereof two new sections relating to residential real estate loan reporting.

SECTION

A. Enacting clause.
408.590. Division directors, report to governor and department director, contents.
408.600. Division directors to enforce provisions of sections 408.570 to 408.600 — complaints, how handled — hearings — remedies.
408.592. Nonsupervised financial institutions to report — contents of report — duties of director of division of finance.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 408.590, 408.592, and 408.600, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 408.590 and 408.600, to read as follows:

408.590. DIVISION DIRECTORS, REPORT TO GOVERNOR AND DEPARTMENT DIRECTOR, CONTENTS. — 1. **[**Each division director shall cause each state financial institution which he supervises, licenses or charters and which has an office within a county or a city, such county or city having a population in excess of two hundred fifty thousand, to be examined periodically during which examination the following shall be determined:

(1) The number and total dollar amount of residential real estate loans originated, purchased, or foreclosed by the financial institution after January 1, 1980, in each of the following categories:

(a) Loans secured by residential real estate located outside the state of Missouri other than in counties contiguous to the state of Missouri;

(b) Loans secured by residential real estate located in the state of Missouri or in the counties of other states which counties are contiguous to the border of the state of Missouri, which number and dollar amount shall be further reported by the county in which the property is located;

(2) The number of residential real estate loan applications denied by the institution in which the real estate which was to secure the loan is situated in a county or city with a population in excess of two hundred and fifty thousand by such county or city;

(3) By a method to be determined by each division director, such facts as will enable the division director to conclude whether or not the institution has engaged or is engaged in any practice in violation of sections 408.570 to 408.600.

2. Each division director may issue such regulations as are necessary to require the maintenance of records from which the conclusions required by this section can be determined.

3. Each division director shall report annually to the governor and the director of the department his findings made in accordance with the provisions of this section and which shall include information reported under the provisions of the Federal Home Mortgage Disclosure Act (12 U.S.C. 2801 et seq.), which findings shall be made as to the total industry he regulates, and by each county or city with a population in excess of two hundred fifty thousand. This report shall be maintained by the division as a public document for a period of five years.

4. The annual reports of the division directors shall state the method or methods used by the division director to reach his conclusions both in examination and analysis; and shall contain such facts as he deems necessary to support those conclusions, including but not limited to:

(1) The information required to be obtained by the provisions of subsection 1 of this section;

(2)**] As to the state financial institutions under the supervision of the respective divisions, each division director shall report annually to the governor and the director of the department, with regard to each county or city with a population in excess of two hundred fifty thousand the following:**

(1) The number and type of violations of sections 408.570 to 408.600 which are found to have occurred, a statement of the action or actions taken to enforce the provisions of said sections, and the names of the financial institutions which have been found upon a hearing to have violated the provisions of said sections; **and**

[(3)**] (2)** The number and nature of all complaints received by the department or division regarding alleged violations of any provision of sections 408.570 to 408.600 and the action taken on each complaint by the division.

2. This report shall be maintained by each division as a public document for a period of five years.

408.600. DIVISION DIRECTORS TO ENFORCE PROVISIONS OF SECTIONS 408.570 TO 408.600 — COMPLAINTS, HOW HANDLED — HEARINGS — REMEDIES. — 1. Each division director shall enforce the provisions of sections 408.570 to 408.600. With respect to state financial institutions which he supervises, licenses or charters, each division director shall utilize the powers granted him under the general statutory authority by which he regulates, supervises, licenses, or charters such institutions, as well as the powers granted him by sections 408.570 to 408.600. The director of the division of finance shall enforce the provisions of sections 408.570 to 408.600 as they pertain to state financial institutions not supervised, licensed or chartered by a division director, and shall in that enforcement have such powers as are granted in said sections. The enforcement powers granted by subsections 2 through 5 of this section shall be

utilized by the director of the division of finance concerning national banks, by the director of **[**savings and loan supervision**]** **the division of finance** concerning federal savings and loan associations, and by the director of credit unions concerning federal credit unions.

2. Any person who alleges to have been aggrieved as a result of a violation of section 408.575 or 408.580 may file a complaint with the appropriate division director. Within ninety days of the receipt of such complaint, the division director shall determine whether there is any reason to believe that a violation of section 408.575 or 408.580 has occurred. If the division director determines that there is such reason, then he shall undertake to resolve the complaint by negotiation or he shall conduct a hearing in accordance with the provisions of subsection 3 of this section, except that the hearing shall be held in the locality where the alleged violation occurred.

3. If the division director**[**, on the basis of an examination, an investigation of a complaint which has not been resolved by negotiation, a report required to be filed by section 408.592, or any public document or information,**]** has reason to believe that a violation of section 408.575 or 408.580 has occurred or does exist, the division director shall conduct a hearing in accordance with chapter 536. If the evidence establishes a violation of any provision of section 408.575 or 408.580, the division director may issue a cease and desist order stating specifically the unlawful practice to be discontinued, which order shall be served personally, or by certified mail. The decision of the division director shall be appealable directly to the circuit court pursuant to chapter 536.

4. If, after an order of the division director has become final, the director believes a violation of any provision of the order has occurred, he may seek an injunction to prohibit such violations in any court of competent jurisdiction. For each violation of such injunction, the court may assess a fine which may be recovered with costs by the state in any court of competent jurisdiction in an action to be prosecuted by the attorney general.

5. The remedies provided by this section shall not be interpreted as exclusive remedies but shall be in addition to remedies otherwise available to the director or to any individual damaged by a violation of sections 408.570 to 408.600.

[408.592. NONSUPERVISED FINANCIAL INSTITUTIONS TO REPORT — CONTENTS OF REPORT — DUTIES OF DIRECTOR OF DIVISION OF FINANCE. — 1. Each state financial institution which is not supervised, licensed or chartered by a division director, which operates or has a place of business within a county having a population in excess of two hundred fifty thousand or a city not within a county and which originated an aggregate of five hundred thousand dollars or more in residential real estate loans in Missouri during the last calendar year shall, on or before a date of ninety days after the end of the fiscal year of the institution, file with the director of the division of finance an annual statement for each such county or city showing separately the number and total dollar amount of residential real estate loans both within and outside of that county or city which were:

(1) Originated by that institution during the preceding fiscal year;

(2) Purchased by that institution during the preceding fiscal year; and

(3) Foreclosed by that institution during the preceding fiscal year.

2. The information required to be filed under subsection 1 of this section shall be further itemized in order to clearly and conspicuously disclose the following:

(1) The number and dollar amount of each item by census tracts for residential real estate loans on property located within that county or city;

(2) The number and dollar amount of each item for all residential real estate loans on property located outside that county or city.

3. The information required to be filed under subdivisions (1) and (2) of subsection 1 shall also be itemized in order to clearly and conspicuously disclose the following:

(1) The number and dollar amount of loans made for the purchase of residential real estate which are insured under Title II of the National Housing Act or under Title V of the Housing Act of 1949 or which are guaranteed under Chapter 37 of Title 38, United States Code;

(2) The number and dollar amount of loans made for the purchase of residential real estate, including loans insured under federal housing insurance programs;

(3) The number and dollar amount of loans made for the repair, rehabilitation or remodeling of residential real estate.

4. Each statement filed under the provisions of this section shall be filed on forms approved or furnished by the director of the division of finance and shall be verified by two officers of the institution. Wherever possible, the director of the division of finance shall make the forms consistent with the disclosure forms required under the Federal Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2801 et seq.).

5. The director of the division of finance shall maintain the statements filed under the provisions of this section for a period of not less than five years and shall make the statements available to the public for inspection during regular business hours and for copying at a cost not to exceed the actual cost to the division.**]**

Approved May 17, 2013

SB 236 [SB 236]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Provides that a Highway Patrol fund include money for the maintenance of Highway Patrol vehicles, watercraft, and aircraft and be used for the maintenance of such items

AN ACT to repeal section 43.265, RSMo, and to enact in lieu thereof one new section relating to the highway patrol's motor vehicle, aircraft, and watercraft revolving fund.

SECTION

A. Enacting clause.
43.265. Motor vehicle, aircraft, and watercraft revolving fund, purpose — exempt from transfer to general revenue.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Section 43.265, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 43.265, to read as follows:

43.265. MOTOR VEHICLE, AIRCRAFT, AND WATERCRAFT REVOLVING FUND, PURPOSE — EXEMPT FROM TRANSFER TO GENERAL REVENUE. — There is hereby created in the state treasury the "Highway Patrol's Motor Vehicle, Aircraft, and Watercraft Revolving Fund", which shall be administered by the superintendent of the highway patrol. All funds received by the highway patrol from:

(1) Any source for purchase **and maintenance** of highway patrol motor vehicles, watercraft, watercraft motors, and trailers;

(2) Any source for reimbursement of costs associated with the official use of highway patrol vehicles;

(3) Any source for restitution for damage to or loss of a highway patrol vehicle or aircraft;

(4) Any other source for the purchase **and maintenance** of highway patrol aircraft or aircraft parts; and

(5) Government agencies for the reimbursement of costs associated with aircraft flights flown on their behalf by the highway patrol; shall be credited to the fund. The state treasurer is the custodian of the fund and shall approve disbursements from the fund subject to appropriation and as provided by law and the constitution of this state at the request of the superintendent of the highway patrol. The balances from this fund shall be used for the purchase **and maintenance** of highway patrol motor vehicles, highway patrol watercraft, watercraft motors, and trailers, highway patrol aircraft or aircraft parts and operational costs. **Prior to obligating any funds for the purchase of an individual unit that costs in excess of one hundred thousand dollars, the highway patrol shall receive a specific appropriation from the general assembly for the particular purchase.** Any unexpended balance in the fund at the end of the fiscal year shall be exempt from the provisions of section 33.080 relating to the transfer of unexpended balances to the general revenue fund.

Allowed to go into effect pursuant to Article III, Section 31 of the Missouri Constitution

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SB 237 [SB 237]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Exempts certain telecommunications companies from Public Service Commission price caps

AN ACT to repeal section 392.420, RSMo, and to enact in lieu thereof one new section relating to telecommunications.

SECTION
A. Enacting clause.
392.420. Regulations, modification of, company may request by petition, when — waiver, when.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Section 392.420, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 392.420, to read as follows:

392.420. REGULATIONS, MODIFICATION OF, COMPANY MAY REQUEST BY PETITION, WHEN — WAIVER, WHEN. — The commission is authorized, in connection with the issuance or modification of a certificate of interexchange or local exchange service authority or the modification of a certificate of public convenience and necessity for interexchange or local exchange telecommunications service, to entertain a petition to suspend or modify the application of its rules or the application of any statutory provision contained in sections 392.200 to 392.340 if such waiver or modification is otherwise consistent with the other provisions of sections 392.361 to 392.520 and the purposes of this chapter. In the case of an application for certificate of service authority to provide basic local telecommunications service filed by an alternative local exchange telecommunications company, and for all existing alternative local exchange telecommunications companies, the commission shall waive, at a minimum, the application and enforcement of its quality of service and billing standards rules, as well as the provisions of subsection 2 of section 392.210, subsection 1 of section 392.240, **subsections 1 and 4 of section 392.245,** and sections 392.270, 392.280, 392.290, 392.300, 392.310, 392.320, 392.330, and 392.340. Notwithstanding any other provision of law in this chapter and chapter

386, where an alternative local exchange telecommunications company is authorized to provide local exchange telecommunications services in an incumbent local exchange telecommunications company's authorized service area, the incumbent local exchange telecommunications company may opt into all or some of the above-listed statutory and commission rule waivers by filing a notice of election with the commission that specifies which waivers are elected. In addition, where an interconnected voice over internet protocol service provider is registered to provide service in an incumbent local exchange telecommunications company's authorized service area under section 392.550, the incumbent local exchange telecommunications company may opt into all or some of the above-listed statutory and commission rule waivers by filing a notice of election with the commission that specifies which waivers are elected. The commission may reimpose its quality of service and billing standards rules, as applicable, on an incumbent local exchange telecommunications company but not on a company-granted competitive status under subdivision (7) of subsection 5 of section 392.245 in an exchange where there is no alternative local exchange telecommunications company or interconnected voice over internet protocol service provider that is certificated or registered to provide local voice service only upon a finding, following formal notice and hearing, that the incumbent local exchange telecommunications company has engaged in a pattern or practice of inadequate service. Prior to formal notice and hearing, the commission shall notify the incumbent local exchange telecommunications company of any deficiencies and provide such company an opportunity to remedy such deficiencies in a reasonable amount of time, but not less than sixty days. Should the incumbent local exchange telecommunications company remedy such deficiencies within a reasonable amount of time, the commission shall not reimpose its quality of service or billing standards on such company.

Approved May 17, 2013

SB 248 [CCS SCS SB 248]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Requires notice of neighborhood improvement districts be filed with the recorder of deeds

AN ACT to repeal sections 67.457, 67.463, 67.469, 67.1521, 140.050, 140.150, 140.160, 140.230, 140.290, 140.405, 140.460, 140.470, and 140.665, RSMo, and to enact in lieu thereof fourteen new sections relating to property taxes.

SECTION
A. Enacting clause.
67.457. Establishment of neighborhood improvement districts — procedure — notice of elections, contents — alternatives, petition, contents — maintenance costs, assessment — recording requirements.
67.463. Public hearing, procedure — apportionment of costs — special assessments, notice — payment and collection of assessments.
67.469. Assessment treated as tax lien, payable upon foreclosure.
67.1521. Special assessments, petition, funds, how collected — added to annual real estate bill — separate fund required, when.
140.050. Clerk to make back tax book — delivery to collector, collection — correction of omissions.
140.115. Lien prohibited on property in back tax book, when.
140.150. Lands, lots, mineral rights, and royalty interests subject to sale, when.
140.160. Limitation of actions, exceptions — county auditor to annually audit.
140.230. Foreclosure sale surplus — deposited in treasury — escheats, when.
140.290. Certificate of purchase — contents — fee — nonresidents.
140.405. Purchaser of property at delinquent land tax auction, deed issued to, when — notice of right of redemption — redemption of property first, when — loss of interest, when.
140.460. Execution of conveyance — form.

140.470. Variations from form.
140.665. Law applies to counties and cities and certain officers.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 67.457, 67.463, 67.469, 67.1521, 140.050, 140.150, 140.160, 140.230, 140.290, 140.405, 140.460, 140.470, and 140.665, RSMo, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 67.457, 67.463, 67.469, 67.1521, 140.050, 140.115, 140.150, 140.160, 140.230, 140.290, 140.405, 140.460, 140.470, and 140.665, to read as follows:

67.457. ESTABLISHMENT OF NEIGHBORHOOD IMPROVEMENT DISTRICTS — PROCEDURE — NOTICE OF ELECTIONS, CONTENTS — ALTERNATIVES, PETITION, CONTENTS — MAINTENANCE COSTS, ASSESSMENT — RECORDING REQUIREMENTS. — 1. To establish a neighborhood improvement district, the governing body of any city or county shall comply with either of the procedures described in subsection 2 or 3 of this section.

2. The governing body of any city or county proposing to create a neighborhood improvement district may by resolution submit the question of creating such district to all qualified voters residing within such district at a general or special election called for that purpose. Such resolution shall set forth the project name for the proposed improvement, the general nature of the proposed improvement, the estimated cost of such improvement, the boundaries of the proposed neighborhood improvement district to be assessed, and the proposed method or methods of assessment of real property within the district, including any provision for the annual assessment of maintenance costs of the improvement in each year during the term of the bonds issued for the original improvement and after such bonds are paid in full. The governing body of the city or county may create a neighborhood improvement district when the question of creating such district has been approved by the vote of the percentage of electors within such district voting thereon that is equal to the percentage of voter approval required for the issuance of general obligation bonds of such city or county under article VI, section 26 of the constitution of this state. The notice of election containing the question of creating a neighborhood improvement district shall contain the project name for the proposed improvement, the general nature of the proposed improvement, the estimated cost of such improvement, the boundaries of the proposed neighborhood improvement district to be assessed, the proposed method or methods of assessment of real property within the district, including any provision for the annual assessment of maintenance costs of the improvement in each year after the bonds issued for the original improvement are paid in full, and a statement that the final cost of such improvement assessed against real property within the district and the amount of general obligation bonds issued therefor shall not exceed the estimated cost of such improvement, as stated in such notice, by more than twenty-five percent, and that the annual assessment for maintenance costs of the improvements shall not exceed the estimated annual maintenance cost, as stated in such notice, by more than twenty-five percent. The ballot upon which the question of creating a neighborhood improvement district is submitted to the qualified voters residing within the proposed district shall contain a question in substantially the following form:

Shall ..... (name of city or county) be authorized to create a neighborhood improvement district proposed for the ..... (project name for the proposed improvement) and incur indebtedness and issue general obligation bonds to pay for all or part of the cost of public improvements within such district, the cost of all indebtedness so incurred to be assessed by the governing body of the ..... (city or county) on the real property benefitted by such improvements for a period of ..... years, and, if included in the resolution, an assessment in each year thereafter with the proceeds thereof used solely for maintenance of the improvement?

3. As an alternative to the procedure described in subsection 2 of this section, the governing body of a city or county may create a neighborhood improvement district when a proper petition has been signed by the owners of record of at least two-thirds by area of all real property located within such proposed district. Each owner of record of real property located in the proposed district is allowed one signature. Any person, corporation, or limited liability partnership owning more than one parcel of land located in such proposed district shall be allowed only one signature on such petition. The petition, in order to become effective, shall be filed with the city clerk or county clerk. A proper petition for the creation of a neighborhood improvement district shall set forth the project name for the proposed improvement, the general nature of the proposed improvement, the estimated cost of such improvement, the boundaries of the proposed neighborhood improvement district to be assessed, the proposed method or methods of assessment of real property within the district, including any provision for the annual assessment of maintenance costs of the improvement in each year during the term of the bonds issued for the original improvement and after such bonds are paid in full, a notice that the names of the signers may not be withdrawn later than seven days after the petition is filed with the city clerk or county clerk, and a notice that the final cost of such improvement assessed against real property within the district and the amount of general obligation bonds issued therefor shall not exceed the estimated cost of such improvement, as stated in such petition, by more than twenty-five percent, and that the annual assessment for maintenance costs of the improvements shall not exceed the estimated annual maintenance cost, as stated in such petition, by more than twenty-five percent.

4. Upon receiving the requisite voter approval at an election or upon the filing of a proper petition with the city clerk or county clerk, the governing body may by resolution or ordinance determine the advisability of the improvement and may order that the district be established and that preliminary plans and specifications for the improvement be made. Such resolution or ordinance shall state and make findings as to the project name for the proposed improvement, the nature of the improvement, the estimated cost of such improvement, the boundaries of the neighborhood improvement district to be assessed, the proposed method or methods of assessment of real property within the district, including any provision for the annual assessment of maintenance costs of the improvement in each year after the bonds issued for the original improvement are paid in full, and shall also state that the final cost of such improvement assessed against the real property within the neighborhood improvement district and the amount of general obligation bonds issued therefor shall not, without a new election or petition, exceed the estimated cost of such improvement by more than twenty-five percent.

5. The boundaries of the proposed district shall be described by metes and bounds, streets or other sufficiently specific description. The area of the neighborhood improvement district finally determined by the governing body of the city or county to be assessed may be less than, but shall not exceed, the total area comprising such district.

6. In any neighborhood improvement district organized prior to August 28, 1994, an assessment may be levied and collected after the original period approved for assessment of property within the district has expired, with the proceeds thereof used solely for maintenance of the improvement, if the residents of the neighborhood improvement district either vote to assess real property within the district for the maintenance costs in the manner prescribed in subsection 2 of this section or if the owners of two-thirds of the area of all real property located within the district sign a petition for such purpose in the same manner as prescribed in subsection 3 of this section.

7. Prior to any assessment hereafter being levied against any real property within any neighborhood improvement district, and prior to any lien enforceable under either chapter 140 or 141 being imposed after August 28, 2013 against any real property within a neighborhood improvement district, the clerk of the governing body establishing the neighborhood improvement district shall cause to be recorded with the recorder of deeds for the county in which any portion of the neighborhood improvement district is located,

a document conforming to the provisions of sections 59.310 and 59.313, and which shall contain at least the following information:

(1) Each owner of record of real property located within the neighborhood improvement district at the time of recording, who shall be identified in the document as grantors and indexed by the recorder pursuant to section 59.440;

(2) The governing body establishing the neighborhood improvement district and the title of any official or agency responsible for collecting or enforcing any assessments, who shall be identified in the document as grantees and so indexed by the recorder pursuant to section 59.440;

(3) The legal description of the property within the neighborhood improvement district which may either be the metes and bounds description authorized in subsection 5 of this section or the legal description of each lot or parcel within the neighborhood improvement district; and

(4) The identifying number of the resolution or ordinance creating the neighborhood improvement district, or a copy of such resolution or ordinance.

67.463. PUBLIC HEARING, PROCEDURE — APPORTIONMENT OF COSTS — SPECIAL ASSESSMENTS, NOTICE — PAYMENT AND COLLECTION OF ASSESSMENTS. — 1. At the hearing to consider the proposed improvements and assessments, the governing body shall hear and pass upon all objections to the proposed improvements and proposed assessments, if any, and may amend the proposed improvements, and the plans and specifications therefor, or assessments as to any property, and thereupon by ordinance or resolution the governing body of the city or county shall order that the improvement be made and direct that financing for the cost thereof be obtained as provided in sections 67.453 to 67.475.

2. After construction of the improvement has been completed in accordance with the plans and specifications therefor, the governing body shall compute the final costs of the improvement and apportion the costs among the property benefitted by such improvement in such equitable manner as the governing body shall determine, charging each parcel of property with its proportionate share of the costs, and by resolution or ordinance, assess the final cost of the improvement or the amount of general obligation bonds issued or to be issued therefor as special assessments against the property described in the assessment roll.

3. After the passage or adoption of the ordinance or resolution assessing the special assessments, the city clerk or county clerk shall mail a notice to each property owner within the district which sets forth a description of each parcel of real property to be assessed which is owned by such owner, the special assessment assigned to such property, and a statement that the property owner may pay such assessment in full, together with interest accrued thereon from the effective date of such ordinance or resolution, on or before a specified date determined by the effective date of the ordinance or resolution, or may pay such assessment in annual installments as provided in subsection 4 of this section.

4. The special assessments shall be assessed upon the property included therein concurrent with general property taxes, and shall be payable in substantially equal annual installments for a duration stated in the ballot measure prescribed in subsection 2 of section 67.457 or in the petition prescribed in subsection 3 of section 67.457, and, if authorized, an assessment in each year thereafter levied and collected in the same manner with the proceeds thereof used solely for maintenance of the improvement, taking into account such assessments and interest thereon, as the governing body determines. The first installment shall be payable after the first collection of general property taxes following the adoption of the assessment ordinance or resolution unless such ordinance or resolution was adopted and certified too late to permit its collection at such time. All assessments shall bear interest at such rate as the governing body determines, not to exceed the rate permitted for bonds by section 108.170. Interest on the assessment between the effective date of the ordinance or resolution assessing the assessment and the date the first installment is payable shall be added to the first installment. The interest for one year on all

unpaid installments shall be added to each subsequent installment until paid. In the case of a special assessment by a city, all of the installments, together with the interest accrued or to accrue thereon, may be certified by the city clerk to the county clerk in one instrument at the same time. Such certification shall be good for all of the installments, and the interest thereon payable as special assessments.

5. Special assessments shall be collected and paid over to the city treasurer or county treasurer in the same manner as taxes of the city or county are collected and paid. In any **county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants and any** county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants, the county collector may collect a fee as prescribed by section 52.260 for collection of assessments under this section.

67.469. ASSESSMENT TREATED AS TAX LIEN, PAYABLE UPON FORECLOSURE. — A special assessment authorized under the provisions of sections 67.453 to 67.475 shall be a lien, from the date of the assessment, on the property against which it is assessed on behalf of the city or county assessing the same to the same extent as a tax upon real property. The lien may be foreclosed in the same manner as a tax upon real property by land tax sale pursuant to chapter 140 or **[**by judicial foreclosure proceeding**]**, **if applicable to that county, chapter 141, or** at the option of the governing body**, by judicial foreclosure proceeding**. Upon the foreclosure of any such lien, whether by land tax sale or by judicial foreclosure proceeding, the entire remaining assessment may become due and payable and may be recoverable in such foreclosure proceeding at the option of the governing body.

67.1521. SPECIAL ASSESSMENTS, PETITION, FUNDS, HOW COLLECTED — ADDED TO ANNUAL REAL ESTATE BILL — SEPARATE FUND REQUIRED, WHEN. — 1. A district may levy by resolution one or more special assessments against real property within its boundaries, upon receipt of and in accordance with a petition signed by:

(1) Owners of real property collectively owning more than fifty percent by assessed value of real property within the boundaries of the district; and

(2) More than fifty percent per capita of the owners of all real property within the boundaries of the district.

2. The special assessment petition shall be in substantially the following form:

The ..... (insert name of district) Community Improvement District ("District") shall be authorized to levy special assessments against real property benefitted within the District for the purpose of providing revenue for ..... (insert general description of specific service and/or projects) in the district, such special assessments to be levied against each tract, lot or parcel of real property listed below within the district which receives special benefit as a result of such service and/or projects, the cost of which shall be allocated among this property by ..... (insert method of allocation, e.g., per square foot of property, per square foot on each square foot of improvement, or by abutting foot of property abutting streets, roads, highways, parks or other improvements, or any other reasonable method) in an amount not to exceed ..... dollars per (insert unit of measure). Such authorization to levy the special assessment shall expire on ..... (insert date). The tracts of land located in the district which will receive special benefit from this service and/or projects are: ..... (list of properties by common addresses and legal descriptions).

3. The method for allocating such special assessments set forth in the petition may be any reasonable method which results in imposing assessments upon real property benefitted in relation to the benefit conferred upon each respective tract, lot or parcel of real property and the cost to provide such benefit.

4. By resolution of the board, the district may levy a special assessment rate lower than the rate ceiling set forth in the petition authorizing the special assessment and may increase such

lowered special assessment rate to a level not exceeding the special assessment rate ceiling set forth in the petition without further approval of the real property owners; provided that a district imposing a special assessment pursuant to this section may not repeal or amend such special assessment or lower the rate of such special assessment if such repeal, amendment or lower rate will impair the district's ability to pay any liabilities that it has incurred, money that it has borrowed or obligations that it has issued.

5. Each special assessment which is due and owing shall constitute a perpetual lien against each tract, lot or parcel of property from which it is derived. Such lien may be foreclosed in the same manner as any other special assessment lien as provided in section 88.861. Notwithstanding the provisions of this subsection and section 67.1541 to the contrary, **[**in any county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants,**]** the county collector may, upon certification by the district for collection, add each special assessment to the annual real estate tax bill for the property and collect the assessment in the same manner the collector uses for real estate taxes. **[**In said counties, each**]** **Any** special assessment remaining unpaid on the first day of January annually is delinquent and enforcement of collection of the delinquent bill by the county collector shall be governed by the laws concerning delinquent and back taxes. The lien may be foreclosed in the same manner as a tax upon real property by land tax sale under chapter 140 or, if applicable to that county, chapter 141.

6. A separate fund or account shall be created by the district for each special assessment levied and each fund or account shall be identifiable by a suitable title. The proceeds of such assessments shall be credited to such fund or account. Such fund or account shall be used solely to pay the costs incurred in undertaking the specified service or project.

7. Upon completion of the specified service or project or both, the balance remaining in the fund or account established for such specified service or project or both shall be returned or credited against the amount of the original assessment of each parcel of property pro rata based on the method of assessment of such special assessment.

8. Any funds in a fund or account created pursuant to this section which are not needed for current expenditures may be invested by the board in accordance with applicable laws relating to the investment of funds of the city in which the district is located.

9. The authority of the district to levy special assessments shall be independent of the limitations and authorities of the municipality in which it is located; specifically, the provisions of section 88.812 shall not apply to any district.

140.050. CLERK TO MAKE BACK TAX BOOK — DELIVERY TO COLLECTOR, COLLECTION — CORRECTION OF OMISSIONS. — 1. Except as provided in section 52.361, the county clerk shall file the delinquent lists in the county clerk's office and within ten days thereafter make, under the seal of the commission, the lists into a back tax book as provided in section 140.060.

2. Except as provided in section 52.361, when completed, the clerk shall deliver the book **or an electronic copy thereof** to the collector taking duplicate receipts therefor, one of which the clerk shall file in the clerk's office and the other the clerk shall file with the director of revenue. The clerk shall charge the collector with the aggregate amount of taxes, interest, and clerk's fees contained in the back tax book.

3. The collector shall collect such back taxes and may levy upon, seize and distrain tangible personal property and may sell such property for taxes.

4. In the city of St. Louis, the city comptroller or other proper officer shall return the back tax book together with the uncollected tax bills within thirty days to the city collector.

5. If any county commission or clerk in counties not having a county auditor fails to comply with section 140.040, and this section, to the extent that the collection of taxes cannot be enforced by law, the county commission or clerk, or their successors in office, shall correct such omissions at once and return the back tax book to the collector who shall collect such taxes.

140.115. LIEN PROHIBITED ON PROPERTY IN BACK TAX BOOK, WHEN. — Any person other than the owner or a mortgagee or other lienholder described in section 139.070 who pays the original taxes, as charged against the tract of land or town lot described in the back tax book together with interest from the day upon which the tax first became delinquent at the rate specified in section 140.100 shall not invoke a lien on said property or person without the knowledge and consent of the owner. Any such lien so invoked on said property or person without the knowledge and consent of the owner shall be null and void.

140.150. LANDS, LOTS, MINERAL RIGHTS, AND ROYALTY INTERESTS SUBJECT TO SALE, WHEN. — 1. All lands, lots, mineral rights, and royalty interests on which taxes or **[**neighborhood improvement district**]** special assessments are delinquent and unpaid are subject to sale to discharge the lien for the delinquent and unpaid taxes or unpaid special assessments as provided for in this chapter on the fourth Monday in August of each year.

2. No real property, lots, mineral rights, or royalty interests shall be sold for state, county or city taxes or special assessments without judicial proceedings, unless the notice of sale contains the names of all record owners thereof, or the names of all owners appearing on the land tax book and all other information required by law. Delinquent taxes or unpaid special assessments, penalty, interest and costs due thereon may be paid to the county collector at any time before the property is sold therefor. The collector shall send notices to the publicly recorded owner of record before any delinquent and unpaid taxes or unpaid special assessments as specified in this section subject to sale are published. The first notice shall be by first class mail. A second notice shall be sent by certified mail only if the assessed valuation of the property is greater than one thousand dollars. If the assessed valuation of the property is not greater than one thousand dollars, only the first notice shall be required. If any second notice sent by certified mail under this section is returned to the collector unsigned, then notice shall be sent before the sale by first class mail to both the owner of record and the occupant of the real property. The postage for the mailing of the notices shall be paid out of the county treasury, and such costs shall be added to the costs of conducting the sale, and the county treasury shall be reimbursed to the extent that such postage costs are recovered at the sale. The failure of the taxpayer or the publicly recorded owner to receive the notice provided for in this section shall not relieve the taxpayer or publicly recorded owner of any tax liability imposed by law.

3. The entry in the back tax book by the county clerk of the delinquent lands, lots, mineral rights, and royalty interests constitutes a levy upon the delinquent lands, lots, mineral rights, and royalty interests for the purpose of enforcing the lien of delinquent and unpaid taxes or unpaid special assessments **[**as provided in section 67.469**]**, together with penalty, interest and costs.

140.160. LIMITATION OF ACTIONS, EXCEPTIONS — COUNTY AUDITOR TO ANNUALLY AUDIT. — 1. No proceedings for the sale of land and lots for delinquent taxes pursuant to this chapter or unpaid special assessments **[**as provided in section 67.469**]**, relating to the collection of delinquent and back taxes and unpaid special assessments and providing for foreclosure sale and redemption of land and lots therefor, shall be valid unless initial proceedings therefor shall be commenced within three years after delinquency of such taxes and unpaid special assessments, and any sale held pursuant to initial proceedings commenced within such period of three years shall be deemed to have been in compliance with the provisions of said law insofar as the time at which such sales are to be had is specified therein; provided further, that in suits or actions to collect delinquent drainage and/or levee assessments on real estate such suits or actions shall be commenced within three years after delinquency, otherwise no suit or action therefor shall be commenced, had or maintained, except that the three-year limitation described in this subsection shall not be applicable if any written instrument conveys any real estate having a tax-exempt status, if such instrument causes such real estate to again become taxable real property and if such instrument has not been recorded in the office of the recorder in the county

in which the real estate has been situated. Such three-year limitation shall only be applicable once the recording of the title has occurred.

2. The county auditor in all counties having a county auditor shall annually audit collections, deposits, and supporting reports of the collector and provide a copy of such audit to the county collector and to the governing body of the county. A copy of the audit may be provided to all applicable taxing entities within the county at the discretion of the county collector.

140.230. FORECLOSURE SALE SURPLUS — DEPOSITED IN TREASURY — ESCHEATS, WHEN. — 1. When real estate has been sold for taxes or other debt by the sheriff or collector of any county within the state of Missouri, and the same sells for a greater amount than the debt or taxes and all costs in the case it shall be the duty of the sheriff or collector of the county, when such sale has been or may hereafter be made, to make a written statement describing each parcel or tract of land sold by him for a greater amount than the debt or taxes and all costs in the case together with the amount of surplus money in each case. The statement shall be subscribed and sworn to by the sheriff or collector making it before some officer competent to administer oaths within this state, and then presented to the county commission of the county where the sale has been or may be made; and on the approval of the statement by the commission, the sheriff or collector making the same shall pay the surplus money into the county treasury, take the receipt in duplicate of the treasurer for the surplus of money and retain one of the duplicate receipts himself and file the other with the county commission, and thereupon the commission shall charge the treasurer with the amount.

2. The treasurer shall place such moneys in the county treasury to be held for the use and benefit of the person entitled to such moneys or to the credit of the school fund of the county, to be held in trust for the term of three years for the publicly recorded owner or owners of the property sold at **the time of** the delinquent land tax auction or their legal representatives. At the end of three years, if such fund shall not be called for **as part of a redemption or collector's deed issuance**, then it shall become a permanent school fund of the county.

3. County commissions shall compel owners or agents to make satisfactory proof of their claims before receiving their money; provided, that no county shall pay interest to the claimant of any such fund.

140.290. CERTIFICATE OF PURCHASE — CONTENTS — FEE — NONRESIDENTS. — 1. After payment shall have been made the county collector shall give the purchaser a certificate in writing, to be designated as a certificate of purchase, which shall carry a numerical number and which shall describe the land so purchased, each tract or lot separately stated, the total amount of the tax, with penalty, interest and costs, and the year or years of delinquency for which said lands or lots were sold, separately stated, and the aggregate of all such taxes, penalty, interest and costs, and the sum bid on each tract.

2. If the purchaser bid for any tract or lot of land a sum in excess of the delinquent tax, penalty, interest and costs for which said tract or lot of land was sold, such excess sum shall also be noted in the certificate of purchase, in a separate column to be provided therefor. Such certificate of purchase shall also recite the name and address of the owner or reputed owner if known, and if unknown then the party or parties to whom each tract or lot of land was assessed, together with the address of such party, if known, and shall also have incorporated therein the name and address of the purchaser. Such certificate of purchase shall also contain the true date of the sale and the time when the purchaser will be entitled to a deed for said land, if not redeemed as in this chapter provided, and the rate of interest that such certificate of purchase shall bear, which rate of interest shall not exceed the sum of ten percent per annum. Such certificate shall be authenticated by the county collector, who shall record the same in a permanent record book in his office before delivery to the purchaser.

3. Such certificate shall be assignable, but no assignment thereof shall be valid unless endorsed on such certificate and acknowledged before some officer authorized to take acknowledgment of deeds and an entry of such assignment entered in the record of said certificate of purchase in the office of the county collector.

4. **[**For each certificate of purchase issued, including the recording of the same, the county collector shall be entitled to receive and retain a fee of fifty cents, to be paid by the purchaser and treated as a part of the cost of the sale, and so noted on the certificate. For noting any assignment of any certificate the county collector shall be entitled to a fee of twenty-five cents, to be paid by the person requesting such recital of assignment, and which shall not be treated as a part of the cost of the sale.**]** For each certificate of purchase issued, as a part of the cost of the sale, the purchaser shall pay to the collector the fee necessary to record such certificate of purchase in the office of the county recorder. The collector shall record the certificate of purchase before delivering such certificate of purchase to the purchaser.

5. No collector shall be authorized to issue a certificate of purchase to any nonresident of the state of Missouri, however, any nonresident as described in subsection 2 of section 140.190 may appoint an agent, and such agent shall comply with the provisions of section 140.190 pertaining to a nonresident.

6. This section shall not apply to any post-third-year tax sale, except for nonresidents as provided in subsection 5 of this section.

140.405. PURCHASER OF PROPERTY AT DELINQUENT LAND TAX AUCTION, DEED ISSUED TO, WHEN — NOTICE OF RIGHT OF REDEMPTION — REDEMPTION OF PROPERTY FIRST, WHEN — LOSS OF INTEREST, WHEN. — 1. Any person purchasing property at a delinquent land tax auction shall not acquire the deed to the real estate, as provided for in section 140.250 or 140.420, until the person meets the requirements of this section, except that such requirements shall not apply to post-third-year sales, which shall be conducted under subsection 4 of section 140.250. The purchaser shall obtain a title search report from a licensed attorney or licensed title company detailing the ownership and encumbrances on the property. Such title search report shall be declared invalid if the effective date is more than one hundred twenty days from the date the purchaser applies for a collector's deed under section 140.250 or 140.420.

2. At least ninety days prior to the date when a purchaser is authorized to acquire the deed, the purchaser shall notify the owner of record and any person who holds a publicly recorded unreleased deed of trust, mortgage, lease, lien, judgment, or any other publicly recorded claim upon that real estate of such person's right to redeem the property. Notice shall be sent by both first class mail and certified mail return receipt requested to such person's last known available address. If the certified mail return receipt is returned signed, the first class mail notice is not returned, the first class mail notice is refused where noted by the United States Postal Service, or any combination thereof, notice shall be presumed received by the recipient. At the conclusion of the applicable redemption period, the purchaser shall make an affidavit in accordance with subsection 4 of this section.

3. If the owner of record or **the holder of** any other publicly recorded claim on the property intends to transfer ownership or execute any additional liens or encumbrances on the property, such owner shall first redeem such property under section 140.340. The failure to comply with redeeming the property first before executing any of such actions or agreements on the property shall require the owner of record or any other publicly recorded claim on the property to reimburse the purchaser for the total bid as recorded on the certificate of purchase and all the costs of the sale required in sections 140.150 to 140.405.

4. In the case that both the certified notice return receipt card is returned unsigned and the first class mail is returned for any reason except refusal, where the notice is returned undeliverable, then the purchaser shall attempt additional notice and certify in the purchaser's affidavit to the collector that such additional notice was attempted and by what means.

5. The purchaser shall notify the county collector by affidavit of the date that every required notice was sent to the owner of record and, if applicable, any other publicly recorded claim on the property. To the affidavit, the purchaser shall attach a copy of a valid title search report as described in subsection 1 of this section as well as completed copies of the following for each recipient:

(1) **Notices of right to redeem sent by** first class mail;

(2) **Notices of right to redeem sent by** certified mail **[**notice**]**;

(3) Addressed envelopes **for all notices,** as they appeared immediately before mailing;

(4) Certified mail receipt as it appeared upon its return; and

(5) Any returned regular mailed envelopes. As provided in this section, at such time the purchaser notifies the collector by affidavit that all the ninety days' notice requirements of this section have been met, the purchaser is authorized to acquire the deed, provided that a collector's deed shall not be acquired before the expiration date of the redemption period as provided in section 140.340.

6. If any real estate is purchased at a third-offering tax auction and has a publicly recorded unreleased deed of trust, mortgage, lease, lien, judgment, or any other publicly recorded claim upon the real estate under this section, the purchaser of said property shall within forty-five days after the purchase at the sale notify such person of the person's right to redeem the property within ninety days from the postmark date on the notice. Notice shall be sent by both first class mail and certified mail return receipt requested to such person's last known available address. The purchaser shall notify the county collector by affidavit of the date the required notice was sent to the owner of record and, if applicable, **and the holder of** any other publicly recorded claim on the property, that such person shall have ninety days to redeem said property or be forever barred from redeeming said property.

7. If the county collector chooses to have the title search done then the county collector may charge the purchaser the cost of the title search before giving the purchaser a deed pursuant to section 140.420.

8. If the property is redeemed, the person redeeming the property shall pay the costs incurred by the purchaser in providing notice under this section. Recoverable costs on any property sold at a tax sale shall include the title search, postage, and costs for the recording of any certificate of purchase issued and for recording the release of such certificate of purchase and all the costs of the sale required in sections 140.150 to 140.405.

9. Failure of the purchaser to comply with this section shall result in such purchaser's loss of all interest in the real estate.

140.460. EXECUTION OF CONVEYANCE — FORM. — 1. Such conveyance shall be executed by the county collector, under his hand and seal, **[**witnessed by the county clerk**]** and acknowledged before the county recorder or any other officer authorized to take acknowledgments and the same shall be recorded in the recorder's office before delivery; a fee for recording shall be paid by the purchaser and shall be included in the costs of sale.

2. Such deed shall be prima facie evidence that the property conveyed was subject to taxation at the time assessed, that the taxes were delinquent and unpaid at the time of sale, of the regularity of the sale of the premises described in the deed, and of the regularity of all prior proceedings, that said land or lot had not been redeemed and that the period therefor had elapsed, and prima facie evidence of a good and valid title in fee simple in the grantee of said deed; and such deed shall be in the following form, as nearly as the nature of the case will admit, namely:

Whereas, A. B. did, on the . . . . . day of . . . . . ., 20. . ., produce to the undersigned, C. D., collector of the county of in the state of Missouri, a certificate of purchase, in writing, bearing date the . . . . . day of . . . . . 20. ., signed by E. F., who at the last mentioned date was collector of said county, from which it appears that the said A. B. did, on the . . . . . day of . . . . . ., 20. . , purchase at public auction at the door of the

courthouse in said county, the tract, parcel or lot of land lastly in this indenture described, and which lot was sold to . . . . . for the sum of . . . . . dollars and . . . . . cents, being the amount due on the following tracts or lots of land, returned delinquent in the name of G. H., for nonpayment of taxes, costs and charges for the year . . . . . , namely: (Here set out the lands offered for sale); which said lands have been recorded, among other tracts, in the office of said collector, as delinquent for the nonpayment of taxes, costs, and charges due for the year last aforesaid, and legal publication made of the sale of said lands; and it appearing that the said A. B. is the legal owner of said certificate of purchase and the time fixed by law for redeeming the land therein described having now expired, the said G. H. nor any person in his behalf having paid or tendered the amount due the said A. B. on account of the aforesaid purchase, and for the taxes by him since paid, and the said A. B., having demanded a deed for the tract of land mentioned in said certificate, and which was the least quantity of the tract above described that would sell for the amount due thereon for taxes, costs and charges, as above specified, and it appearing from the records of said county collector's office that the aforesaid lands were legally liable for taxation, and has been duly assessed and properly charged on the tax book with the taxes for the years . . . . . .;

Therefore, this indenture, made this . . . . . day of. . . . ., 20. . ., between the state of Missouri, by C. D., collector of said . . . . . county, of the first part, and the said A. B., of the second part, Witnesseth: That the said party of the first part, for and in consideration of the premises, has granted, bargained and sold unto the said party of the second part, his heirs and assigns, forever, the tract or parcel of land mentioned in said certificate, situate in the county of . . . . . ., and state of Missouri, and described as follows, namely: (Here set out the particular tract or parcel sold), To have and to hold the said last mentioned tract or parcel of land, with the appurtenances thereto belonging, to the said party of the second part, his heirs and assigns forever, in as full and ample a manner as the collector of said county is empowered by law to sell the same.

In Testimony Whereof, the said C. D., collector of said county of . . . . . ., has hereunto set his hand, and affixed his official seal, the day and year last above written.

Witness: . . . . . (L.S.)
Collector of. . . . . County.

State of Missouri, ... County, ss:

Before me, the undersigned, ..., in and for said county, this day, personally came the above-named C. D., collector of said county, and acknowledged that he executed the foregoing deed for the uses and purposes therein mentioned.

In Witness Whereof, I have hereunto set my hand and seal this . . . . . day of. . . . . ., 20. . . . .

. . . . . (L.S.)

140.470. VARIATIONS FROM FORM. — **[**1.**]** In case circumstances should exist requiring any variation from the foregoing form, in the recital part thereof, the necessary change shall be made by the county collector executing such deed, and the same shall not be vitiated by any such change, provided the substance be retained.

[2. The county collector shall be entitled to demand and receive from the person applying therefor, for each tax deed, one dollar and fifty cents, which shall include the acknowledgment.**]**

140.665. LAW APPLIES TO COUNTIES AND CITIES AND CERTAIN OFFICERS. — Whenever the word "collector" is used in sections 140.050 to 140.660, as applicable to counties which have adopted township organization, it shall be construed to mean **["**treasurer and ex officio collector**"] "collector-treasurer"**. Where applicable it shall also refer to the collector, or other proper officer, collecting taxes in any city or town. Where applicable the word "county" as used in

sections 140.050 to 140.660 shall be construed "city" and the words "county clerk" shall be construed "city clerk or other proper officer".

Approved July 1, 2013

SB 251 [SS SB 251]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Updates provisions relating to public assistance fraud and abuse

AN ACT to repeal sections 578.375, 578.377, 578.379, 578.381, 578.383, 578.389, and 578.390, RSMo, and to enact in lieu thereof nine new sections relating to public assistance fraud and abuse, with penalty provisions.

SECTION
A. Enacting clause.
208.024. TANF benefits, prohibited purchases, where — definitions.
578.375. Definitions.
578.377. Unlawful receipt of public assistance benefits or EBT cards — grades of offense, penalty.
578.379. Unlawful conversion of public assistance benefits or EBT cards — grades of offense, penalty.
578.381. Unlawful transfer of public assistance benefits or EBT cards — grades of offense, penalty.
578.383. Grade of offense, how determined.
578.389. Enhanced penalty for multiple convictions.
578.390. Welfare fraud telephone hot line, attorney general, duties.
578.392. Detection of fraud, department to study methods, report.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 578.375, 578.377, 578.379, 578.381, 578.383, 578.389, and 578.390, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 208.024, 578.375, 578.377, 578.379, 578.381, 578.383, 578.389, 578.390, and 578.392, to read as follows:

208.024. TANF BENEFITS, PROHIBITED PURCHASES, WHERE — DEFINITIONS. — 1. Eligible recipients of temporary assistance for needy families (TANF) benefits shall not use such funds in any electronic benefit transfer transaction in any liquor store, casino, gambling casino, or gaming establishment, any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment, or in any place or for any item that is primarily marketed for or used by adults eighteen or older and/or is not in the best interests of the child or household. An eligible recipient of TANF assistance who makes a purchase in violation of this section shall reimburse the department of social services for such purchase.

2. An individual, store owner or proprietor of an establishment shall not accept TANF cash assistance funds held on electronic benefit transfer cards for the purchase of alcoholic beverages, lottery tickets, or tobacco products or for use in any electronic benefit transfer transaction in any liquor store, casino, gambling casino, or gaming establishment, any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment, or in any place or for any item that is primarily marketed for or used by adults eighteen or older and/or is not in the best interests of the child or household. An individual, store owner or proprietor of an establishment who knowingly accepts electronic benefit transfer cards in violation of this section shall be punished by a fine of not more than five hundred dollars for the first

offense, a fine of not less than five hundred dollars nor more than one thousand dollars for the second offense, and a fine of not less than one thousand dollars for the third or subsequent offense.

3. For purposes of this section:

(1) The following terms shall mean:

(a) "Electronic benefit transfer transaction", the use of a credit or debit card service, automated teller machine, point of sale terminal, or access to an online system for the withdrawal of funds or the processing of a payment for merchandise or a service; and

(b) "Liquor store", any retail establishment which sells exclusively or primarily intoxicating liquor. Such term does not include a grocery store which sells both intoxicating liquor and groceries including staple foods as outlined under the Food and Nutrition Act of 2008;

(2) Casinos, gambling casinos, or gaming establishments shall not include:

(a) A grocery store which sells groceries including staple foods, and which also offers, or is located within the same building or complex as a casino, gambling, or gaming activities; or

(b) Any other establishment that offers casino, gambling, or gaming activities incidental to the principal purpose of the business.

578.375. DEFINITIONS. — As used in sections 578.375 to **[**578.389**] 578.392**, the following terms mean:

(1) **[**"Authorization to participate" or "ATP card", a document which is issued by a state or federal agency to a certified household to show the food stamp allotment the household is authorized to receive on presentation of the document;

(2)**]** "Department", the Missouri department of social services or any of its divisions;

(2) "Electronic Benefits Card" or "EBT card", a debit card used to access food stamps or cash benefits issued by the department of social services;

(3) "Employment information", the following facts if reasonably available: complete name, beginning and ending dates of employment during the most recent five years, amount of money earned in any month or months during the most recent five years, last known address, date of birth, and Social Security account number;

(4) "Food **[**stamp coupons" or "food stamp", any coupon, stamp or other type of document used or intended for use in the purchase of food pursuant to the Missouri food stamp program**] stamps", the nutrition assistance program in Missouri that provides food and aid to low-income individuals who are in need of benefits to purchase foods operated by the United States Department of Agriculture (USDA) in conjunction with the department**;

(5) "Public assistance **benefits**", anything of value, including money, food, **[**ATP**] EBT** cards, food **[**stamp coupons**] stamps**, commodities, clothing, utilities, utilities payments, shelter, drugs and medicine, materials, goods, and any service including institutional care, medical care, dental care, child care, psychiatric and psychological service, rehabilitation instruction, training, **transitional assistance,** or counseling, received by or paid on behalf of any person under chapters 198, 205, 207, 208, 209, and 660, or benefits, programs, and services provided or administered by the **[**Missouri**]** department **[**of social services**]** or any of its divisions.

578.377. UNLAWFUL RECEIPT OF PUBLIC ASSISTANCE BENEFITS OR EBT CARDS — GRADES OF OFFENSE, PENALTY. — 1. A person commits the crime of unlawfully receiving **[**food stamp coupons or ATP**] public assistance benefits or EBT** cards if he **or she** knowingly receives or uses the proceeds of **[**food stamp coupons or ATP**] public assistance benefits or EBT** cards to which he **or she** is not lawfully entitled or for which he **or she** has not applied and been approved by the department to receive.

2. Unlawfully receiving **[**food stamp coupons or ATP**] public assistance benefits or EBT** cards is a class D felony unless the face value of the **[**food stamp coupon or ATP**] public**

assistance benefits or EBT cards is less than five hundred dollars, in which case unlawful receiving of [food stamp coupons and ATP] **public assistance benefits or EBT** cards is a class A misdemeanor. **A person who is found guilty of a second offense of unlawfully receiving public assistance benefits or EBT cards in an amount less than five hundred dollars shall be guilty of a class D felony. Any person who is found guilty of a second or subsequent offense of felony unlawfully receiving public assistance benefits or EBT cards shall be guilty of a class C felony. Any person who is found guilty of felony unlawfully receiving of public assistance benefits or EBT cards shall serve not less than one hundred twenty days in the department of corrections unless such person pays full restitution to the state of Missouri within thirty days of the date of execution of sentence.**

3. In addition to any criminal penalty, any person found guilty of unlawfully receiving public assistance benefits or EBT cards shall pay full restitution to the state of Missouri for the total amount of monies converted. No person placed on probation for the offense shall be released from probation until full restitution has been paid.

578.379. UNLAWFUL CONVERSION OF PUBLIC ASSISTANCE BENEFITS OR EBT CARDS — GRADES OF OFFENSE, PENALTY. — 1. A person commits the crime of conversion of [food stamp coupons or ATP] **public assistance benefits or EBT** cards if he **or she** knowingly engages in any transaction to convert [food stamp coupons or ATP] **public assistance benefits or EBT** cards to other property contrary to statutes, rules and regulations, either state or federal, governing the [food stamp program] **use of public assistance benefits**.

2. Unlawful conversion of [food stamp coupons or ATP] **public assistance benefits or EBT** cards is a class D felony unless the face value of said [food stamp coupons or ATP] **public assistance benefits or EBT** cards is less than five hundred dollars, in which case unlawful conversion of [food stamp coupons or ATP] **public assistance benefits or EBT** cards is a class A misdemeanor. **A person who is found guilty of a second offense of unlawful conversion of public assistance benefits or EBT cards in an amount less than five hundred dollars shall be guilty of a class D felony. Any person who is found guilty of a second or subsequent offense of felony unlawful conversion of public assistance benefits or EBT cards shall be guilty of a class C felony. Any person who is found guilty of felony unlawful conversion of public assistance benefits or EBT cards shall serve not less than one hundred twenty days in the department of corrections unless such person pays full restitution to the state of Missouri within thirty days of the date of execution of sentence.**

3. In addition to any criminal penalty, any person found guilty of unlawful conversion of public assistance benefits or EBT cards shall pay full restitution to the state of Missouri for the total amount of moneys converted. No person placed on probation for the offense shall be released from probation until full restitution has been paid.

578.381. UNLAWFUL TRANSFER OF PUBLIC ASSISTANCE BENEFITS OR EBT CARDS — GRADES OF OFFENSE, PENALTY. — 1. A person commits the crime of unlawful transfer of [food stamp coupons or ATP] **public assistance benefits or EBT** cards if he **or she** knowingly transfers [food stamp coupons or ATP] **public assistance benefits or EBT** cards to another not lawfully entitled or approved by the department to receive the [food stamp coupons or ATP] **public assistance benefits or EBT** cards.

2. Unlawful transfer of [food stamp coupons] **public assistance benefits** or [ATP] **EBT** cards is a class D felony unless the face value of said [food stamp coupons] **public assistance benefits** or [ATP] **EBT** cards is less than five hundred dollars, in which case unlawful transfer of [food stamp coupons] **public assistance benefits** or [ATP] **EBT** cards is a class A misdemeanor. **A person who is found guilty of a second offense of unlawful transfer of public assistance benefits or EBT cards in an amount less than five hundred dollars shall be guilty of a class D felony. Any person who is found guilty of a second or subsequent offense of felony unlawful transfer of public assistance benefits shall be guilty of a class C**

felony. Any person who is found guilty of felony unlawful transfer of public assistance benefits or EBT cards shall serve not less than one hundred twenty days in the department of corrections unless such person pays full restitution to the state of Missouri within thirty days of the date of execution of sentence.

3. In addition to any criminal penalty, any person found guilty of unlawful transfer of public assistance benefits or EBT cards shall pay full restitution to the state of Missouri for the total amount of moneys converted. No person placed on probation for the offense shall be released from probation until full restitution has been paid.

578.383. GRADE OF OFFENSE, HOW DETERMINED. — The face value of **[**all food stamp coupons or ATP**]** **public assistance benefits or EBT** cards stolen, possessed, transferred or converted from one scheme or course of conduct, whether from one or several rightful possessors, or at the same or different times shall constitute a single criminal episode and their face values may be aggregated in determining the grade of offense.

578.389. ENHANCED PENALTY FOR MULTIPLE CONVICTIONS. — 1. Every person who has been previously convicted of two violations in **[**section 578.377, 578.379, 578.381, 578.383,**]** **sections** 578.385**[**,**]** **or** 578.387, **[**or 578.389**]** or any two of them shall, upon a subsequent conviction of any of these offenses, be guilty of a class C felony and shall be punished accordingly.

2. Evidence of prior convictions shall be heard by the court, out of the hearing of the jury, prior to the submission of the case to the jury, and the court shall determine the existence of the prior convictions.

578.390. WELFARE FRAUD TELEPHONE HOT LINE, ATTORNEY GENERAL, DUTIES. — The **[**office of the attorney general**]** **department** shall establish and maintain a statewide toll-free telephone service which shall be operated **[**on a sixteen-hour schedule**]** **eight hours per day** during the work week **[**and an eight-hour schedule on weekends and holidays**]** to receive complaints of a suspected **[**welfare**]** **public assistance** fraud. This service shall receive reports over a single statewide toll-free number.

578.392. DETECTION OF FRAUD, DEPARTMENT TO STUDY METHODS, REPORT. — The department shall study analytical modeling-based methods of detecting fraud and issue a report to the general assembly and governor by December 1, 2013, relating to the benefits and limitations of such a model, experiences in other states using such a model, and estimated costs for implementation.

Approved July 8, 2013

SB 252 [HCS SS SB 252]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Modifies provisions relating to the Department of Revenue, including provisions that prohibit the department from retaining copies of source documents used to obtain driver's licenses

AN ACT to repeal sections 105.711, 301.067, 301.3031, and 302.183, RSMo, and to enact in lieu thereof nine new sections relating to the department of revenue, with a penalty provision, and an emergency clause for certain sections.

SECTION
A. Enacting clause.
105.711. Legal expense fund created — officers, employees, agencies, certain health care providers covered, procedure — rules regarding contract procedures and documentation of care — certain claims, limitations — funds not transferable to general revenue — rules.
301.067. Trailer or semitrailer registration required, fee — optional period fee for certain trailers and semitrailers — permanent registration allowed, procedure.
301.3031. Director to notify military special license plate applicants of opportunity to donate to World War II memorial trust fund — use of fund proceeds, creation of fund.
301.3033. Military license plate application, voluntary contribution to World War I memorial trust fund — fund established.
302.065. Retention of copies of documents prohibited, when — destruction of certain source documents required — inapplicability — civil action authorized, when.
302.183. Proof of residency, issuance or renewal of license, privacy rights not to be violated, confidentiality of data.
302.189. Biometric data, prohibitions — definition.
571.500. Database and certain records, enabling or cooperating with state or federal government in developing prohibited, when.
1. List of persons who have obtained a concealed carry endorsement or permit, no disclosure to federal government.
B. Emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 105.711, 301.067, 301.3031, and 302.183, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 105.711, 301.067, 301.3031, 301.3033, 302.065, 302.183, 302.189, 571.500, and 1, to read as follows:

105.711. LEGAL EXPENSE FUND CREATED — OFFICERS, EMPLOYEES, AGENCIES, CERTAIN HEALTH CARE PROVIDERS COVERED, PROCEDURE — RULES REGARDING CONTRACT PROCEDURES AND DOCUMENTATION OF CARE — CERTAIN CLAIMS, LIMITATIONS — FUNDS NOT TRANSFERABLE TO GENERAL REVENUE — RULES. — 1. There is hereby created a "State Legal Expense Fund" which shall consist of moneys appropriated to the fund by the general assembly and moneys otherwise credited to such fund pursuant to section 105.716.

2. Moneys in the state legal expense fund shall be available for the payment of any claim or any amount required by any final judgment rendered by a court of competent jurisdiction against:

(1) The state of Missouri, or any agency of the state, pursuant to section 536.050 or 536.087 or section 537.600;

(2) Any officer or employee of the state of Missouri or any agency of the state, including, without limitation, elected officials, appointees, members of state boards or commissions, and members of the Missouri National Guard upon conduct of such officer or employee arising out of and performed in connection with his or her official duties on behalf of the state, or any agency of the state, provided that moneys in this fund shall not be available for payment of claims made under chapter 287;

(3) (a) Any physician, psychiatrist, pharmacist, podiatrist, dentist, nurse, or other health care provider licensed to practice in Missouri under the provisions of chapter 330, 332, 334, 335, 336, 337 or 338 who is employed by the state of Missouri or any agency of the state under formal contract to conduct disability reviews on behalf of the department of elementary and secondary education or provide services to patients or inmates of state correctional facilities on a part-time basis, and any physician, psychiatrist, pharmacist, podiatrist, dentist, nurse, or other health care provider licensed to practice in Missouri under the provisions of chapter 330, 332, 334, 335, 336, 337, or 338 who is under formal contract to provide services to patients or inmates at a county jail on a part-time basis;

(b) Any physician licensed to practice medicine in Missouri under the provisions of chapter 334 and his professional corporation organized pursuant to chapter 356 who is employed by or under contract with a city or county health department organized under chapter 192 or chapter 205, or a city health department operating under a city charter, or a combined city-county health department to provide services to patients for medical care caused by pregnancy, delivery, and child care, if such medical services are provided by the physician pursuant to the contract without compensation or the physician is paid from no other source than a governmental agency except for patient co-payments required by federal or state law or local ordinance;

(c) Any physician licensed to practice medicine in Missouri under the provisions of chapter 334 who is employed by or under contract with a federally funded community health center organized under Section 315, 329, 330 or 340 of the Public Health Services Act (42 U.S.C. 216, 254c) to provide services to patients for medical care caused by pregnancy, delivery, and child care, if such medical services are provided by the physician pursuant to the contract or employment agreement without compensation or the physician is paid from no other source than a governmental agency or such a federally funded community health center except for patient co-payments required by federal or state law or local ordinance. In the case of any claim or judgment that arises under this paragraph, the aggregate of payments from the state legal expense fund shall be limited to a maximum of one million dollars for all claims arising out of and judgments based upon the same act or acts alleged in a single cause against any such physician, and shall not exceed one million dollars for any one claimant;

(d) Any physician licensed pursuant to chapter 334 who is affiliated with and receives no compensation from a nonprofit entity qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, which offers a free health screening in any setting or any physician, nurse, physician assistant, dental hygienist, dentist, or other health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338 who provides health care services within the scope of his or her license or registration at a city or county health department organized under chapter 192 or chapter 205, a city health department operating under a city charter, or a combined city-county health department, or a nonprofit community health center qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, if such services are restricted to primary care and preventive health services, provided that such services shall not include the performance of an abortion, and if such health services are provided by the health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338 without compensation. MO HealthNet or Medicare payments for primary care and preventive health services provided by a health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338 who volunteers at a free health clinic is not compensation for the purpose of this section if the total payment is assigned to the free health clinic. For the purposes of the section, "free health clinic" means a nonprofit community health center qualified as exempt from federal taxation under Section 501 (c)(3) of the Internal Revenue Code of 1987, as amended, that provides primary care and preventive health services to people without health insurance coverage for the services provided without charge. In the case of any claim or judgment that arises under this paragraph, the aggregate of payments from the state legal expense fund shall be limited to a maximum of five hundred thousand dollars, for all claims arising out of and judgments based upon the same act or acts alleged in a single cause and shall not exceed five hundred thousand dollars for any one claimant, and insurance policies purchased pursuant to the provisions of section 105.721 shall be limited to five hundred thousand dollars. Liability or malpractice insurance obtained and maintained in force by or on behalf of any health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338 shall not be considered available to pay that portion of a judgment or claim for which the state legal expense fund is liable under this paragraph;

(e) Any physician, nurse, physician assistant, dental hygienist, or dentist licensed or registered to practice medicine, nursing, or dentistry or to act as a physician assistant or dental

hygienist in Missouri under the provisions of chapter 332, 334, or 335, or lawfully practicing, who provides medical, nursing, or dental treatment within the scope of his license or registration to students of a school whether a public, private, or parochial elementary or secondary school or summer camp, if such physician's treatment is restricted to primary care and preventive health services and if such medical, dental, or nursing services are provided by the physician, dentist, physician assistant, dental hygienist, or nurse without compensation. In the case of any claim or judgment that arises under this paragraph, the aggregate of payments from the state legal expense fund shall be limited to a maximum of five hundred thousand dollars, for all claims arising out of and judgments based upon the same act or acts alleged in a single cause and shall not exceed five hundred thousand dollars for any one claimant, and insurance policies purchased pursuant to the provisions of section 105.721 shall be limited to five hundred thousand dollars; or

(f) Any physician licensed under chapter 334, or dentist licensed under chapter 332, providing medical care without compensation to an individual referred to his or her care by a city or county health department organized under chapter 192 or 205, a city health department operating under a city charter, or a combined city-county health department, or nonprofit health center qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or a federally funded community health center organized under Section 315, 329, 330, or 340 of the Public Health Services Act, 42 U.S.C. Section 216, 254c; provided that such treatment shall not include the performance of an abortion. In the case of any claim or judgment that arises under this paragraph, the aggregate of payments from the state legal expense fund shall be limited to a maximum of one million dollars for all claims arising out of and judgments based upon the same act or acts alleged in a single cause and shall not exceed one million dollars for any one claimant, and insurance policies purchased under the provisions of section 105.721 shall be limited to one million dollars. Liability or malpractice insurance obtained and maintained in force by or on behalf of any physician licensed under chapter 334, or any dentist licensed under chapter 332, shall not be considered available to pay that portion of a judgment or claim for which the state legal expense fund is liable under this paragraph;

(4) Staff employed by the juvenile division of any judicial circuit;

(5) Any attorney licensed to practice law in the state of Missouri who practices law at or through a nonprofit community social services center qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or through any agency of any federal, state, or local government, if such legal practice is provided by the attorney without compensation. In the case of any claim or judgment that arises under this subdivision, the aggregate of payments from the state legal expense fund shall be limited to a maximum of five hundred thousand dollars for all claims arising out of and judgments based upon the same act or acts alleged in a single cause and shall not exceed five hundred thousand dollars for any one claimant, and insurance policies purchased pursuant to the provisions of section 105.721 shall be limited to five hundred thousand dollars; **[**or**]**

(6) Any social welfare board created under section 205.770 and the members and officers thereof upon conduct of such officer or employee while acting in his or her capacity as a board member or officer, and any physician, nurse, physician assistant, dental hygienist, dentist, or other health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338 who is referred to provide medical care without compensation by the board and who provides health care services within the scope of his or her license or registration as prescribed by the board**; or**

(7) Any person who is selected or appointed by the state director of revenue under subsection 2 of section 136.055, to act as an agent of the department of revenue, to the extent that such agent's actions or inactions upon which such claim or judgment is based were performed in the course of the person's official duties as an agent of the department of revenue and in the manner required by state law or department of revenue rules.

3. The department of health and senior services shall promulgate rules regarding contract procedures and the documentation of care provided under paragraphs (b), (c), (d), (e), and (f) of

subdivision (3) of subsection 2 of this section. The limitation on payments from the state legal expense fund or any policy of insurance procured pursuant to the provisions of section 105.721, provided in subsection 7 of this section, shall not apply to any claim or judgment arising under paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this section. Any claim or judgment arising under paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this section shall be paid by the state legal expense fund or any policy of insurance procured pursuant to section 105.721, to the extent damages are allowed under sections 538.205 to 538.235. Liability or malpractice insurance obtained and maintained in force by any health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338 for coverage concerning his or her private practice and assets shall not be considered available under subsection 7 of this section to pay that portion of a judgment or claim for which the state legal expense fund is liable under paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this section. However, a health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338 may purchase liability or malpractice insurance for coverage of liability claims or judgments based upon care rendered under paragraphs (c), (d), (e), and (f) of subdivision (3) of subsection 2 of this section which exceed the amount of liability coverage provided by the state legal expense fund under those paragraphs. Even if paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this section is repealed or modified, the state legal expense fund shall be available for damages which occur while the pertinent paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this section is in effect.

4. The attorney general shall promulgate rules regarding contract procedures and the documentation of legal practice provided under subdivision (5) of subsection 2 of this section. The limitation on payments from the state legal expense fund or any policy of insurance procured pursuant to section 105.721 as provided in subsection 7 of this section shall not apply to any claim or judgment arising under subdivision (5) of subsection 2 of this section. Any claim or judgment arising under subdivision (5) of subsection 2 of this section shall be paid by the state legal expense fund or any policy of insurance procured pursuant to section 105.721 to the extent damages are allowed under sections 538.205 to 538.235. Liability or malpractice insurance otherwise obtained and maintained in force shall not be considered available under subsection 7 of this section to pay that portion of a judgment or claim for which the state legal expense fund is liable under subdivision (5) of subsection 2 of this section. However, an attorney may obtain liability or malpractice insurance for coverage of liability claims or judgments based upon legal practice rendered under subdivision (5) of subsection 2 of this section that exceed the amount of liability coverage provided by the state legal expense fund under subdivision (5) of subsection 2 of this section. Even if subdivision (5) of subsection 2 of this section is repealed or amended, the state legal expense fund shall be available for damages that occur while the pertinent subdivision (5) of subsection 2 of this section is in effect.

5. All payments shall be made from the state legal expense fund by the commissioner of administration with the approval of the attorney general. Payment from the state legal expense fund of a claim or final judgment award against a health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338, described in paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this section, or against an attorney in subdivision (5) of subsection 2 of this section, shall only be made for services rendered in accordance with the conditions of such paragraphs. In the case of any claim or judgment against an officer or employee of the state or any agency of the state based upon conduct of such officer or employee arising out of and performed in connection with his or her official duties on behalf of the state or any agency of the state that would give rise to a cause of action under section 537.600, the state legal expense fund shall be liable, excluding punitive damages, for:

(1) Economic damages to any one claimant; and

(2) Up to three hundred fifty thousand dollars for noneconomic damages. The state legal expense fund shall be the exclusive remedy and shall preclude any other civil actions or

proceedings for money damages arising out of or relating to the same subject matter against the state officer or employee, or the officer's or employee's estate. No officer or employee of the state or any agency of the state shall be individually liable in his or her personal capacity for conduct of such officer or employee arising out of and performed in connection with his or her official duties on behalf of the state or any agency of the state. The provisions of this subsection shall not apply to any defendant who is not an officer or employee of the state or any agency of the state in any proceeding against an officer or employee of the state or any agency of the state. Nothing in this subsection shall limit the rights and remedies otherwise available to a claimant under state law or common law in proceedings where one or more defendants is not an officer or employee of the state or any agency of the state.

6. The limitation on awards for noneconomic damages provided for in this subsection shall be increased or decreased on an annual basis effective January first of each year in accordance with the Implicit Price Deflator for Personal Consumption Expenditures as published by the Bureau of Economic Analysis of the United States Department of Commerce. The current value of the limitation shall be calculated by the director of the department of insurance, financial institutions and professional registration, who shall furnish that value to the secretary of state, who shall publish such value in the Missouri Register as soon after each January first as practicable, but it shall otherwise be exempt from the provisions of section 536.021.

7. Except as provided in subsection 3 of this section, in the case of any claim or judgment that arises under sections 537.600 and 537.610 against the state of Missouri, or an agency of the state, the aggregate of payments from the state legal expense fund and from any policy of insurance procured pursuant to the provisions of section 105.721 shall not exceed the limits of liability as provided in sections 537.600 to 537.610. No payment shall be made from the state legal expense fund or any policy of insurance procured with state funds pursuant to section 105.721 unless and until the benefits provided to pay the claim by any other policy of liability insurance have been exhausted.

8. The provisions of section 33.080 notwithstanding, any moneys remaining to the credit of the state legal expense fund at the end of an appropriation period shall not be transferred to general revenue.

9. Any rule or portion of a rule, as that term is defined in section 536.010, that is promulgated under the authority delegated in sections 105.711 to 105.726 shall become effective only if it has been promulgated pursuant to the provisions of chapter 536. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with the provisions of chapter 536. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

301.067. TRAILER OR SEMITRAILER REGISTRATION REQUIRED, FEE — OPTIONAL PERIOD FEE FOR CERTAIN TRAILERS AND SEMITRAILERS — PERMANENT REGISTRATION ALLOWED, PROCEDURE. — 1. For each trailer or semitrailer there shall be paid an annual fee of seven dollars fifty cents, and in addition thereto such permit fee authorized by law against trailers used in combination with tractors operated under the supervision of the motor carrier and railroad safety division of the department of economic development. The fees for tractors used in any combination with trailers or semitrailers or both trailers and semitrailers (other than on passenger-carrying trailers or semitrailers) shall be computed on the total gross weight of the vehicles in the combination with load.

2. Any trailer or semitrailer may at the option of the registrant be registered for a period of three years upon payment of a registration fee of twenty-two dollars and fifty cents.

3. Any trailer **as defined in section 301.010** or semitrailer which is operated coupled to a towing vehicle by a fifth wheel and kingpin assembly or by a trailer converter dolly may, at the

option of the registrant, be registered permanently upon the payment of a registration fee of fifty-two dollars and fifty cents. The permanent plate and registration fee is vehicle specific. The plate and the registration fee paid is nontransferable and nonrefundable, except those covered under the provisions of section 301.442.

301.3031. DIRECTOR TO NOTIFY MILITARY SPECIAL LICENSE PLATE APPLICANTS OF OPPORTUNITY TO DONATE TO WORLD WAR II MEMORIAL TRUST FUND — USE OF FUND PROCEEDS, CREATION OF FUND. — 1. Whenever a vehicle owner pursuant to this chapter makes an application for a military license plate, the director of revenue shall notify the applicant that the applicant may make a voluntary contribution of ten dollars to the World War II memorial trust fund established pursuant to this section. The director shall transfer all contributions collected to the state treasurer for credit to and deposit in the trust fund. **Beginning August 28, 2013, the director of revenue shall no longer collect the contribution authorized by this section.**

2. There is established in the state treasury the "World War II Memorial Trust Fund". The state treasurer shall credit to and deposit in the World War II memorial trust fund all amounts received pursuant to this section, and any other amounts which may be received from grants, gifts, bequests, the federal government, or other sources granted or given for purposes of this section.

3. The Missouri veterans' commission shall administer the trust fund. The trust fund shall be used to participate in the funding of the National World War II Memorial to be located at a site dedicated on November 11, 1995, on the National Mall in Washington, D.C.

4. The state treasurer shall invest moneys in the trust fund in the same manner as surplus state funds are invested pursuant to section 30.260. All earnings resulting from the investment of moneys in the trust fund shall be credited to the trust fund. The general assembly may appropriate moneys annually from the trust fund to the department of revenue to offset costs incurred for collecting and transferring contributions pursuant to subsection 1 of this section. The provisions of section 33.080 requiring all unexpended balances remaining in various state funds to be transferred and placed to the credit of the ordinary revenue fund of this state at the end of each biennium shall not apply to the trust fund.

301.3033. MILITARY LICENSE PLATE APPLICATION, VOLUNTARY CONTRIBUTION TO WORLD WAR I MEMORIAL TRUST FUND — FUND ESTABLISHED. — **1. Whenever a vehicle owner pursuant to this chapter makes an application for a military license plate, the director of revenue shall notify the applicant that the applicant may make a voluntary contribution of ten dollars to the World War I memorial trust fund established pursuant to this section. Whenever a vehicle owner pursuant to this chapter makes an application for a license plate, other than a military license plate previously described, the director of revenue shall notify the applicant that the applicant may make a voluntary contribution of one dollar to the World War I memorial trust fund established pursuant to this section. The director shall transfer all contributions collected to the state treasurer for credit to and deposit in the trust fund**.

2. There is established in the state treasury the "World War I Memorial Trust Fund". The state treasurer shall credit to and deposit in the World War I memorial trust fund all amounts received pursuant to subsection 1 of this section and any other amounts which may be received from grants, gifts, bequests, the federal government, or other sources granted or given for purposes of this section.

3. The Missouri veterans' commission shall administer the trust fund established pursuant to this section. The trust fund shall be used for the sole purpose of restoration, renovation, and maintenance of a memorial or museum or both dedicated to World War I in any home rule city with more than four hundred thousand inhabitants and located in more than one county.

4. The state treasurer shall invest moneys in the trust fund in the same manner as surplus state funds are invested pursuant to section 30.260. All earnings resulting from the investment of moneys in the trust fund shall be credited to the trust fund. The general assembly may appropriate moneys annually from the trust fund to the department of revenue to offset costs incurred for collecting and transferring contributions pursuant to subsection 1 of this section. The provisions of section 33.080 requiring all unexpended balances remaining in various state funds to be transferred and placed to the credit of the general revenue fund of this state at the end of each biennium shall not apply to the trust fund.

302.065. RETENTION OF COPIES OF DOCUMENTS PROHIBITED, WHEN — DESTRUCTION OF CERTAIN SOURCE DOCUMENTS REQUIRED — INAPPLICABILITY — CIVIL ACTION AUTHORIZED, WHEN. — 1. Notwithstanding section 32.090 or any other provision of the law to the contrary, and except as provided in subsection 4 of this section, the department of revenue shall not retain copies, in any format, of source documents presented by individuals applying for or holding driver's licenses or nondriver's licenses. The department of revenue shall not use technology to capture digital images of source documents so that the images are capable of being retained in electronic storage in a transferable format.

2. By December 31, 2013, the department of revenue shall securely destroy so as to make irretrievable any source documents that have been obtained from driver's license or nondriver's license applicants after September 1, 2012.

3. As long as the department of revenue has the authority to issue a concealed carry endorsement, the department shall not retain copies of any certificate of qualification for a concealed carry endorsement presented to the department for an endorsement on a driver's license or nondriver's license under section 571.101. The department of revenue shall not use technology to capture digital images of a certificate of qualification nor shall the department retain digital or electronic images of such certificates. The department of revenue shall merely verify whether the applicant for a driver's license or nondriver's license has presented a certificate of qualification which will allow the applicant to obtain a concealed carry endorsement. By December 31, 2013, the department of revenue shall securely destroy so as to make irretrievable any copies of certificates of qualification that have been obtained from driver's license or nondriver's license applicants.

4. The provisions of this section shall not apply to:

(1) Original application forms, which may be retained but not scanned;

(2) Test score documents issued by state highway patrol driver examiners;

(3) Documents demonstrating lawful presence of any applicant who is not a citizen of the United States, including documents demonstrating duration of the person's lawful presence in the United States: and

(4) Any document required to be retained under federal motor carrier regulations in Title 49, Code of Federal Regulations, including but not limited to documents required by federal law for the issuance of a commercial driver's license and a commercial driver instruction permit; and

(5) Any other document at the request of and for the convenience of the applicant where the applicant requests the department of revenue review alternative documents as proof required for issuance of a driver license, nondriver license, or instruction permit.

5. As used in this section, the term "source documents" means original or certified copies, where applicable, of documents presented by an applicant as required under 6 CFR Part 37 to the department of revenue to apply for a driver's license or nondriver's license. Source documents shall also include any documents required for the issuance, renewal, or replacement of driver's licenses or nondriver's licenses by the department of revenue under the provisions of this chapter or accompanying regulations.

6. Any person harmed or damaged by any violation of section 302.065 may bring a civil action for damages, including non-economic and punitive damages, as well as injunctive relief, in the circuit court where that person resided at the time of the violation or in the circuit court or the circuit court of Cole County to recover such damages from the department of revenue and any persons participating in such violation. Sovereign immunity shall not be available as a defense for the department of revenue in such an action. In the event the plaintiff prevails on any count of his or her claim, the plaintiff shall be entitled to recover reasonable attorney fees from the defendants.

302.183. PROOF OF RESIDENCY, ISSUANCE OR RENEWAL OF LICENSE, PRIVACY RIGHTS NOT TO BE VIOLATED, CONFIDENTIALITY OF DATA. — 1. Notwithstanding any provision of this chapter that requires an applicant to provide reasonable proof of residence for issuance or renewal of a noncommercial driver's license, noncommercial instruction permit, or a nondriver's license, an applicant shall not have his or her privacy rights violated in order to obtain or renew a Missouri noncommercial driver's license, noncommercial instruction permit, or a nondriver's license.

2. Any data derived from a person's application shall not be sold for commercial purposes to any other organization or any other state without the express permission of the applicant without a court order; except such information may be shared with a law enforcement agency, judge, prosecuting attorney, or officer of the court, or with another state for the limited purposes set out in section 302.600 or for conducting driver history checks in compliance with the Motor Carrier Safety Improvement Act, 49 U.S.C. 31309. The state of Missouri shall protect the privacy of its citizens when handling any written, digital, or electronic data, and shall not participate in any standardized identification system using driver's and nondriver's license records. For purposes of this subsection, "commercial purposes" does not include data used or compiled solely to be used for, or obtained or compiled solely for purposes expressly allowed under the Missouri or federal Drivers Privacy Protection Act.

3. The department of revenue shall not amend procedures for applying for a driver's license or identification card in order to comply with the goals or standards of the federal REAL ID Act of 2005, any rules or regulations promulgated under the authority granted in such act, or any requirements adopted by the American Association of Motor Vehicle Administrators for furtherance of the act.

4. Any biometric data previously collected, obtained, or retained in connection with motor vehicle registration or operation, the issuance or renewal of driver's licenses, or the issuance or renewal of any identification cards by any department or agency of the state charged with those activities shall be retrieved and deleted from all databases. **[**The provisions of this subsection shall not apply to any data collected, obtained, or retained for a purpose other than compliance with the federal REAL ID Act of 2005.**]** For purposes of this section, "biometric data" includes, but is not limited to:

(1) Facial feature pattern characteristics;

(2) Voice data used for comparing live speech with a previously created speech model of a person's voice;

(3) Iris recognition data containing color or texture patterns or codes;

(4) Retinal scans, reading through the pupil to measure blood vessels lining the retina;

(5) Fingerprint, palm prints, hand geometry, measuring of any and all characteristics of biometric information, including shape and length of fingertips or recording ridge pattern or fingertip characteristics;

(6) Eye spacing;

(7) Characteristic gait or walk;

(8) DNA;

(9) Keystroke dynamics, measuring pressure applied to key pads or other digital receiving devices.

5. No citizen of this state shall have his or her privacy compromised by the state or agents of the state. The state shall within reason protect the sovereignty of the citizens the state is entrusted to protect.

302.189. BIOMETRIC DATA, PROHIBITIONS — DEFINITION. — 1. The department of revenue shall not use, collect, obtain, share, or retain biometric data nor shall the department use biometric technology, including, but not limited to, retinal scanning, facial recognition or fingerprint technology, to produce a driver's license or nondriver's license or to uniquely identify licensees or license applicants for whatever purpose. This section shall not apply to digital images nor licensee signatures required for the issuance of driver's licenses and nondriver's license pursuant to section 302.181.

2. As used in this section, the term "biometric data" or "biometric technology" includes, but is not limited to:

(1) Facial feature pattern characteristics;

(2) Voice data used for comparing live speech with a previously created speech model of a person's voice;

(3) Iris recognition data containing color or texture patterns or codes;

(4) Retinal scans, reading through the pupil to measure blood vessels lining the retina;

(5) Fingerprints, palm prints, hand geometry, measuring of any and all characteristics of biometric information, including shape and length of fingertips or recording ridge pattern or fingertip characteristics;

(6) Eye spacing;

(7) Characteristic gait or walk;

(8) DNA; or

(9) Keystroke dynamics, measuring pressure applied to key pads or other digital receiving devices.

571.500. DATABASE AND CERTAIN RECORDS, ENABLING OR COOPERATING WITH STATE OR FEDERAL GOVERNMENT IN DEVELOPING PROHIBITED, WHEN. — No state agency or department, or contractor or agent working for the state, shall construct, enable by providing or sharing records to, maintain, participate in, or develop, or cooperate or enable the federal government in developing, a database or record of the number or type of firearms, ammunition, or firearms accessories that an individual possesses.

SECTION 1. LIST OF PERSONS WHO HAVE OBTAINED A CONCEALED CARRY ENDORSEMENT OR PERMIT, NO DISCLOSURE TO FEDERAL GOVERNMENT. — Notwithstanding any other state law to the contrary, no state agency shall disclose to the federal government the statewide list of persons who have obtained a concealed carry endorsement or permit. Nothing in this section shall be construed to restrict access to individual records by any criminal justice agency authorized to access the Missouri uniform law enforcement system.

SECTION B. EMERGENCY CLAUSE. — Because of the need to ensure that the privacy of Missouri citizens is protected and not violated by the agencies of this state, the enactment of sections 302.065, 302.189 and 571.500 and the repeal and reenactment of section 302.183 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of sections 302.065, 302.189 and 571.500 and the repeal and reenactment of section 302.183 of this act shall be in full force and effect upon its passage and approval.

Approved July 1, 2013

SB 254 [SCS SB 254]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Raises the fees a lender can charge for certain loans

AN ACT to repeal section 408.140, RSMo, and to enact in lieu thereof one new section relating to loan fees.

SECTION
A. Enacting clause.
408.140. Additional charges or fees prohibited, exceptions — no finance charges if purchases are paid for within certain time limit, exception.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Section 408.140, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 408.140, to read as follows:

408.140. ADDITIONAL CHARGES OR FEES PROHIBITED, EXCEPTIONS — NO FINANCE CHARGES IF PURCHASES ARE PAID FOR WITHIN CERTAIN TIME LIMIT, EXCEPTION. — 1. No further or other charge or amount whatsoever shall be directly or indirectly charged, contracted for or received for interest, service charges or other fees as an incident to any such extension of credit except as provided and regulated by sections 367.100 to 367.200 and except:

(1) On loans for thirty days or longer which are other than "open-end credit" as such term is defined in the federal Consumer Credit Protection Act and regulations thereunder, a fee, not to exceed five percent of the principal amount loaned not to exceed seventy-five dollars may be charged by the lender; however, no such fee shall be permitted on any extension, refinance, restructure or renewal of any such loan, unless any investigation is made on the application to extend, refinance, restructure or renew the loan;

(2) The lawful fees actually and necessarily paid out by the lender to any public officer for filing, recording, or releasing in any public office any instrument securing the loan, which fees may be collected when the loan is made or at any time thereafter; however, premiums for insurance in lieu of perfecting a security interest required by the lender may be charged if the premium does not exceed the fees which would otherwise be payable;

(3) If the contract so provides, a charge for late payment on each installment or minimum payment in default for a period of not less than fifteen days in an amount not to exceed five percent of each installment due or the minimum payment due or fifteen dollars, whichever is greater, not to exceed fifty dollars. If the contract so provides, a charge for late payment on each twenty-five dollars or less installment in default for a period of not less than fifteen days shall not exceed five dollars;

(4) If the contract so provides, a charge for late payment for a single payment note in default for a period of not less than fifteen days in an amount not to exceed five percent of the payment due; provided that, the late charge for a single payment note shall not exceed fifty dollars;

(5) Charges or premiums for insurance written in connection with any loan against loss of or damage to property or against liability arising out of ownership or use of property as provided in section 367.170; however, notwithstanding any other provision of law, with the consent of the borrower, such insurance may cover property all or part of which is pledged as security for the loan, and charges or premiums for insurance providing life, health, accident, or involuntary unemployment coverage;

(6) Reasonable towing costs and expenses of retaking, holding, preparing for sale, and selling any personal property in accordance with section 400.9;

(7) Charges assessed by any institution for processing a refused instrument plus a handling fee of not more than twenty-five dollars;

(8) If the contract or promissory note, signed by the borrower, provides for attorney fees, and if it is necessary to bring suit, such attorney fees may not exceed fifteen percent of the amount due and payable under such contract or promissory note, together with any court costs assessed. The attorney fees shall only be applicable where the contract or promissory note is referred for collection to an attorney, and is not handled by a salaried employee of the holder of the contract;

(9) Provided the debtor agrees in writing, the lender may collect a fee in advance for allowing the debtor to defer up to three monthly loan payments, so long as the fee is no more than the lesser of fifty dollars or ten percent of the loan payments deferred, no extensions are made until the first loan payment is collected and no more than one deferral in a twelve-month period is agreed to and collected on any one loan; this subdivision applies to nonprecomputed loans only and does not affect any other subdivision;

(10) If the open-end credit contract is tied to a transaction account in a depository institution, such account is in the institution's assets and such contract provides for loans of thirty-one days or longer which are "open-end credit", as such term is defined in the federal Consumer Credit Protection Act and regulations thereunder, the creditor may charge a credit advance fee of **up to** the lesser of **[**twenty-five**]** **seventy-five** dollars or **[**five**]** **ten** percent of the credit advanced from time to time from the line of credit; such credit advance fee may be added to the open-end credit outstanding along with any interest, and shall not be considered the unlawful compounding of interest as that term is defined in section 408.120;

(11) A deficiency waiver addendum, guaranteed asset protection, or a similar product purchased as part of a loan transaction with collateral and at the borrower's consent, provided the cost of the product is disclosed in the loan contract, is reasonable, and the requirements of section 408.380 are met.

2. Other provisions of law to the contrary notwithstanding, an open-end credit contract under which a credit card is issued by a company, financial institution, savings and loan or other credit issuing company whose credit card operations are located in Missouri may charge an annual fee, provided that no finance charge shall be assessed on new purchases other than cash advances if such purchases are paid for within twenty-five days of the date of the periodic statement therefor.

3. Notwithstanding any other provision of law to the contrary, in addition to charges allowed pursuant to section 408.100, an open-end credit contract provided by a company, financial institution, savings and loan or other credit issuing company which is regulated pursuant to this chapter may charge an annual fee not to exceed fifty dollars.

Approved July 12, 2013

SB 256 [CCS HCS SCS SB 256]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Modifies provisions relating to child abuse and neglect including the Safe Place for Newborns Act

AN ACT to repeal sections 160.2100, 210.950, 211.447, and 595.220, RSMo, and to enact in lieu thereof five new sections relating to child abuse and neglect.

SECTION
A. Enacting clause.
160.2100. Citation of law — task force created, members, duties, expiration date — reports.
210.950. Safe place for newborns act — definitions — procedure — immunity from liability.
211.447. Petition to terminate parental rights filed, when — juvenile court may terminate parental rights, when — investigation to be made — grounds for termination.
595.220. Forensic examinations, department of public safety to pay medical providers, when — minor may consent to examination, when — attorney general to develop forms — collection kits — definitions — rulemaking authority.
1. Safe place for newborns act, instruction on, requirements.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 160.2100, 210.950, 211.447, and 595.220, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 160.2100, 210.950, 211.447, 595.220, and 1, to read as follows:

160.2100. CITATION OF LAW — TASK FORCE CREATED, MEMBERS, DUTIES, EXPIRATION DATE — REPORTS. — 1. Sections 160.2100 and 160.2110 shall be known and may be cited as "Erin's Law".

2. The "Task Force on the Prevention of Sexual Abuse of Children" is hereby created to study the issue of sexual abuse of children **[**until January 1, 2013**]**. The task force shall consist of all of the following members:

(1) One member of the general assembly appointed by the president pro tem of the senate;

(2) One member of the general assembly appointed by the minority floor leader of the senate;

(3) One member of the general assembly appointed by the speaker of the house of representatives;

(4) One member of the general assembly appointed by the minority leader of the house of representatives;

(5) The director of the department of social services or his or her designee;

(6) The commissioner of education or his or her designee;

(7) The director of the department of health and senior services or his or her designee;

(8) The director of the office of prosecution services or his or her designee;

(9) A representative representing law enforcement appointed by the governor;

(10) Three active teachers employed in Missouri appointed by the governor;

(11) A representative of an organization involved in forensic investigation relating to child abuse in this state appointed by the governor;

(12) A school superintendent appointed by the governor;

(13) A representative of the state domestic violence coalition appointed by the governor;

(14) A representative from the juvenile and family court appointed by the governor;

(15) A representative from Missouri Network of Child Advocacy Centers appointed by the governor;

(16) An at-large member appointed by the governor.

3. Members of the task force shall be individuals who are actively involved in the fields of the prevention of child abuse and neglect and child welfare. The appointment of members shall reflect the geographic diversity of the state.

4. The task force shall elect a presiding officer by a majority vote of the membership of the task force. The task force shall meet at the call of the presiding officer.

5. The task force shall make recommendations for reducing child sexual abuse in Missouri. In making those recommendations, the task force shall:

(1) Gather information concerning child sexual abuse throughout the state;

(2) Receive reports and testimony from individuals, state and local agencies, community-based organizations, and other public and private organizations; **and**

(3) Create goals for state policy that would prevent child sexual abuse**[**; and

(4) Submit a final report with its recommendations to the governor, general assembly, and the state board of education by January 1, 2013**]**.

6. The recommendations may include proposals for specific statutory changes and methods to foster cooperation among state agencies and between the state and local government.

7. The task force shall consult with employees of the department of social services, the department of public safety, department of elementary and secondary education, and any other state agency, board, commission, office, or department as necessary to accomplish the task force's responsibilities under this section.

8. The members of the task force shall serve without compensation and shall not be reimbursed for their expenses.

9. **[**The provisions of sections 160.2100 and 160.2110 shall expire on January 1, 2013.**]** **Beginning January 1, 2014, the department of elementary and secondary education, in collaboration with the task force, shall make yearly reports to the general assembly on the department's progress in preventing child sexual abuse.**

210.950. SAFE PLACE FOR NEWBORNS ACT — DEFINITIONS — PROCEDURE — IMMUNITY FROM LIABILITY. — 1. This section shall be known and may be cited as the "Safe Place for Newborns Act of 2002". The purpose of this section is to protect newborn children from injury and death caused by abandonment by a parent, and to provide safe and secure alternatives to such abandonment.

2. As used in this section, the following terms mean:

(1) "Hospital", as defined in section 197.020;

(2) **"Maternity home", the same meaning as such term is defined in section 135.600;**

(3) "Nonrelinquishing parent", the biological parent who does not leave a newborn infant with any person listed in subsection 3 of this section in accordance with this section;

[(3)**]** **(4) "Pregnancy resource center", the same meaning as such term is defined in section 135.630;**

(5) "Relinquishing parent", the biological parent or person acting on such parent's behalf who leaves a newborn infant with any person listed in subsection 3 of this section in accordance with this section.

3. A parent shall not be prosecuted for a violation of section 568.030, 568.032, 568.045 or 568.050 for actions related to the voluntary relinquishment of a child up to **[**five**]** **forty-five** days old pursuant to this section **[**and it shall be an affirmative defense to prosecution for a violation of sections 568.030, 568.032, 568.045 and 568.050, that a parent who is a defendant voluntarily relinquished a child no more than one year old pursuant to this section**]** if:

(1) Expressing intent not to return for the child, the parent voluntarily delivered the child safely to the physical custody of any of the following persons:

(a) An employee, agent, or member of the staff of any hospital, **maternity home, or pregnancy resource center** in a health care provider position or on duty in a nonmedical paid or volunteer position;

(b) A firefighter or emergency medical technician on duty in a paid position or on duty in a volunteer position; or

(c) A law enforcement officer;

(2) The child was no more than **[**one year**]** **forty-five days** old when delivered by the parent to any person listed in subdivision (1) of this subsection; and

(3) The child has not been abused or neglected by the parent prior to such voluntary delivery.

4. **A parent voluntarily relinquishing a child under this section shall not be required to provide any identifying information about the child or the parent. No person shall induce or coerce, or attempt to induce or coerce, a parent into revealing his or her identity. No officer, employee, or agent of this state or any political subdivision of this state shall**

attempt to locate or determine the identity of such parent. In addition, any person who obtains information on the relinquishing parent shall not disclose such information except to the following:

(1) A birth parent who has waived anonymity or the child's adoptive parent;

(2) The staff of the department of health and senior services, the department of social services, or any county health or social services agency or licensed child welfare agency that provides services to the child;

(3) A person performing juvenile court intake or dispositional services;

(4) The attending physician;

(5) The child's foster parent or any other person who has physical custody of the child;

(6) A juvenile court or other court of competent jurisdiction conducting proceedings relating to the child;

(7) The attorney representing the interests of the public in proceedings relating to the child; and

(8) The attorney representing the interests of the child.

5. A person listed in subdivision (1) of subsection 3 of this section shall, without a court order, take physical custody of a child the person reasonably believes to be no more than **[**one year**]** **forty-five days** old and is delivered in accordance with this section by a person purporting to be the child's parent. If delivery of a newborn is made pursuant to this section in any place other than a hospital, the person taking physical custody of the child shall arrange for the immediate transportation of the child to the nearest hospital licensed pursuant to chapter 197, RSMo.

[5.**]** **6.** The hospital, its employees, agents and medical staff shall perform treatment in accordance with the prevailing standard of care as necessary to protect the physical health or safety of the child. The hospital shall notify the division of family services and the local juvenile officer upon receipt of a child pursuant to this section. The local juvenile officer shall immediately begin protective custody proceedings and request the child be made a ward of the court during the child's stay in the medical facility. Upon discharge of the child from the medical facility and pursuant to a protective custody order ordering custody of the child to the division, the **children's** division **[**of family services**]** shall take physical custody of the child. The parent's voluntary delivery of the child in accordance with this section shall constitute the parent's implied consent to any such act and a voluntary relinquishment of such parent's parental rights.

[6.**]** **7.** In any termination of parental rights proceeding initiated after the relinquishment of a child pursuant to this section, the juvenile officer shall make public notice that a child has been relinquished, including the sex of the child, and the date and location of such relinquishment. Within thirty days of such public notice, the **[**nonrelinquishing**]** parent wishing to establish parental rights shall identify himself or herself to the court and state his or her intentions regarding the child. The court shall initiate proceedings to establish paternity, or if no person identifies himself as the father within thirty days, maternity. The juvenile officer shall make examination of the putative father registry established in section 192.016 to determine whether attempts have previously been made to preserve parental rights to the child. If such attempts have been made, the juvenile officer shall make reasonable efforts to provide notice of the abandonment of the child to such putative father.

[7.**]** **8.** (1) If a relinquishing parent of a child relinquishes custody of the child to any person listed in subsection 3 of this section in accordance with this section and to preserve the parental rights of the nonrelinquishing parent, the nonrelinquishing parent shall take such steps necessary to establish parentage within thirty days after the public notice or specific notice provided in subsection **[**6**]** **7** of this section.

(2) If **[**a nonrelinquishing**]** **either** parent fails to take steps to establish parentage within the thirty-day period specified in subdivision (1) of this subsection, **[**the nonrelinquishing**]** **either** parent may have all of his or her rights terminated with respect to the child.

(3) When **[**a nonrelinquishing**]** **either** parent inquires at a hospital regarding a child whose custody was relinquished pursuant to this section, such facility shall refer **[**the nonrelinquishing**]** **such** parent to the **children's** division **[**of family services**]** and the juvenile court exercising jurisdiction over the child.

[8.**]** **9.** The persons listed in subdivision (1) of subsection 3 of this section shall be immune from civil, criminal, and administrative liability for accepting physical custody of a child pursuant to this section if such persons accept custody in good faith. Such immunity shall not extend to any acts or omissions, including negligent or intentional acts or omissions, occurring after the acceptance of such child.

[9.**]** **10.** The **children's** division **[**of family services**]** shall:

(1) Provide information and answer questions about the process established by this section on the statewide, toll-free telephone number maintained pursuant to section 210.145;

(2) Provide information to the public by way of pamphlets, brochures, or by other ways to deliver information about the process established by this section.

[10.**]** **11. It shall be an affirmative defense to prosecution for a violation of sections 568.030, 568.032, 568.045, and 568.050 that a parent who is a defendant voluntarily relinquished a child no more than one year old under this section.**

12. Nothing in this section shall be construed as conflicting with section 210.125.

211.447. PETITION TO TERMINATE PARENTAL RIGHTS FILED, WHEN — JUVENILE COURT MAY TERMINATE PARENTAL RIGHTS, WHEN — INVESTIGATION TO BE MADE — GROUNDS FOR TERMINATION. — 1. Any information that could justify the filing of a petition to terminate parental rights may be referred to the juvenile officer by any person. The juvenile officer shall make a preliminary inquiry and if it does not appear to the juvenile officer that a petition should be filed, such officer shall so notify the informant in writing within thirty days of the referral. Such notification shall include the reasons that the petition will not be filed. Thereupon, the informant may bring the matter directly to the attention of the judge of the juvenile court by presenting the information in writing, and if it appears to the judge that the information could justify the filing of a petition, the judge may order the juvenile officer to take further action, including making a further preliminary inquiry or filing a petition.

2. Except as provided for in subsection 4 of this section, a petition to terminate the parental rights of the child's parent or parents shall be filed by the juvenile officer or the division, or if such a petition has been filed by another party, the juvenile officer or the division shall seek to be joined as a party to the petition, when:

(1) Information available to the juvenile officer or the division establishes that the child has been in foster care for at least fifteen of the most recent twenty-two months; or

(2) A court of competent jurisdiction has determined the child to be an abandoned infant. For purposes of this subdivision, an "infant" means any child one year of age or under at the time of filing of the petition. The court may find that an infant has been abandoned if:

(a) The parent has left the child under circumstances that the identity of the child was unknown and could not be ascertained, despite diligent searching, and the parent has not come forward to claim the child; or

(b) The parent has, without good cause, left the child without any provision for parental support and without making arrangements to visit or communicate with the child, although able to do so; or

(c) The parent has voluntarily relinquished a child under section 210.950; or

(3) A court of competent jurisdiction has determined that the parent has:

(a) Committed murder of another child of the parent; or

(b) Committed voluntary manslaughter of another child of the parent; or

(c) Aided or abetted, attempted, conspired or solicited to commit such a murder or voluntary manslaughter; or

(d) Committed a felony assault that resulted in serious bodily injury to the child or to another child of the parent.

3. A termination of parental rights petition shall be filed by the juvenile officer or the division, or if such a petition has been filed by another party, the juvenile officer or the division shall seek to be joined as a party to the petition, within sixty days of the judicial determinations required in subsection 2 of this section, except as provided in subsection 4 of this section. Failure to comply with this requirement shall not deprive the court of jurisdiction to adjudicate a petition for termination of parental rights which is filed outside of sixty days.

4. If grounds exist for termination of parental rights pursuant to subsection 2 of this section, the juvenile officer or the division may, but is not required to, file a petition to terminate the parental rights of the child's parent or parents if:

(1) The child is being cared for by a relative; or

(2) There exists a compelling reason for determining that filing such a petition would not be in the best interest of the child, as documented in the permanency plan which shall be made available for court review; or

(3) The family of the child has not been provided such services as provided for in section 211.183.

5. The juvenile officer or the division may file a petition to terminate the parental rights of the child's parent when it appears that one or more of the following grounds for termination exist:

(1) The child has been abandoned. For purposes of this subdivision a "child" means any child over one year of age at the time of filing of the petition. The court shall find that the child has been abandoned if, for a period of six months or longer:

(a) The parent has left the child under such circumstances that the identity of the child was unknown and could not be ascertained, despite diligent searching, and the parent has not come forward to claim the child; or

(b) The parent has, without good cause, left the child without any provision for parental support and without making arrangements to visit or communicate with the child, although able to do so;

(2) The child has been abused or neglected. In determining whether to terminate parental rights pursuant to this subdivision, the court shall consider and make findings on the following conditions or acts of the parent:

(a) A mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(b) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control of the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control;

(c) A severe act or recurrent acts of physical, emotional or sexual abuse toward the child or any child in the family by the parent, including an act of incest, or by another under circumstances that indicate that the parent knew or should have known that such acts were being committed toward the child or any child in the family; or

(d) Repeated or continuous failure by the parent, although physically or financially able, to provide the child with adequate food, clothing, shelter, or education as defined by law, or other care and control necessary for the child's physical, mental, or emotional health and development. Nothing in this subdivision shall be construed to permit discrimination on the basis of disability or disease;

(3) The child has been under the jurisdiction of the juvenile court for a period of one year, and the court finds that the conditions which led to the assumption of jurisdiction still persist, or conditions of a potentially harmful nature continue to exist, that there is little likelihood that those conditions will be remedied at an early date so that the child can be returned to the parent in the near future, or the continuation of the parent-child relationship greatly diminishes the child's

prospects for early integration into a stable and permanent home. In determining whether to terminate parental rights under this subdivision, the court shall consider and make findings on the following:

(a) The terms of a social service plan entered into by the parent and the division and the extent to which the parties have made progress in complying with those terms;

(b) The success or failure of the efforts of the juvenile officer, the division or other agency to aid the parent on a continuing basis in adjusting his circumstances or conduct to provide a proper home for the child;

(c) A mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(d) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control over the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control; or

(4) The parent has been found guilty or pled guilty to a felony violation of chapter 566 when the child or any child in the family was a victim, or a violation of section 568.020 when the child or any child in the family was a victim. As used in this subdivision, a "child" means any person who was under eighteen years of age at the time of the crime and who resided with such parent or was related within the third degree of consanguinity or affinity to such parent; or

(5) The child was conceived and born as a result of an act of forcible rape. When the biological father has pled guilty to, or is convicted of, the forcible rape of the birth mother, such a plea or conviction shall be conclusive evidence supporting the termination of the biological father's parental rights; or

(6) The parent is unfit to be a party to the parent and child relationship because of a consistent pattern of committing a specific abuse, including but not limited to abuses as defined in section 455.010, child abuse or drug abuse before the child or of specific conditions directly relating to the parent and child relationship either of which are determined by the court to be of a duration or nature that renders the parent unable, for the reasonably foreseeable future, to care appropriately for the ongoing physical, mental or emotional needs of the child. It is presumed that a parent is unfit to be a party to the parent-child relationship upon a showing that within a three-year period immediately prior to the termination adjudication, the parent's parental rights to one or more other children were involuntarily terminated pursuant to subsection 2 or 4 of this section or subdivisions (1), (2), (3) or (4) of **[**subsection 5 of this section**]** **this subsection** or similar laws of other states.

6. The juvenile court may terminate the rights of a parent to a child upon a petition filed by the juvenile officer or the division, or in adoption cases, by a prospective parent, if the court finds that the termination is in the best interest of the child and when it appears by clear, cogent and convincing evidence that grounds exist for termination pursuant to subsection 2, 4 or 5 of this section.

7. When considering whether to terminate the parent-child relationship pursuant to subsection 2 or 4 of this section or subdivision (1), (2), (3) or (4) of subsection 5 of this section, the court shall evaluate and make findings on the following factors, when appropriate and applicable to the case:

(1) The emotional ties to the birth parent;

(2) The extent to which the parent has maintained regular visitation or other contact with the child;

(3) The extent of payment by the parent for the cost of care and maintenance of the child when financially able to do so including the time that the child is in the custody of the division or other child-placing agency;

(4) Whether additional services would be likely to bring about lasting parental adjustment enabling a return of the child to the parent within an ascertainable period of time;

(5) The parent's disinterest in or lack of commitment to the child;

(6) The conviction of the parent of a felony offense that the court finds is of such a nature that the child will be deprived of a stable home for a period of years; provided, however, that incarceration in and of itself shall not be grounds for termination of parental rights;

(7) Deliberate acts of the parent or acts of another of which the parent knew or should have known that subjects the child to a substantial risk of physical or mental harm.

8. The court may attach little or no weight to infrequent visitations, communications, or contributions. It is irrelevant in a termination proceeding that the maintenance of the parent-child relationship may serve as an inducement for the parent's rehabilitation.

9. In actions for adoption pursuant to chapter 453, the court may hear and determine the issues raised in a petition for adoption containing a prayer for termination of parental rights filed with the same effect as a petition permitted pursuant to subsection 2, 4, or 5 of this section.

10. The disability or disease of a parent shall not constitute a basis for a determination that a child is a child in need of care, for the removal of custody of a child from the parent, or for the termination of parental rights without a specific showing that there is a causal relation between the disability or disease and harm to the child.

595.220. FORENSIC EXAMINATIONS, DEPARTMENT OF PUBLIC SAFETY TO PAY MEDICAL PROVIDERS, WHEN — MINOR MAY CONSENT TO EXAMINATION, WHEN — ATTORNEY GENERAL TO DEVELOP FORMS — COLLECTION KITS — DEFINITIONS — RULEMAKING AUTHORITY. — 1. The department of public safety shall make payments to appropriate medical providers, out of appropriations made for that purpose, to cover the reasonable charges of the forensic examination of persons who may be a victim of a sexual offense if:

(1) The victim or the victim's guardian consents in writing to the examination; and

(2) The report of the examination is made on a form approved by the attorney general with the advice of the department of public safety. The department shall establish maximum reimbursement rates for charges submitted under this section, which shall reflect the reasonable cost of providing the forensic exam.

2. A minor may consent to examination under this section. Such consent is not subject to disaffirmance because of minority, and consent of parent or guardian of the minor is not required for such examination. The appropriate medical provider making the examination shall give written notice to the parent or guardian of a minor that such an examination has taken place.

3. The attorney general, with the advice of the department of public safety, shall develop the forms and procedures for gathering evidence during the forensic examination under the provisions of this section. The department of health and senior services shall develop a checklist, protocols, and procedures for appropriate medical providers to refer to while providing medical treatment to victims of a sexual offense, including those specific to victims who are minors.

4. Evidentiary collection kits shall be developed and made available, subject to appropriation, to appropriate medical providers by the highway patrol or its designees and eligible crime laboratories. Such kits shall be distributed with the forms and procedures for gathering evidence during forensic examinations of victims of a sexual offense to appropriate medical providers upon request of the provider, in the amount requested, and at no charge to the medical provider. All appropriate medical providers shall, with the written consent of the victim, perform a forensic examination using the evidentiary collection kit, or other collection procedures developed for victims who are minors, and forms and procedures for gathering evidence following the checklist for any person presenting as a victim of a sexual offense.

5. In reviewing claims submitted under this section, the department shall first determine if the claim was submitted within ninety days of the examination. If the claim is submitted within ninety days, the department shall, at a minimum, use the following criteria in reviewing the claim: examination charges submitted shall be itemized and fall within the definition of forensic examination as defined in subdivision (3) of subsection **[**7**]** **8** of this section.

6. All appropriate medical provider charges for eligible forensic examinations shall be billed to and paid by the department of public safety. No appropriate medical provider

conducting forensic examinations and providing medical treatment to victims of sexual offenses shall charge the victim for the forensic examination. For appropriate medical provider charges related to the medical treatment of victims of sexual offenses, if the victim is an eligible claimant under the crime victims' compensation fund, the victim shall seek compensation under sections 595.010 to 595.075.

7. **The department of public safety shall establish rules regarding the reimbursement of the costs of forensic examinations for children under fourteen years of age, including establishing conditions and definitions for emergency and nonemergency forensic examinations and may by rule establish additional qualifications for appropriate medical providers performing nonemergency forensic examinations for children under fourteen years of age. The department shall provide reimbursement regardless of whether or not the findings indicate that the child was abused.**

8. For purposes of this section, the following terms mean:

(1) "Appropriate medical provider",

(a) Any licensed nurse, physician, or physician assistant, and any institution employing licensed nurses, physicians, or physician assistants, provided that such licensed professionals are the only persons at such institution to perform tasks under the provisions of this section; **or**

(b) For the purposes of any nonemergency forensic examination of a child under fourteen years of age, the department of public safety may establish additional qualifications for any provider listed in paragraph (a) of this subdivision under rules authorized under subsection 7 of this section;

(2) "Evidentiary collection kit", a kit used during a forensic examination that includes materials necessary for appropriate medical providers to gather evidence in accordance with the forms and procedures developed by the attorney general for forensic examinations;

(3) "Forensic examination", an examination performed by an appropriate medical provider on a victim of an alleged sexual offense to gather evidence for the evidentiary collection kit or using other collection procedures developed for victims who are minors;

(4) "Medical treatment", the treatment of all injuries and health concerns resulting directly from a patient's sexual assault or victimization**;**

(5) "Emergency forensic examination", an examination of a person under fourteen years of age that occurs within five days of the alleged sexual offense. The department of public safety may further define the term "emergency forensic examination" by rule;

(6) "Non-emergency forensic examination", an examination of a person under fourteen years of age that occurs more than five days after the alleged sexual offense. The department of public safety may further define the term "non-emergency forensic examination" by rule.

[8.**]** **9.** The department shall have authority to promulgate rules and regulations necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

SECTION 1. SAFE PLACE FOR NEWBORNS ACT, INSTRUCTION ON, REQUIREMENTS. — 1. A school district or charter school may provide annually to high school students enrolled in health education at least thirty minutes of age and grade appropriate classroom instruction relative to the safe place for newborns act of 2002 under section 210.950, which provides a mechanism whereby any parent may relinquish the care of an

infant to the state in safety and anonymity and without fear of prosecution under certain specified conditions.

2. A school district or charter school that elects to offer such information pursuant to this section shall include the following:

(1) An explanation that relinquishment of an infant means to give over possession or control of the infant to other specified persons as provided by law with the settled intent to forego all parental responsibilities;

(2) The process to be followed by a parent in making a relinquishment;

(3) The general locations where an infant may be left in the care of certain people;

(4) The available options if a parent is unable to travel to a designated emergency care facility; and

(5) The process by which a relinquishing parent may reclaim parental rights to the infant and the time lines for taking this action.

Approved July 9, 2013

SB 257 [SB 257]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Modifies provisions contained in the Port Improvement District Act

AN ACT to repeal sections 68.205, 68.210, 68.215, 68.225, 68.230, 68.235, 68.240, 68.245, 68.250, and 68.259, RSMo, and to enact in lieu thereof ten new sections relating to port improvement districts.

SECTION

A. Enacting clause.
68.205. Definitions.
68.210. Establishment of districts authorized, procedure.
68.215. Public hearing required — notice.
68.225. Notice, form.
68.230. Termination of district, procedure.
68.235. Levy of property tax authorized — vote required — ballot language — repeal of tax.
68.240. County collector's and treasurer's duties — use of moneys upon expiration of tax.
68.245. Levy of sales and use tax authorized — ballot language — collection of tax, deposit of moneys — repeal of tax.
68.250. Conducting of election, procedure.
68.259. Severability clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 68.205, 68.210, 68.215, 68.225, 68.230, 68.235, 68.240, 68.245, 68.250, and 68.259, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 68.205, 68.210, 68.215, 68.225, 68.230, 68.235, 68.240, 68.245, 68.250, and 68.259, to read as follows:

68.205. DEFINITIONS. — As used in sections 68.200 to 68.260, unless the context clearly requires otherwise, the following terms shall mean:

(1) "Act", the port improvement district act, sections 68.200 to 68.260;

(2) "Approval", for purposes of elections pursuant to this act, a simple majority of those qualified voters casting votes in any election;

(3) "Board", the board of port authority commissioners for the particular port authority that desires to establish or has established a district;

(4) **"Consent", the written acknowledgment and approval of the creation of the district by:**

(a) Owners of real property collectively owning more than sixty percent by assessed value of real property within the boundaries of the proposed port improvement district; and

(b) More than sixty percent per capita of the owners of all real property within the boundaries of the proposed port improvement district;

(5) "Director of revenue", the director of the department of revenue of the state of Missouri;

[(5)**] (6)** "Disposal of solid waste or sewage", the entire process of storage, collection, transportation, processing, and disposal of solid wastes or sewage;

[(6)**] (7)** "District" or "port improvement district", an area designated by the port authority which is located within its port district boundaries at the time of establishment;

[(7)**] (8)** "Election authority", the election authority having jurisdiction over the area in which the boundaries of the district are located under chapter 115;

[(8)**] (9)** "Energy conservation", the reduction of energy consumption;

[(9)**] (10)** "Energy efficiency", the increased productivity or effectiveness of the use of energy resources, the reduction of energy consumption, or the use of renewable energy sources;

[(10)**] (11)** "Obligations", revenue bonds and notes issued **[**by a port authority and any obligations**]** for the repayment of any money obtained by a port authority from any public or private source along with any associated financing costs, including, but not limited to, the costs of issuance, capitalized interest, and debt service;

[(11)**] (12)** "Owner", the individual or individuals or entity or entities who own a fee interest in real property that is located within the boundaries of a district based upon the recorded real estate records of the county recorder, or the city recorder of deeds if the district is located in a city not within a county, as of the thirtieth day prior to any action;

[(12)**] (13)** "Petition", a petition to establish a port improvement district within the port district boundaries or a petition to make a substantial change to an existing district;

[(13)**] (14)** "Pollution", the existence of any noxious substance in the air or waters or on the lands of the state in sufficient quantity and of such amounts, characteristics, and duration as to injure or harm the public health or welfare or animal life or property;

[(14)**] (15)** "Port authority", a political subdivision established pursuant to this chapter;

[(15)**] (16)** "Port district boundaries", the boundaries of any port authority on file with the clerk of the county commission, city clerk, or clerk of the legislative or governing body of the county as applicable, which became effective upon approval by the **Missouri** Highways and Transportation Commission **[**of the state of Missouri**]**;

[(16)**] (17)** "Project" or "port improvement project", with respect to any property within a port improvement district, or benefitting property within a port improvement district:

(a) Providing for, or contracting for the provision of, environmental cleanup, including the disposal of solid waste, services to brownfields, or other polluted real property;

(b) Providing for, or contracting for the provision of, energy conservation or increased energy efficiency within any building, structure, or facility;

(c) Providing for, or contracting for the provision of, wetland creation, preservation, or relocation;

(d) The construction of any building, structure, **infrastructure, fixture,** or facility determined by the port authority as essential in developing energy resources, preventing, reducing, or eliminating pollution, or providing water facilities or the disposal of solid waste;

(e) Modifications to, or the relocation of, any existing building, structure, **infrastructure, fixture,** or facility that has been acquired or constructed, or which is to be acquired or

constructed for the purpose of developing energy resources, preventing, reducing, or eliminating pollution, or providing water facilities or the disposal of solid waste;

(f) The acquisition**, clearing, and grading** of real property **and the acquisition of other property and improvements, or rights and interest therein, which are** determined by the port authority to be significant in, or in the furtherance of, the history, architecture, archeology, or culture of the United States, the state of Missouri, or its political subdivisions;

(g) The operation, maintenance, repair, rehabilitation, or reconstruction of any existing public or private building, structure, **infrastructure, fixture,** or facility determined by the port authority to be significant in, or in the furtherance of, the history, architecture, archeology, or culture of the United States, the state of Missouri, or its political subdivisions;

(h) The construction of any new building, structure, **infrastructure, fixture,** or facility that is determined by the port authority to be significant in, or in the furtherance of, the history, architecture, archeology, or culture of the United States, the state of Missouri, or its political subdivisions;

(i) Providing for any project determined to be significant in or in furtherance of the purpose of a port authority as provided in section 68.020;

[(17)**]** **(18)** "Qualified project costs", include any and all reasonable costs incurred or estimated to be incurred by a port authority, or a person or entity authorized by a port authority, in furtherance of a port improvement project, which costs may include, but are not limited to:

(a) Costs of studies, plans, surveys, and specifications;

(b) Professional service costs, including, but not limited to, architectural, engineering, legal, research, marketing, financial, planning, consulting, and special services, including professional service costs necessary or incident to determining the feasibility or practicability of any project and carrying out the same;

(c) Administrative fees and costs of a port authority in carrying out any of the purposes of this act;

(d) Property assembly costs, including, but not limited to, acquisition of land and other property and improvements, real or personal, or rights or interests therein, demolition of buildings and structures, and the clearing or grading of land, machinery, and equipment relating to any project, including the cost of demolishing or removing any existing structures;

(e) Costs of operating, rehabilitating, reconstructing, maintaining, and repairing existing buildings, structures, **infrastructure, facilities,** or fixtures;

(f) Costs of constructing new buildings, structures, **infrastructure, facilities,** or fixtures;

(g) Costs of constructing, operating, rehabilitating, reconstructing, maintaining, **[**and**]** repairing **or removing** public works or improvements;

(h) Financing costs, including, but not limited to, all necessary and incidental expenses related to the port authority's issuance of obligations, which may include capitalized interest on any such obligations and reasonable reserves related to any such obligations;

(i) All or a portion of the port authority's capital costs resulting from a port improvement project necessarily incurred or to be incurred in furtherance of a port improvement project, to the extent the port authority accepts and approves such costs; and

(j) Relocation costs, to the extent that a port authority determines that relocation costs shall be paid, or are required to be paid, by federal or state law;

[(18)**]** **(19)** "Qualified voters", for the purposes of an election for the approval of a real property tax or a sales and use tax:

(a) Registered voters residing within the district; or

(b) If no registered voters reside within the district, the owners of one or more parcels of real property within the district which would be subject to such real property taxes or sales and use taxes, as applicable, based upon the recorded real estate records of the county recorder, or the city recorder of deeds if the district is located in a city not within a county, as of the thirtieth day prior to the date of the applicable election;

[(19)**]** **(20)** "Registered voters", persons who reside within the district and who are qualified and registered to vote pursuant to chapter 115 as determined by the election authority as of the thirtieth day prior to the date of the applicable election;

[(20)**]** **(21)** "Respondent", **[**the Missouri highways and transportation commission, each property owner**]** **unless the port authority is the owner of all real property** within the proposed district, the municipality or municipalities within which the proposed district is located, the county or counties within which the proposed district is located, **the Missouri Highways and Transportation Commission when the proposed district shall be within the highways of the state of Missouri,** and any other political subdivision within the boundaries of the proposed port improvement district, except the petitioning port authority;

[(21)**]** **(22)** "Revenues", all rents, revenues from any levied real property tax and sales and use tax, charges and other income received by a port authority in connection with any project, including any gift, grant, loan, or appropriation received by the port authority with respect thereto;

[(22)**]** **(23)** "Substantial changes", with respect to an established port improvement district, the addition or removal of real property to or from the port improvement district and any changes to the approved district funding mechanism; and

[(23)**]** **(24) "Taxpayer", a person or owner of real property within the proposed district who would pay any real estate or use tax as a result of the district establishment;**

(25) "Water facilities", any facilities for the furnishing and treatment of water for industrial, commercial, agricultural, or community purposes including, but not limited to, wells, reservoirs, dams, pumping stations, water lines, sewer lines, treatment plants, stabilization ponds, storm sewers, storm water detention and retention facilities, and related equipment and machinery.

68.210. ESTABLISHMENT OF DISTRICTS AUTHORIZED, PROCEDURE. — 1. A port authority may establish one or more port improvement districts within its port district boundaries for the purpose of funding qualified project costs associated with an approved port improvement project. In order to form a district or to make substantial changes to an existing district, the board shall:

(1) Draft a petition in accordance with subsection 2 of this section;

(2) Hold a public hearing in accordance with section 68.215;

(3) Subsequent to the public hearing, approve by resolution the draft petition containing any approved changes and amendments deemed necessary or desirable by a majority of the board members;

(4) File the approved draft petition in the circuit court of the county where **a majority of** the **proposed** port improvement district is located, requesting the creation of a port improvement district in accordance with sections 68.200 to 68.260; and

(5) Within thirty days of the circuit court's certification of the petition, and establishment of the district, file a copy of the board's resolution approving the petition, the certified petition, and the circuit court judgment certifying the petition and establishing the district with the Missouri Highways and Transportation Commission **when the proposed district shall be within the highways of the state of Missouri**.

2. A petition is proper for consideration and approval by the board and the circuit court if, at the time of such approval, it has **[**been signed by**]** **the consent of** property owners **[**collectively owning more than sixty percent per capita of all owners of real property within the boundaries of the proposed district**]** and contains the following information:

(1) The legal description of the proposed district, including a map illustrating the legal boundaries. The proposed district shall be contiguous and may contain all or any portion of one or more municipalities and counties. Property separated only by public streets, easements or rights-of-way, or connected by a single public street, easement, or right-of-way shall be considered contiguous;

(2) A district name designation which shall be set out in the following format:

(a) The name of the Missouri county or municipality in which the port district boundaries are filed;

(b) The words "port improvement district"; and

(c) The district designation number, beginning at 1 for the first district formed by that specific port authority, and progressing consecutively upward, irrespective of the year established;

(3) A description of the proposed project or projects for which the district is being formed, and the estimated qualified project costs of such projects;

(4) The maximum rate or rates and duration of any proposed real property tax or sales and use tax, or both, as applicable, needed to fund the project;

(5) The estimated revenues projected to be generated by any such tax or taxes;

(6) The name and address of each respondent;

(7) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable;

(8) A request that the circuit court certify the projects pursuant to the act, approve the proposed real property tax or sales and use tax, or both, as applicable, and establish the district. **No consent shall be required if the port authority is the owner of all the real property within the proposed district.**

[3. Notwithstanding the provisions of sections 68.200 to 68.260 to the contrary, a port authority located within any county of the first classification with more than one hundred eighty-four thousand but fewer than one hundred eighty-eight thousand inhabitants shall not have the authority to establish any port improvement district within its port district boundaries.**]**

68.215. PUBLIC HEARING REQUIRED — NOTICE. — 1. Not more than **[**ten**]** **sixty** days prior to the submission of the petition to the circuit court, the port authority shall hold or cause to be held a public hearing on the proposed project or projects, proposed real property tax or sales and use tax, or both, as applicable, and the establishment of the proposed district and shall give notice of the public hearing in the manner provided in subsection 3 of this section. All reasonable protests, objections, and endorsements shall be heard at the public hearing.

2. The public hearing may be continued to another date without further notice other than a motion to be entered on the official port authority meeting minutes fixing the date, time, and place of the continuance of the public hearing.

3. Notice shall be provided by both publication and mailing**, provided that no notice by mailing is required where the port authority is the owner of all of the real property within the proposed district**. Notice by publication shall be given by publication in a newspaper of general circulation within the municipality or county in which the port authority is located at least once not more than fifteen, but not less than ten, days prior to the date of the public hearing. Notice by mail shall be given not more than thirty, but not less than twenty, days prior to the date of the public hearing by sending the notice via registered or certified United States mail with a return receipt attached to the address of record of each owner within the boundaries of the proposed district. The published and mailed notices shall include the following:

(1) The date, time, and place of the public hearing;

(2) A statement that a petition for the establishment of a district has been drafted for public hearing by the board;

(3) The boundaries of the proposed district by street location, or other readily identifiable means if no street location exists, and a map illustrating the proposed boundaries;

(4) A brief description of the projects proposed to be undertaken, the estimated cost thereof, and the proposed method of financing such costs by a real property tax or sales and use tax, or both, as applicable;

(5) A statement that a copy of the petition is available for review at the office of the port authority during regular business hours;

(6) The address of the port authority's office; and

(7) A statement that all interested persons shall be given an opportunity to be heard at the public hearing.

68.225. NOTICE, FORM. — **Upon the receipt of the filed petition,** the circuit court clerk in whose office the petition was filed shall give notice to the public by causing one or more newspapers of general circulation serving the counties or portions thereof contained in the proposed district to publish once a week for four consecutive weeks a notice substantially in the following form:

NOTICE OF PETITION TO CREATE A PORT IMPROVEMENT DISTRICT

Notice is hereby given to all persons residing or owning property in ..... (here specifically describe the proposed district boundaries), within the state of Missouri, that a petition has been filed asking that a port improvement district by the name of"..... Port District No. ....." be formed for the purpose of developing the following projects: (here summarize the proposed project or projects). A copy of this petition is on file and available at the office of the clerk of the circuit court of ..... County, located at ....., Missouri. You are notified to join in or file your own petition supporting or answer opposing the creation of the port improvement district and requesting a declaratory judgment, as required by law, no later than the ..... day of ....., 20..... You may show cause, if any, why such petition is defective or proposed port improvement district or its funding method, as set forth in the petition, is illegal or unconstitutional and should not be approved as directed by this court.

.....

Clerk of the Circuit Court of. . . . . County

68.230. TERMINATION OF DISTRICT, PROCEDURE. — 1. Upon the port authority's own initiative, and after proper notice being provided and a public hearing being conducted in accordance with subsection 2 of this section, any district may be terminated by a resolution of the board, provided that there are no outstanding obligations secured in any way by district revenues produced from such district. A copy of such resolution shall be filed with the Missouri **[**highways and transportation commission**] Highways and Transportation Commission** within thirty days of its passage.

2. The public hearing required by this section shall be held and notice of such public hearing shall be given in the manner set forth in section 68.215. The notice shall contain the following information:

(1) The date, time, and place of the public hearing;

(2) A statement that the port authority proposes a resolution terminating the district; and

(3) A statement that all interested parties will be given an opportunity to be heard.

3. Notwithstanding the requirements of this section, if the port authority that has formed the district is dissolved in accordance with this chapter, the district shall automatically be terminated, and any taxes levied shall simultaneously be repealed, except that this subsection shall not apply in such instance when a local port authority is dissolved pursuant to subsection 6 of section 68.060 in order to consolidate into a regional port authority.

68.235. LEVY OF PROPERTY TAX AUTHORIZED — VOTE REQUIRED — BALLOT LANGUAGE — REPEAL OF TAX. — 1. For the purposes of providing funds to pay all, or any portion of, the qualified project costs associated with any approved project, subsequent to the establishment of a district pursuant to this act, and subsequent to the circuit court's certification of a question regarding any proposed real property tax needed to fund a project, a port authority may levy by resolution a tax upon real property within the boundaries of the district; provided however, no such resolution shall be final nor shall it take effect until the qualified voters approve, by mail-in ballot election conducted in accordance with section **[**68.255**] 68.250**, the circuit court's certified question regarding such proposed real property tax**, provided that such**

resolution shall be final and no mail-in ballot election shall be required where the port authority is the owner of all of the real property within the proposed district. If a majority of the votes cast by the qualified voters voting on the proposed real property tax are in favor of the tax, then the resolution shall become effective. If a majority of the votes cast by the qualified voters voting are opposed to the real property tax, then the resolution seeking to levy the real property tax shall be deemed to be null and void on the date on which the election may no longer be challenged pursuant to section **[**68.255**]** **68.250**. The port authority may levy a real property tax rate lower than the tax rate ceiling approved by the qualified voters pursuant to this subsection and may, by resolution, increase that lowered tax rate to a level not exceeding the tax rate ceiling without approval of the qualified voters.

2. The ballot shall be substantially in the following form:

Shall the..... (insert name of district) impose a real property tax upon (all real property) within the district at a rate of not more than ..... (insert amount) dollars per hundred dollars assessed valuation for a period of ..... (insert number) years from the date on which such tax is first imposed for the purpose of providing revenue for .....(insert general description of project or projects) in the district?

[ ] YES [ ] NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

3. A port authority may repeal or amend by resolution any real property tax imposed pursuant to this section before the expiration date of such real property tax unless the repeal or amendment of such real property tax will impair the port authority's ability to repay any obligations the port authority has incurred to pay any part of the cost of a port improvement project.

68.240. COUNTY COLLECTOR'S AND TREASURER'S DUTIES — USE OF MONEYS UPON EXPIRATION OF TAX. — 1. The county collector of each county in which the district is located, or the collector for the city in which the district is located if the district is located in a city not within a county, shall collect the real property tax made upon all real property within that county and district, in the same manner as other real property taxes are collected.

2. Every county or municipal collector and treasurer having collected or received district real property taxes shall, on or before the fifteenth day of each month and after deducting the reasonable and actual cost of such collection but not to exceed one percent of the total amount collected, remit to the port authority the amount collected or received by the port authority prior to the first day of such month. Upon receipt of such money, the port authority shall execute a receipt therefor, which shall be forwarded or delivered to the county collector or city treasurer who collected such money. The port authority shall deposit such sums which are designated for a specific project into a special trust fund to be expended solely for such purpose, or to the port authority treasury if such sums are not designated. The county or municipal collector or treasurer and port authority shall make final settlement of the port authority account and costs owing, not less than once each year, if necessary.

3. **The port authority shall repeal by resolution the continuation of any real property tax imposed pursuant to section 68.235 when all obligations of the port improvement project have been met, unless the real property tax in any way secures outstanding obligations of the port improvement project or covers ongoing expenses the port authority has incurred to pay qualified project costs of any of the approved port improvement project.**

4. Upon the expiration **or termination** of any real property tax adopted pursuant to this section which is designated for a specific project, all funds remaining in the special trust fund shall continue to be used solely for the specific purpose designated in the ballot adopted by the qualified voters. Any **remaining** funds in such special trust fund which **[**are not needed for current expenditures may be invested by the port authority pursuant to applicable laws relating

to the investment of other port authority funds and the port authority may use such funds for other approved port improvement projects**] exceed any remaining obligations of the port improvement project and are not needed to cover ongoing expenses shall be refunded pro-rata to the property owners**.

68.245. LEVY OF SALES AND USE TAX AUTHORIZED — BALLOT LANGUAGE — COLLECTION OF TAX, DEPOSIT OF MONEYS — REPEAL OF TAX. — 1. For the purposes of providing funds to pay all, or any portion of, the qualified project costs associated with any approved project, subsequent to the establishment of a district pursuant to this act, and subsequent to the circuit court's certification of a question regarding any proposed sales and use tax needed to fund a project, a port authority may levy by resolution a **[**districtwide**] district-wide** sales and use tax on all retail sales made in such district which are subject to taxation pursuant to sections 144.010 to 144.525, except sales of motor vehicles, trailers, boats or outboard motors, and sales to or from public utilities. Any sales and use tax imposed pursuant to this section may be imposed in increments of one-eighth of one percent, up to a maximum of one percent; except that, no resolution adopted pursuant to this section shall be final nor shall it take effect until the qualified voters approve, by mail-in ballot election conducted in accordance with section 68.250, the circuit court's certified question regarding such proposed sales and use tax **provided that such resolution shall be final and no mail-in ballot election shall be required where the port authority is the owner of all of the real property within the proposed district**. If a majority of the votes cast by the qualified voters on the proposed sales and use tax are in favor of the sales and use tax, then the resolution shall become effective. If a majority of the votes cast by the qualified voters are opposed to the sales and use tax, then the resolution seeking to levy the sales and use tax shall be deemed null and void on the date on which the election may no longer be challenged pursuant to section 68.255.

2. The ballot shall be substantially in the following form:

Shall the ..... (insert name of district) impose a districtwide sales and use tax at the maximum rate of ..... (insert amount) for a period of ..... (insert number) years from the date on which such tax is first imposed for the purpose of providing revenue for ..... (insert general description of project or projects)?

[ ] YES [ ] NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

3. Within ten days after the qualified voters have approved the imposition of the sales and use tax, the port authority shall, in accordance with section 32.087, notify the director of revenue. The sales and use tax authorized by this section shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of the adoption of such sales and use tax.

4. The director of revenue shall collect any sales and use tax pursuant to section 32.087.

5. **All revenue received by the port authority from a sales and use tax imposed pursuant to this section which is designated for a specific project shall be deposited into a special trust fund to be expended solely for such purpose, or to the port authority's treasury if such sums are not designated.**

6. In each district in which a sales and use tax is imposed pursuant to this section, every retailer shall add such additional tax imposed by the port authority to such retailer's sale price, and when so added such tax shall constitute a part of the purchase price, shall be a debt of the purchaser to the retailer until paid and shall be recoverable at law in the same manner as the purchase price.

[6.**] 7.** The penalties provided in sections 144.010 to 144.525 shall apply to violations of this section.

[7. All revenue received by the port authority from a sales and use tax imposed pursuant to this section which is designated for a specific project shall be deposited into a special trust

fund to be expended solely for such purpose, or to the port authority's treasury if such sums are not designated.**]**

8. The port authority shall repeal by resolution the continuation of any sales and use tax imposed pursuant to this section when all obligations of the port improvement project have been met, unless the sales and use tax in any way secures outstanding obligations of the port improvement project or covers ongoing expenses the port authority has incurred to pay qualified project costs of any of the approved port improvement project.

9. Upon the expiration **or termination** of any sales and use tax adopted pursuant to this section, **[**all**] any** funds remaining in the special trust fund shall continue to be used solely for the specific purpose designated in the ballot adopted by the qualified voters. Any funds in such special trust fund which are not needed for current expenditures **or obligations of the port improvement project** may be invested by the port authority pursuant to applicable laws relating to the investment of other port authority funds and the port authority may use such funds **[**for other approved port improvement projects.

8. A port authority may repeal by resolution any sales and use tax imposed pursuant to this section before the expiration date of such sales and use tax unless the repeal of such sales and use tax will impair the port authority's ability to repay, or unless the sales and use tax in any way secures any outstanding obligations the port authority has incurred to pay any part of the qualified project costs of any approved port improvement project**] to further the purpose of a port authority as provided in section 68.020**.

68.250. CONDUCTING OF ELECTION, PROCEDURE. — 1. Notwithstanding the provisions of chapter 115 except the provisions of section 115.125, when applicable, an election for any proposed real property tax or proposed sales and use tax, or both, within a district pursuant to this act shall be conducted in accordance with the provisions of this section.

2. After the board has passed a resolution approving the levy of a real property tax or a sales and use tax, or both, the board shall provide written notice of such resolution, along with the circuit court's certified question regarding the real property tax or the sales and use tax, or both, as applicable, to the election authority. The board shall be entitled to repeal or amend such resolution provided that written notice of such repeal or amendment is delivered to the election authority prior to the date that the election authority mails the ballots to the qualified voters.

3. Upon receipt of written notice of a port authority's resolution, along with the circuit court's certified question, for the levy of a real property tax or a sales and use tax, or both, the election authority shall:

(1) Specify a date upon which the election shall occur, which date shall be a Tuesday and shall be, unless otherwise approved by the board and election authority and applicable circuit court pursuant to section 115.125, not earlier than the tenth Tuesday, and not later than the fifteenth Tuesday, after the date the board passes the resolution and shall not be on the same day as an election conducted pursuant to the provisions of chapter 115;

(2) Publish notice of the election in a newspaper of general circulation within the municipality two times. The first publication date shall be not more than forty-five, but not less than thirty-five, days prior to the date of the election and the second publication date shall be not more than twenty, and not less than ten, days prior to the date of the election. The published notice shall include, but not be limited to, the following information:

(a) The name and general boundaries of the district;

(b) The type of tax proposed (real property tax or sales and use tax or both), its rate or rates, and its purpose or purposes;

(c) The date the ballots for the election shall be mailed to qualified voters;

(d) The date of the election;

(e) The applicable definition of qualified voters;

(f) A statement that persons residing in the district shall register to vote with the election authority on or before the thirtieth day prior to the date of the election in order to be a qualified voter for purposes of the election;

(g) A statement that the ballot shall be returned to the election authority's office in person, or by depositing the ballot in the United States mail addressed to the election authority's office and postmarked not later than the date of the election; and

(h) A statement that any qualified voter that did not receive a ballot in the mail or lost the ballot received in the mail may pick up a mail-in ballot at the election authority's office, specifying the dates and time such ballot will be available and the location of the election authority's office;

(3) The election authority shall mail the ballot, a notice containing substantially the same information as the published notice and a return addressed envelope directed to the election authority's office with a sworn affidavit on the reverse side of such envelope for the qualified voter's signature, to each qualified voter not more than fifteen days and not less than ten days prior to the date of the election. For purposes of mailing ballots to real property owners, only one ballot shall be mailed per capita at the address shown on the official, or recorded, real estate records of the county recorder, or the city recorder of deeds if the district is located in a city not within a county, as of the thirtieth day prior to the date of the election. Such affidavit shall be in substantially the following form:

FOR REGISTERED VOTERS:

I hereby declare under penalties of perjury that I reside in the ..... Port Improvement District No. ..... (insert name of district) and I am a registered voter and qualified to vote in this election.

.....

Qualified Voter's Signature

.....

Printed Name of Qualified Voter

FOR REAL PROPERTY OWNERS:

I hereby declare under penalty of perjury that I am the owner of real property in the.....Port Improvement District No. ..... (insert name of district) and qualified to vote in this election, or authorized to affix my signature on behalf of the owner (named below) of real property in the ..... Port Improvement District No. ..... (insert name of district) which is qualified to vote in this election.

.....

Signature

.....

Print Name of Real Property Owner

If Signer is Different from Owner:

Name of Signer: .....

State Basis of Legal Authority to Sign: .....

All persons or entities having a fee ownership in the property shall sign the ballot. Additional signature pages may be affixed to this ballot to accommodate all required signatures.

4. Each qualified voter shall have one vote. Each voted ballot shall be signed with the authorized signature.

5. Mail-in ballots shall be returned to the election authority's office in person, or by depositing the ballot in the United States mail addressed to the election authority's office and postmarked no later than the date of the election. The election authority shall transmit all voted ballots to a team of judges of not less than four. The judges shall be selected by the election authority from lists it has compiled **prior to the date by which the mail-in ballots must be returned**. Upon receipt of the voted ballots, the judges shall verify the authenticity of the ballots, canvass the votes, and certify the results. Certification by the election judges shall be final and

shall be immediately transmitted to the election authority. Any qualified voter who voted in such election may contest the result in the same manner as provided in chapter 115.

6. The results of the election shall be entered upon the records of the election authority and two certified copies of the election results shall be filed with the port authority and entered upon the records of the port authority.

7. The port authority shall reimburse the election authority for the costs it incurs to conduct an election under this section.

8. Notwithstanding anything to the contrary, nothing in this act shall prevent a port authority from proposing both a real property tax levy question and a sales and use tax levy question to the district's qualified voters in the same election.

9. Notwithstanding anything to the contrary, this section shall not apply when the port authority is the owner of all of the real property within the proposed district.

68.259. SEVERABILITY CLAUSE. — Notwithstanding the provisions of section 1.140 to the contrary, the provisions of sections 68.025, 68.035, 68.040, 68.057, 68.070, 68.200, 68.205, 68.210, 68.215, 68.220, 68.225, 68.230, 68.235, 68.240, 68.245, 68.250, 68.255, and 68.260 as contained in this act shall be **[**nonseverable**]** **severable**, and if any provision is for any reason held to be invalid, such decision shall **not** invalidate **[**all**]** **any** of the remaining provisions of sections 68.025, 68.035, 68.040, 68.057, 68.070, 68.200, 68.205, 68.210, 68.215, 68.220, 68.225, 68.230, 68.235, 68.240, 68.245, 68.250, 68.255, and 68.260 as contained in this act.

Approved June 25, 2013

SB 258 [SCS SB 258]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Reduces the membership of the Kansas City School District board of education and changes the election date for board members

AN ACT to repeal sections 162.459, 162.471, and 162.492, RSMo, and to enact in lieu thereof three new sections relating to the board of directors of the Kansas City school district.

SECTION

A. Enacting clause.

162.459. Boards of all seven-director and urban school districts to have seven members with the exception of Kansas City — directors, how elected.

162.471. Board of directors — qualifications, terms, vacancies.

162.492. Director districts, candidates from subdistricts and at large — terms — vacancy, how filled (urban districts).

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 162.459, 162.471, and 162.492, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 162.459, 162.471, and 162.492, to read as follows:

162.459. BOARDS OF ALL SEVEN-DIRECTOR AND URBAN SCHOOL DISTRICTS TO HAVE SEVEN MEMBERS WITH THE EXCEPTION OF KANSAS CITY — DIRECTORS, HOW ELECTED. — 1. Notwithstanding other provisions of law to the contrary, the school board of each school district designated in the statutes as a seven-director, seven-director or urban school district**[**, except an urban district containing the greater part of a city of more than three hundred thousand

inhabitants,] shall consist of seven members. At the first election for members of the school board in each of such districts after January 1, 1993, and each three years thereafter, three members of the school board shall be elected; except, no school district composed of seven members as of January 1, 1993, shall be required to modify its schedule of electing board members.

2. Provisions of law applicable to seven-director, seven-director and urban school districts, except those which conflict with the provisions of this section, shall apply to and govern the school districts designated in subsection 1 of this section.

162.471. BOARD OF DIRECTORS — QUALIFICATIONS, TERMS, VACANCIES. — The government and control of an urban school district is vested in a board of seven directors[, except that in urban districts containing the greater part of a city of more than three hundred thousand inhabitants the board shall be composed of nine directors]. Each director shall be a voter of the district, who has resided within this state for one year next preceding his election or appointment and who is at least twenty-four years of age. All directors, except as otherwise provided in section 162.481 **and section 162.492**, hold their offices for six years and until their successors are duly elected and qualified. All vacancies occurring in the board**, except as provided in section 162.492,** shall be filled by appointment by the board as soon as practicable, and the person appointed shall hold his office until the next school board election, when his successor shall be elected for the remainder of the unexpired term. The power of the board to perform any official duty during the existence of a vacancy continues unimpaired thereby.

162.492. DIRECTOR DISTRICTS, CANDIDATES FROM SUBDISTRICTS AND AT LARGE — TERMS — VACANCY, HOW FILLED (URBAN DISTRICTS). — 1. In all urban districts containing the greater part of the population of a city which has more than three hundred thousand inhabitants [the terms of the members of the board of directors in office in 1967 shall continue until the end of the respective terms to which each of them has been elected to office and in each case thereafter until the next school election be held and until their successors, then elected, are duly qualified as provided in this section.

2. In each urban district designated in subsection 1], the election authority of the city in which the greater portion of the school district lies, and of the county if the district includes territory not within the city limits, shall serve ex officio as a redistricting commission. The commission shall on or before November 1, [1969] **2018**, divide the school district into [six] **five** subdistricts, all subdistricts being of compact and contiguous territory and as nearly equal in the number of inhabitants as practicable and thereafter the board shall redistrict the district into subdivisions as soon as practicable after each United States decennial census. In establishing the subdistricts each member shall have one vote and a majority vote of the total membership of the commission is required to make effective any action of the commission.

[3.] **2.** School elections for the election of directors shall be held on municipal election days in [each even-numbered year. At the election in 1970, one member of the board of directors shall be elected by the voters of each subdistrict. The seven candidates, one from each of the subdistricts, who receive a plurality of the votes cast by the voters of that subdistrict shall be elected and the at-large candidate receiving a plurality of the at-large votes shall be elected] **2014 and 2016. At the election in 2014, directors shall be elected to hold office until 2019 and until their successors are elected and qualified. At the election in 2016, directors shall be elected until 2019 and until their successors are elected and qualified. Beginning in 2019, school elections for the election of directors shall be held on the local election date as specified in the charter of a home rule city with more than four hundred thousand inhabitants and located in more than one county. Beginning at the election for school directors in 2019, the number of directors on the board shall be reduced from nine to seven. Two directors shall be at-large directors and five directors shall represent the subdistricts, with one director from each of the subdistricts. Directors shall serve a four-**

year term. Directors shall serve until the next election and until their successors, then elected, are duly qualified as provided in this section. In addition to other qualifications prescribed by law, each member elected from a subdistrict **[**must**]** **shall** be a resident of the subdistrict from which he **or she** is elected. The subdistricts shall be numbered from one to **[**six and the directors elected from subdistricts one, three and five shall hold office for terms of two years and until their successors are elected and qualified, and the directors elected from subdistricts two, four and six shall hold office for terms of four years and until their successors are elected and qualified. Every two years thereafter a member of the board of directors shall be elected for a term of four years and until his successor is elected and qualified from each of the three subdistricts having a member on the board of directors whose term expires in that year. Those members of the board of directors who were in office in 1967 shall, when their terms of office expire, be succeeded by the members of the board of directors elected from subdistricts. In addition to the directors elected by the voters of each subdistrict, additional directors shall be elected at large by the voters of the entire school district as follows: in 1970 one director at large shall be elected for a two-year term. In 1972 one director at large shall be elected for a four-year term. In 1974 two at-large directors shall be elected for a four-year term and thereafter in alternative elections one director shall be elected for a four-year term and then two directors shall be elected for a four-year term, so that from and after the 1970 election the board of directors not including those members who were in office in 1967 shall consist of seven members until the 1974 election and thereafter the board shall consist of nine members. In those years in which one at-large director is to be elected each voter may vote for one candidate and the candidate receiving a plurality of votes cast shall be elected. In those years in which two at-large directors are to be elected**]** **five.** Each voter may vote for two candidates **for at-large director** and the two receiving the largest number of votes cast shall be elected.

[4.**]** **3.** The **[**six**]** **five** candidates, one from each of the subdistricts, who receive a plurality of the votes cast by the voters of that subdistrict and the at-large candidates receiving a plurality of the at-large votes shall be elected. The name of no candidate for nomination shall be printed on the ballot unless the candidate has at least sixty days prior to the election filed a declaration of candidacy with the secretary of the board of directors containing the signatures of at least two hundred fifty registered voters who are residents of the subdistrict within which the candidate for nomination to a subdistrict office resides, and in case of at-large candidates the signatures of at least five hundred registered voters. The election authority shall determine the validity of all signatures on declarations of candidacy.

[5.**]** **4.** In any election either for at-large candidates or candidates elected by the voters of subdistricts, if there are more than two candidates, a majority of the votes are not required to elect but the candidate having a plurality of the votes if there is only one office to be filled and the candidates having the highest number of votes, if more than one office is to be filled, shall be elected.

[6.**]** **5.** The names of all candidates shall appear upon the ballot without party designation and in the order of the priority of the times of filing their petitions of nomination. No candidate may file both at large and from a subdistrict and the names of all candidates shall appear only once on the ballot, nor may any candidate file more than one declaration of candidacy. All declarations shall designate the candidate's residence and whether the candidate is filing at large or from a subdistrict and the numerical designation of the subdistrict or at-large area.

[7.**]** **6.** The provisions of all sections relating to seven-director school districts shall also apply to and govern urban districts in cities of more than three hundred thousand inhabitants, to the extent applicable and not in conflict with the provisions of those sections specifically relating to such urban districts.

[8.**]** **7.** Vacancies which occur on the school board between the dates of election shall be filled by special election if such vacancy happens more than six months prior to the time of holding **[**a general municipal**]** **an** election**[**,**]** as provided in **subsection 2 of this** section **[**115.121**]**. The state board of education shall order a special election to fill such a vacancy. A

letter from the commissioner of education, delivered by certified mail to the election authority or authorities that would normally conduct an election for school board members shall be the authority for the election authority or authorities to proceed with election procedures. If a vacancy occurs less than six months prior to the time of holding **[**a general municipal**]** **an** election **as provided in subsection 2 of this section**, no special election shall occur and the vacancy shall be filled at the next **[**general municipal**]** election **day on which local elections are held as specified in the charter of any home rule city with more than four hundred thousand inhabitants and located in more than one county**.

Approved July 12, 2013

SB 262 [CCS HCS SS SB 262]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Modifies various provisions relating to health insurance

AN ACT to repeal sections 354.410, 354.415, 354.430, 376.405, 376.426, 376.777, 376.961, 376.962, 376.964, 376.966, 376.968, 376.970, 376.973, and 376.1363, RSMo, and to enact in lieu thereof thirty new sections relating to health insurance, with penalty provisions, an effective date for certain sections and an emergency clause for certain sections.

SECTION
- A. Enacting clause.
- 338.321. Interim committee created, purpose, members — report.
- 354.410. Certificate issued, when — annual deposit, requirements — capital account, amount, contents.
- 354.415. Powers of organization.
- 354.430. Evidence of coverage, requirements — rights of enrollee — toll-free telephone number required.
- 376.325. Any willing provider provision — definitions.
- 376.405. Group health and accident policies, approval required — exempt, when, director's powers.
- 376.426. Group health policies, required provisions.
- 376.777. Specifically required provisions — exemptions, when — director's powers.
- 376.961. Missouri health insurance pool created — members to be all health insurers in state — board of directors, members, terms, qualifications — transitioning resources.
- 376.962. Plan of operation to be submitted by board — effective when — failure to submit, director's duty to develop rules — plan content — amendments, procedure.
- 376.964. Board, powers and duties — including providing for issuing policies and reinsuring risks — staff appointment — rulemaking authority.
- 376.966. No employee to lose coverage by enrolling in pool — eligibility for pool coverage, ineligibility — medical underwriting considerations, notification required, when — expiration date.
- 376.968. Administration of pool by insurer or insurers by competitive bids — insurer's qualifications — board to establish criteria for bid content.
- 376.970. Administering insurer to serve for three years subject to removal for cause — duties — reports — bidding process.
- 376.973. Administering insurer at close of fiscal year to make accounting and assessment — how calculated — excess to be held at interest for future losses or to reduce premiums — future losses, defined — assessments, continuation of.
- 376.1192. Mandated health insurance coverage — actuarial analysis by oversight division — cost — expiration date.
- 376.1363. Utilization review decisions, procedures.
- 376.1575. Definitions
- 376.1578. Credentialing procedure, health carrier duties — violations, mechanism for reporting.
- 376.1900. Definitions — reimbursement for telehealth services, when.
- 376.2000. Citation of law — definitions.
- 376.2002. Navigators, license required — permitted acts — prohibited acts — exemptions.
- 376.2004. Application procedure.
- 376.2006. Term of licensure — renewal — continuing education.
- 376.2008. Consultation with licensed insurance producer, navigator to advise, when.

376.2010. Sanction of license, when — restitution required, when — examination and investigation of records.
376.2011. Violations, administrative orders, civil actions — penalty.
376.2012. Navigators duty to report, when.
376.2014. Applicability — severability — rulemaking authority.
1. Health insurance products, department duties
B. Effective date.
C. Emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 354.410, 354.415, 354.430, 376.405, 376.426, 376.777, 376.961, 376.962, 376.964, 376.966, 376.968, 376.970, 376.973, and 376.1363, RSMo, are repealed and thirty new sections enacted in lieu thereof, to be known as sections 338.321, 354.410, 354.415, 354.430, 376.325, 376.405, 376.426, 376.777, 376.961, 376.962, 376.964, 376.966, 376.968, 376.970, 376.973, 376.1192, 376.1363, 376.1575, 376.1578, 376.1900, 376.2000, 376.2002, 376.2004, 376.2006, 376.2008, 376.2010, 376.2011, 376.2012, 376.2014, and 1, to read as follows:

338.321. INTERIM COMMITTEE CREATED, PURPOSE, MEMBERS — REPORT. — 1. The "Missouri Oral Chemotherapy Parity Interim Committee" is hereby created to study the disparity in patient co-payments between orally and intravenously administered chemotherapies, the reasons for the disparity, and the patient benefits in establishing co-payment parity between oral and infused chemotherapy agents. The committee shall consider information on the costs or actuarial analysis associated with the delivery of patient oncology treatments.

2. The Missouri oral chemotherapy parity interim committee shall consist of the following members:

(1) Two members of the senate, appointed by the president pro tempore of the senate;

(2) Two members of the house of representatives, appointed by the speaker of the house of representatives;

(3) One member who is an oncologist or physician with expertise in the practice of oncology licensed in this state under chapter 334;

(4) One member who is an oncology nurse licensed in this state under chapter 335;

(5) One member who is a representative of a Missouri pharmacy benefit management company;

(6) One member from an organization representing licensed pharmacists in this state;

(7) One member from the business community representing businesses on health insurance issues;

(8) One member from an organization representing the leading research-based pharmaceutical and biotechnology companies;

(9) One patient advocate;

(10) One member from the organization representing a majority of hospitals in this state;

(11) One member from a health carrier as such term is defined under section 376.1350;

(12) One member from the organization representing a majority of health carriers in this state, as such term is defined under section 376.1350;

(13) One member from the American Cancer Society; and

(14) One member from an organization representing generic pharmaceutical drug manufacturers.

3. All members, except for the members from the general assembly, shall be appointed by the governor no later than September 1, 2013. The department of

insurance, financial institutions and professional registration shall provide assistance to the committee.

4. No later than January 1, 2014, the committee shall submit a report to the governor, the speaker of the house of representatives, the president pro tempore of the senate, and the appropriate legislative committee of the general assembly regarding the results of the study and any legislative recommendations.

354.410. CERTIFICATE ISSUED, WHEN — ANNUAL DEPOSIT, REQUIREMENTS — CAPITAL ACCOUNT, AMOUNT, CONTENTS. — 1. The director shall issue or deny a certificate of authority to any person filing an application pursuant to section 354.405. Issuance of a certificate of authority may then be granted upon payment of the application fee prescribed in section 354.500 if the director is satisfied that the following conditions are met:

(1) The persons responsible for the conduct of the affairs of the applicant are competent, trustworthy, and possess good reputations;

(2) The health care organization constitutes an appropriate mechanism whereby the health maintenance organization will effectively provide or arrange for the provision of basic health care services on a prepaid basis through insurance or otherwise, except to the extent of **[**reasonable**]** requirements for co-payments**, coinsurance or deductibles**;

(3) The health maintenance organization is financially responsible and may reasonably be expected to meet its obligations to enrollees and prospective enrollees. In making this determination, the director may consider:

(a) The financial soundness of the arrangements for health care services and the schedule of charges used in connection therewith;

(b) The adequacy of working capital;

(c) Any agreement with an insurer, a government, or any other organization for insuring the payment of the cost of health care services or the provision for automatic applicability of an alternative coverage in the event of discontinuance of the health maintenance organization;

(d) Any agreement with providers for the provision of health care services; and

(e) Any deposit of cash or securities submitted in accordance with subsection 2;

(4) The health maintenance organization's arrangements for health care services and the schedule of charges used in connection therewith are financially sound;

(5) The working capital be adequate;

(6) Any agreement with an insurer, a health service corporation, a government, or any other organization for insuring the payment of the cost of health care services contain a provision for the automatic applicability of alternative coverage in the event of discontinuance of the health maintenance organization;

(7) There be an agreement with providers for the provision of health care services;

(8) The enrollees shall be afforded an opportunity to participate in matters of policy and operation pursuant to section 354.420;

(9) Nothing in the proposed method of operation, as shown by the information submitted pursuant to section 354.405 or by independent investigation, is contrary to the public interest; **and**

(10) The health maintenance organization is able to provide its enrollees with adequate access to health care providers.

2. Unless otherwise provided below, each health maintenance organization shall deposit with the director, or with any organization or trustee acceptable to the director through which a custodial or controlled account is utilized, cash, securities, or any combination of these or other measures that is acceptable to the director in the amount set forth in this subsection:

(1) The amount for an organization that is beginning operation shall be the greater of: (a) five percent of its estimated expenditures for health care services for its first year of operation, (b) twice its estimated average monthly uncovered expenditures for its first year of operation, or (c) one hundred fifty thousand dollars for a medical group/staff model, or three hundred thousand

dollars for an individual practice association. At the beginning of each succeeding year, unless not applicable, the organization shall deposit with the director, or organization or trustee, cash, securities, or any combination of these or other measures acceptable to the director, in an amount equal to four percent of its estimated annual uncovered expenditures for that year.

(2) Unless not applicable, an organization that is in operation on September 28, 1983, shall make a deposit equal to the larger of: (a) one percent of the preceding twelve months' uncovered expenditures, or (b) one hundred fifty thousand dollars for a medical group/staff model, or three hundred thousand dollars for an individual practice association on the first day of the first calendar year beginning six months or more after September 28, 1983. In the second calendar year, if applicable, the amount of the additional deposit shall be equal to two percent of its estimated annual uncovered expenditures. In the third calendar year, if applicable, the additional deposit shall be equal to three percent of its estimated annual uncovered expenditures for that year, and in the fourth calendar year and subsequent years, if applicable, the additional deposit shall be equal to four percent of its estimated annual uncovered expenditures for each year. Each year's estimate, after the first year of operation, shall reasonably reflect the prior years' operating experience and delivery arrangements. The director may waive any of the deposit requirements set forth in subdivisions (1) and (2) above, whenever satisfied that the organization has sufficient net worth and an adequate history of generating net income to assure its financial viability for the next year, or its performance and obligations are guaranteed by an organization with sufficient net worth and an adequate history of generating net income, or the assets of the organization or its contracts with insurers, hospital or medical service corporations, governments, or other organizations are sufficient to reasonably assure the performance of its obligations.

3. When an organization has achieved a net worth not including land, buildings, and equipment, of at least one million dollars or has achieved a net worth including organization-related land, buildings, and equipment of at least five million dollars, the annual deposit requirements shall not apply. The annual deposit requirement shall not apply to an organization if the total amount of the deposit is equal to twenty-five percent of its estimated annual uncovered expenditures for the next calendar year, or the capital and surplus requirements for the formation or admittance of an accident and health insurer in this state, whichever is less. If the organization has a guaranteeing organization which has been in operation for at least five years and has a net worth not including land, buildings, and equipment of at least one million dollars or which has been in operation for at least ten years and has a net worth including organization-related land, buildings, and equipment of at least five million dollars, the annual deposit requirement shall not apply; provided, however, that if the guaranteeing organization is sponsoring more than one organization, the net worth requirement shall be increased by a multiple equal to the number of such organizations. This requirement to maintain a deposit in excess of the deposit required of an accident and health insurer shall not apply during any time that the guaranteeing organization maintains a net worth at least equal to the capital and surplus requirements for an accident and health insurer for each organization it sponsors.

4. All income from deposits shall belong to the depositing organization and shall be paid to it as it becomes available. A health maintenance organization that has made a securities deposit may withdraw the securities deposit or any part thereof, first having deposited, in lieu thereof, a deposit of cash, securities, or any combination of these or other measures of equal amount and value to that withdrawn. Any securities shall be approved by the director before being substituted.

5. In any year in which an annual deposit is not required of an organization, at its request the director shall reduce the required deposit by one hundred thousand dollars for each two hundred fifty thousand dollars of net worth in excess of the amount that allows it not to make an annual deposit. If the amount of net worth no longer supports a reduction of its required deposit, the organization shall immediately redeposit one hundred thousand dollars for each two hundred fifty thousand dollars of reduction in net worth, provided that its total deposit shall not exceed the maximum required under this section. Notwithstanding any provisions of sections

354.400 to 354.636, the deposit held by the director shall in no case be less than one hundred fifty thousand dollars for a group staff/model or three hundred thousand dollars for an individual practice association model.

6. Each health maintenance organization that obtains a certificate of authority after September 28, 1983, shall have and maintain a capital account of at least one hundred fifty thousand dollars for a medical group/staff model, or three hundred thousand dollars for an individual practice association in addition to any deposit requirements under this section. The capital account shall be net of any accrued liabilities and be in the form of cash, securities or any combination of these or other measures acceptable to the director.

7. A certificate of authority shall be denied only after compliance with the requirements of section 354.490.

354.415. POWERS OF ORGANIZATION. — 1. The powers of a health maintenance organization include, but are not limited to, the power to:

(1) Purchase, lease, construct, renovate, operate, and maintain hospitals, medical facilities, or both, and their ancillary equipment, and such property as may reasonably be required for the organization's principal office or for such other purposes as may be necessary in the transaction of the business of the organization;

(2) Make loans to a medical group under contract with it in furtherance of its program, or to make loans to any corporation under its control for the purpose of acquiring or constructing medical facilities and hospitals or in the furtherance of a program providing health care services to enrollees;

(3) Furnish health care services through providers which are under contract with, or employed by, the health maintenance organization;

(4) Contract with any person for the performance, on the organization's behalf, of certain functions such as marketing, enrollment, and administration;

(5) Contract with an insurance company licensed in this state, or with a health services corporation authorized to do business in this state, for the provision of insurance, indemnity, or reimbursement against the cost of health care services provided by the health maintenance organization;

(6) Offer, in addition to basic health care services:

(a) Additional health care services;

(b) Indemnity benefits covering out-of-area or emergency services; and

(c) Indemnity benefits, in addition to those relating to out-of-area and emergency services, provided through insurers or health services corporations**;**

(7) Offer as an option one or more health benefit plans which contain deductibles, coinsurance, coinsurance differentials, or variable co-payments. Health benefit plans offered under this section that contain deductibles shall be permitted only when combined with any health savings account or health reimbursement account as described in the Medicare Reform Act, P.L. No. 108-173, Title XII, Section 1201, provided that:

(a) The total out-of-pocket expenses paid for the receipt of basic health services under the plan shall not exceed the annual contribution limits for health savings accounts as determined by the Internal Revenue Service;

(b) The health savings account or health reimbursement account must be funded at a level equal to or greater than the out-of-pocket maximum limits defined for the high deductible health plan; and

(c) A distribution from the health savings account or health reimbursement account to pay a health care provider for a qualified medical expense is made within thirty days of the submission of a claim.

2. Prior to the exercise of any power granted in subdivision (1) or (2) of subsection 1 of this section, involving an amount in excess of five hundred thousand dollars, a health maintenance organization shall file notice, with adequate supporting information, with the

director. The director shall disapprove such exercise of power if, in his opinion, it would substantially and adversely affect the financial soundness of the health maintenance organization and endanger its ability to meet its obligations. If the director does not disapprove such exercise of power within sixty days of the filing, it shall be deemed approved.

3. The director may exempt from the filing requirement of subsection 2 of this section those activities having minimal effect.

354.430. EVIDENCE OF COVERAGE, REQUIREMENTS — RIGHTS OF ENROLLEE — TOLL-FREE TELEPHONE NUMBER REQUIRED. — 1. Every enrollee residing in this state is entitled to evidence of coverage. If the enrollee obtains coverage through an insurance policy or a contract issued by a health services corporation, whether by option or otherwise, the insurer or the health services corporation shall issue the evidence of coverage. Otherwise the health maintenance organization shall issue the evidence of coverage.

2. No evidence of coverage, or amendment thereto, shall be issued or delivered to any person in this state until a copy of the form of the evidence of coverage, or amendment thereto, has been filed with the director.

3. An evidence of coverage shall contain:

(1) No provisions or statements which are unjust, unfair, inequitable, misleading, or deceptive, or which encourage misrepresentation, or which are untrue, misleading, or deceptive as defined in subsection 1 of section 354.460; and

(2) A clear and complete statement, if a contract, or a reasonably complete summary, if a certificate, of:

(a) The health care services and the insurance or other benefits, if any, to which the enrollee is entitled;

(b) Any limitations on the services, kind of services, benefits or kinds of benefits to be provided, including any deductible or co-payment**, coinsurance, or other cost-sharing** feature **as requested by the group contract holder or, in the case of non-group coverage, the individual certificate holder**;

(c) Where and in what manner information is available as to how services may be obtained;

(d) The total amount of payment for health care services and the indemnity or service benefits, if any, which the enrollee is obligated to pay with respect to individual contracts; and

(e) A clear and understandable description of the health maintenance organization's method for resolving enrollee complaints, including the health maintenance organization's toll-free customer service number and the department of insurance, financial institutions and professional registration's consumer complaint hot line number.

4. Any subsequent change in an evidence of coverage may be made in a separate document issued to the enrollee.

5. A copy of the form of the evidence of coverage to be used in this state, and any amendment thereto, shall be subject to the filing of subsection 2 of this section unless it is subject to the jurisdiction of the director under the laws governing health insurance or health services corporations, in which event the filing provisions of those laws shall apply.

376.325. ANY WILLING PROVIDER PROVISION — DEFINITIONS. — 1. To the extent a health carrier has developed a closed or exclusive provider network as provided in subdivision (19) of section 376.426 through contractual arrangements with selected providers, such health carrier shall accept into such closed or exclusive network any willing licensed physician who agrees to accept a fee schedule, payment, or reimbursement rate that is fifteen percent less than the health carrier's standard prevailing or market fee schedule, payment, or reimbursement rate for such network in the specific geography of the licensed physician's practice.

2. This section shall not apply to any licensed physician who does not meet the health carrier's selection standards and credentialing criteria or who has not entered into the health carrier's standard participating provider agreement.

3. As used in this section, the term "health carrier" shall have the same meaning ascribed to it in section 376.1350. The term "physician" shall mean a physician licensed to practice in Missouri under the provisions of chapter 334. As used in this section, a "closed or exclusive provider network" is a network for a health benefit plan that requires all health care services to be delivered by a participating provider in the health carrier's network, except for emergency services, as defined in section 376.1350, and the services described in subsection 4 of section 376.811.

376.405. GROUP HEALTH AND ACCIDENT POLICIES, APPROVAL REQUIRED — EXEMPT, WHEN, DIRECTOR'S POWERS. — 1. No insurance company licensed to transact business in this state shall deliver or issue for delivery in this state any policy of group accident or group health insurance, or group accident and health insurance, including insurance against hospital, medical or surgical expenses, covering a group in this state, unless such policy form shall have been approved by the director of the department of insurance, financial institutions and professional registration of the state of Missouri.

2. The director of the department of insurance, financial institutions and professional registration shall have authority to make such reasonable rules and regulations concerning the filing and submission of such policy forms as are necessary, proper or advisable. Such rules and regulations shall provide, among other things, that if a policy form is disapproved, **[**the reasons therefor**]** **all specific reasons for nonconformance** shall be stated in writing **within forty-five days from the date of filing;** that a hearing shall be granted upon such disapproval, if so requested; and that the failure of the director of the department of insurance, financial institutions and professional registration, to take action approving or disapproving a submitted policy form within **[**a stipulated time, not to exceed sixty**]** **forty-five** days from the date of filing, shall be deemed an approval thereof **[**until such time as the director of the department of insurance, financial institutions and professional registration shall notify the submitting company, in writing, of his disapproval thereof**]**. **If at any time after a policy form is approved or deemed approved, the director determines that any provision of the filing is contrary to state law, the director shall notify the health carrier of the specific provisions that are contrary to state law and any specific statute or regulation to which the provision is contrary, and request that the health carrier file, within thirty days of the notification, an amendment form that modifies the provision to conform to state law. Upon approval of the amendment form by the director, the health carrier shall issue a copy of the amendment to each individual and entity to which the filing has been issued. Such amendment shall have the force and effect as if the amendment was in the original filing or policy.**

3. The director of the department of insurance, financial institutions and professional registration shall approve only those policy forms which are in compliance with the insurance laws of this state and which contain such words, phraseology, conditions and provisions which are specific, certain and unambiguous and reasonably adequate to meet needed requirements for the protection of those insured. The disapproval of any policy form shall be based upon the requirements of the laws of this state or of any regulation lawfully promulgated thereunder.

4. The director of the department of insurance, financial institutions and professional registration may, by order or bulletin, exempt from the approval requirements of this section for so long as he deems proper any insurance policy, document, or form or type thereof, as specified in such order or bulletin, to which, in his opinion, this section may not practicably be applied, or the approval of which is, in his opinion, not desirable or necessary for the protection of the public.

376.426. GROUP HEALTH POLICIES, REQUIRED PROVISIONS. — No policy of group health insurance shall be delivered in this state unless it contains in substance the following provisions, or provisions which in the opinion of the director of the department of insurance, financial institutions and professional registration are more favorable to the persons insured or at least as favorable to the persons insured and more favorable to the policyholder; except that: provisions in subdivisions (5), (7), (12), (15), and (16) of this section shall not apply to policies insuring debtors; standard provisions required for individual health insurance policies shall not apply to group health insurance policies; and if any provision of this section is in whole or in part inapplicable to or inconsistent with the coverage provided by a particular form of policy, the insurer, with the approval of the director, shall omit from such policy any inapplicable provision or part of a provision, and shall modify any inconsistent provision or part of the provision in such manner as to make the provision as contained in the policy consistent with the coverage provided by the policy:

(1) A provision that the policyholder is entitled to a grace period of thirty-one days for the payment of any premium due except the first, during which grace period the policy shall continue in force, unless the policyholder shall have given the insurer written notice of discontinuance in advance of the date of discontinuance and in accordance with the terms of the policy. The policy may provide that the policyholder shall be liable to the insurer for the payment of a pro rata premium for the time the policy was in force during such grace period;

(2) A provision that the validity of the policy shall not be contested, except for nonpayment of premiums, after it has been in force for two years from its date of issue, and that no statement made by any person covered under the policy relating to insurability shall be used in contesting the validity of the insurance with respect to which such statement was made after such insurance has been in force prior to the contest for a period of two years during such person's lifetime nor unless it is contained in a written instrument signed by the person making such statement; except that, no such provision shall preclude the assertion at any time of defenses based upon the person's ineligibility for coverage under the policy or upon other provisions in the policy;

(3) A provision that a copy of the application, if any, of the policyholder shall be attached to the policy when issued, that all statements made by the policyholder or by the persons insured shall be deemed representations and not warranties and that no statement made by any person insured shall be used in any contest unless a copy of the instrument containing the statement is or has been furnished to such person or, in the event of the death or incapacity of the insured person, to the individual's beneficiary or personal representative;

(4) A provision setting forth the conditions, if any, under which the insurer reserves the right to require a person eligible for insurance to furnish evidence of individual insurability satisfactory to the insurer as a condition to part or all of the individual's coverage;

(5) A provision specifying the additional exclusions or limitations, if any, applicable under the policy with respect to a disease or physical condition of a person, not otherwise excluded from the person's coverage by name or specific description effective on the date of the person's loss, which existed prior to the effective date of the person's coverage under the policy. Any such exclusion or limitation may only apply to a disease or physical condition for which medical advice or treatment was received by the person during the twelve months prior to the effective date of the person's coverage. In no event shall such exclusion or limitation apply to loss incurred or disability commencing after the earlier of:

(a) The end of a continuous period of twelve months commencing on or after the effective date of the person's coverage during all of which the person has received no medical advice or treatment in connection with such disease or physical condition; or

(b) The end of the two-year period commencing on the effective date of the person's coverage;

(6) If the premiums or benefits vary by age, there shall be a provision specifying an equitable adjustment of premiums or of benefits, or both, to be made in the event the age of the

covered person has been misstated, such provision to contain a clear statement of the method of adjustment to be used;

(7) A provision that the insurer shall issue to the policyholder, for delivery to each person insured, a certificate setting forth a statement as to the insurance protection to which that person is entitled, to whom the insurance benefits are payable, and a statement as to any family member's or dependent's coverage;

(8) A provision that written notice of claim must be given to the insurer within twenty days after the occurrence or commencement of any loss covered by the policy. Failure to give notice within such time shall not invalidate nor reduce any claim if it shall be shown not to have been reasonably possible to give such notice and that notice was given as soon as was reasonably possible;

(9) A provision that the insurer shall furnish to the person making claim, or to the policyholder for delivery to such person, such forms as are usually furnished by it for filing proof of loss. If such forms are not furnished before the expiration of fifteen days after the insurer receives notice of any claim under the policy, the person making such claim shall be deemed to have complied with the requirements of the policy as to proof of loss upon submitting, within the time fixed in the policy for filing proof of loss, written proof covering the occurrence, character, and extent of the loss for which claim is made;

(10) A provision that in the case of claim for loss of time for disability, written proof of such loss must be furnished to the insurer within ninety days after the commencement of the period for which the insurer is liable, and that subsequent written proofs of the continuance of such disability must be furnished to the insurer at such intervals as the insurer may reasonably require, and that in the case of claim for any other loss, written proof of such loss must be furnished to the insurer within ninety days after the date of such loss. Failure to furnish such proof within such time shall not invalidate nor reduce any claim if it was not reasonably possible to furnish such proof within such time, provided such proof is furnished as soon as reasonably possible and in no event, except in the absence of legal capacity of the claimant, later than one year from the time proof is otherwise required;

(11) A provision that all benefits payable under the policy other than benefits for loss of time shall be payable not more than thirty days after receipt of proof and that, subject to due proof of loss, all accrued benefits payable under the policy for loss of time shall be paid not less frequently than monthly during the continuance of the period for which the insurer is liable, and that any balance remaining unpaid at the termination of such period shall be paid as soon as possible after receipt of such proof;

(12) A provision that benefits for accidental loss of life of a person insured shall be payable to the beneficiary designated by the person insured or, if the policy contains conditions pertaining to family status, the beneficiary may be the family member specified by the policy terms. In either case, payment of these benefits is subject to the provisions of the policy in the event no such designated or specified beneficiary is living at the death of the person insured. All other benefits of the policy shall be payable to the person insured. The policy may also provide that if any benefit is payable to the estate of a person, or to a person who is a minor or otherwise not competent to give a valid release, the insurer may pay such benefit, up to an amount not exceeding two thousand dollars, to any relative by blood or connection by marriage of such person who is deemed by the insurer to be equitably entitled thereto;

(13) A provision that the insurer shall have the right and opportunity, at the insurer's own expense, to examine the person of the individual for whom claim is made when and so often as it may reasonably require during the pendency of the claim under the policy and also the right and opportunity, at the insurer's own expense, to make an autopsy in case of death where it is not prohibited by law;

(14) A provision that no action at law or in equity shall be brought to recover on the policy prior to the expiration of sixty days after proof of loss has been filed in accordance with the

requirements of the policy and that no such action shall be brought at all unless brought within three years from the expiration of the time within which proof of loss is required by the policy;

(15) A provision specifying the conditions under which the policy may be terminated. Such provision shall state that except for nonpayment of the required premium or the failure to meet continued underwriting standards, the insurer may not terminate the policy prior to the first anniversary date of the effective date of the policy as specified therein, and a notice of any intention to terminate the policy by the insurer must be given to the policyholder at least thirty-one days prior to the effective date of the termination. Any termination by the insurer shall be without prejudice to any expenses originating prior to the effective date of termination. An expense will be considered incurred on the date the medical care or supply is received;

(16) A provision stating that if a policy provides that coverage of a dependent child terminates upon attainment of the limiting age for dependent children specified in the policy, such policy, so long as it remains in force, shall be deemed to provide that attainment of such limiting age does not operate to terminate the hospital and medical coverage of such child while the child is and continues to be both incapable of self-sustaining employment by reason of mental or physical handicap and chiefly dependent upon the certificate holder for support and maintenance. Proof of such incapacity and dependency must be furnished to the insurer by the certificate holder at least thirty-one days after the child's attainment of the limiting age. The insurer may require at reasonable intervals during the two years following the child's attainment of the limiting age subsequent proof of the child's incapacity and dependency. After such two-year period, the insurer may require subsequent proof not more than once each year. This subdivision shall apply only to policies delivered or issued for delivery in this state on or after one hundred twenty days after September 28, 1985;

(17) A provision stating that if a policy provides that coverage of a dependent child terminates upon attainment of the limiting age for dependent children specified in the policy, such policy, so long as it remains in force, until the dependent child attains the limiting age, shall remain in force at the option of the certificate holder. Eligibility for continued coverage shall be established where the dependent child is:

(a) Unmarried and no more than that twenty-five years of age; and

(b) A resident of this state; and

(c) Not provided coverage as a named subscriber, insured, enrollee, or covered person under any group or individual health benefit plan, or entitled to benefits under Title XVIII of the Social Security Act, P.L. 89-97, 42 U.S.C. Section 1395, et seq.;

(18) In the case of a policy insuring debtors, a provision that the insurer shall furnish to the policyholder for delivery to each debtor insured under the policy a certificate of insurance describing the coverage and specifying that the benefits payable shall first be applied to reduce or extinguish the indebtedness**;**

(19) Notwithstanding any other provision of law to the contrary, a health carrier, as defined in section 376.1350, may offer a health benefit plan that is a managed care plan that requires all health care services to be delivered by a participating provider in the health carrier's network, except for emergency services, as defined in section 376.1350, and the services described in subsection 4 of section 376.811. Such a provision shall be disclosed in clear, conspicuous, and understandable language in the enrollment application and in the policy form. Whenever a health carrier offers a health benefit plan pursuant to this subdivision to a group contract holder as an exclusive or full replacement health benefit plan the health carrier shall offer at least one additional health benefit plan option that includes an out-of-network benefit. The decision to accept or reject the offer of the option of a health benefit plan that includes an out-of-network benefit shall be made by the enrollee and not the group contract holder;

(20) A provision stating that a health benefit plan issued pursuant to subdivision (19) of this section shall have in place a procedure by which an enrollee may obtain a referral to a nonparticipating provider when the enrollee is diagnosed with a life-threatening

condition or disabling degenerative disease. The provisions of subdivisions (19) and (20) of this section shall expire and be null and void at the end of the calendar year following the repeal of 42 U.S.C. Section 300gg by the United States Congress or at the end of the calendar year following a finding by a court of competent jurisdiction that such section is unconstitutional or otherwise infirm.

376.777. SPECIFICALLY REQUIRED PROVISIONS — EXEMPTIONS, WHEN — DIRECTOR'S POWERS. — 1. Required provisions. Except as provided in subsection 3 of this section each such policy delivered or issued for delivery to any person in this state shall contain the provisions specified in this subsection in the words in which the same appear in this section; provided, however, that the insurer may, at its option, substitute for one or more of such provisions corresponding provisions of different wording approved by the director of the department of insurance, financial institutions and professional registration which are in each instance not less favorable in any respect to the insured or the beneficiary. Such provisions shall be preceded individually by the caption appearing in this subsection or, at the option of the insurer, by such appropriate individual or group captions or subcaptions as the director of the department of insurance, financial institutions and professional registration may approve.

(1) A provision as follows:

"ENTIRE CONTRACT; CHANGES:

This policy, including the endorsements and the attached papers, if any, constitutes the entire contract of insurance. No change in this policy shall be valid until approved by an executive officer of the insurer and unless such approval be endorsed hereon or attached hereto. No agent has authority to change this policy or to waive any of its provisions".

(When under the provisions of subdivision (2) of subsection 1 of section 376.775 the effective and termination dates are stated in the premium receipt, the insurer shall insert in the first sentence of the foregoing policy provision immediately following the comma after the word "any", the following words: "and the insurer's official premium receipt when executed").

(2) A provision as follows:

"TIME LIMIT ON CERTAIN DEFENSES:

(a) After two years from the date of issue of this policy no misstatements, except fraudulent misstatements, made by the applicant in the application for such policy shall be used to void the policy or to deny a claim for loss incurred or disability (as defined in the policy) commencing after the expiration of such two-year period".

(The foregoing policy provision shall not be so construed as to affect any legal requirements for avoidance of a policy or denial of a claim during such initial two-year period, nor to limit the application of subdivisions (1), (2), (3), (4) and (5) of subsection 2 of this section in the event of misstatement with respect to age or occupation or other insurance.)

(A policy which the insured has the right to continue in force subject to its terms by the timely payment of premium (1) until at least age fifty or, (2) in the case of a policy issued after age forty-four, for at least five years from its date of issue, may contain in lieu of the foregoing the following provision (from which the clause in parentheses may be omitted at the insurer's option) under the caption "UNCONTESTABLE":

"After this policy has been in force for a period of three years during the lifetime of the insured (excluding any period during which the insured is disabled), it shall become uncontestable as to the statements contained in the application).

(b) No claim for loss incurred or disability (as defined in the policy) commencing after two years from the date of issue of this policy shall be reduced or denied on the ground that a disease or physical condition not excluded from coverage by name or specific description effective on the date of loss had existed prior to the effective date of coverage of this policy."

(3) A provision as follows:

"GRACE PERIOD:

A grace period of . . . (insert a number not less than "7" for weekly premium policies, "10" for monthly premium policies and "31" for all other policies) days will be granted for the payment of each premium falling due after the first premium, during which grace period the policy shall continue in force."

(A policy which contains a cancellation provision may add, at the end of the above provision, subject to the right of the insurer to cancel in accordance with the cancellation provision hereof. A policy in which the insurer reserves the right to refuse any renewal shall have, at the beginning of the above provision, "Unless not less than five days prior to the premium due date the insurer has delivered to the insured or has mailed to his last address as shown by the records of the insurer written notice of its intention not to renew this policy beyond the period for which the premium has been accepted").

(4) A provision as follows:

"REINSTATEMENT:

If any renewal premium be not paid within the time granted the insured for payment, a subsequent acceptance of premium by the insurer or by any agent duly authorized by the insurer to accept such premium, without requiring in connection therewith an application for reinstatement, shall reinstate the policy; provided, however, that if the insurer or such agent requires an application for reinstatement and issues a conditional receipt for the premium tendered, the policy will be reinstated upon approval of such application by the insurer, or, lacking such approval, upon the forty-fifth day following the date of such conditional receipt unless the insurer has previously notified the insured in writing of its disapproval of such application. The reinstated policy shall cover only loss resulting from such accidental injury as may be sustained after the date of reinstatement and loss due to such sickness as may begin more than ten days after such date. In all other respects the insured and insurer shall have the same rights thereunder as they had under the policy immediately before the due date of the defaulted premium, subject to any provisions endorsed hereon or attached hereto in connection with the reinstatement. Any premium accepted in connection with a reinstatement shall be applied to a period for which premium has not been previously paid, but not to any period more than sixty days prior to the date of reinstatement".

(The last sentence of the above provision may be omitted from any policy which the insured has the right to continue in force subject to its terms by the timely payment of premiums (1) until at least age fifty or, (2) in the case of a policy issued after age forty-four, for at least five years from its date of issue.)

(5) A provision as follows:

"NOTICE OF CLAIM:

Written notice of claim must be given to the insurer within twenty days after the occurrence or commencement of any loss covered by the policy, or as soon thereafter as is reasonably possible. Notice given by or on behalf of the insured or the beneficiary to the insured at ..... (insert the location of such office as the insurer may designate for the purpose), or to any authorized agent of the insurer, with information sufficient to identify the insured, shall be deemed notice to the insurer".

(In a policy providing a loss-of-time benefit which may be payable for at least two years, an insurer may at its option insert the following between the first and second sentences of the above provision:

"Subject to the qualifications set forth below, if the insured suffers loss of time on account of disability for which indemnity may be payable for at least two years, he shall, at least once in every six months after having given notice of claim, give to the insurer notice of continuance of said disability, except in the event of legal incapacity. The period of six months following any filing of proof by the insured or any payment by the insurer on account of such claim or any denial of liability in whole or in part by the insurer shall be excluded in applying this provision. Delay in the giving of such notice shall not impair the insured's right to any indemnity which

would otherwise have accrued during the period of six months preceding the date on which such notice is actually given").

(6) A provision as follows:

"CLAIM FORMS:

The insurer upon receipt of a notice of claim, will furnish to the claimant such forms as are usually furnished by it for filing proofs of loss.

If such forms are not furnished within fifteen days after the giving of such notice the claimant shall be deemed to have complied with the requirements of this policy as to proof of loss upon submitting, within the time fixed in the policy for filing proofs of loss, written proof covering the occurrence, the character and the extent of the loss for which claim is made".

(7) A provision as follows:

"PROOFS OF LOSS:

Written proof of loss must be furnished to the insurer at its said office in case of claim for loss for which this policy provides any periodic payment contingent upon continuing loss within ninety days after the termination of the period for which the insurer is liable and in case of claim for any other loss within ninety days after the date of such loss. Failure to furnish such proof within the time required shall not invalidate nor reduce any claim if it was not reasonably possible to give proof within such time, provided such proof is furnished as soon as reasonably possible and in no event, except in the absence of legal capacity, later than one year from the time proof is otherwise required".

(8) A provision as follows:

"TIME OF PAYMENT OF CLAIMS:

Indemnities payable under this policy for any loss other than loss for which this policy provides any periodic payment will be paid immediately upon receipt of due written proof of such loss. Subject to due written proof of loss, all accrued indemnities for loss for which this policy provides periodic payment will be paid ..... (insert period for payment which must not be less frequently than monthly) and any balance remaining unpaid upon the termination of liability will be paid immediately upon receipt of due written proof".

(9) A provision as follows:

"PAYMENT OF CLAIMS:

Indemnity for loss of life will be payable in accordance with the beneficiary designation and the provisions respecting such payment which may be prescribed herein and effective at the time of payment. If no such designation or provision is then effective, such indemnity shall be payable to the estate of the insured. Any other accrued indemnities unpaid at the insured's death may, at the option of the insurer, be paid either to such beneficiary or to such estate. All other indemnities will be payable to the insured".

(The following provisions, or either of them, may be included with the foregoing provision at the option of the insurer:

"If any indemnity of this policy shall be payable to the estate of the insured, or to an insured or beneficiary who is a minor or otherwise not competent to give a valid release, the insurer may pay such indemnity, up to an amount not exceeding $..... (insert an amount which shall not exceed one thousand dollars), to any relative by blood or connection by marriage of the insured or beneficiary who is deemed by the insurer to be equitably entitled thereto. Any payment made by the insurer in good faith pursuant to this provision shall fully discharge the insurer to the extent of such payment. Subject to any written direction of the insured in the application or otherwise all or a portion of any indemnities provided by this policy on account of hospital, nursing, medical, or surgical services may, at the insurer's option and unless the insured requests otherwise in writing not later than the time of filing proofs of such loss, be paid directly to the hospital or person rendering such services; but it is not required that the service be rendered by a particular hospital or person").

(10) A provision as follows:

"PHYSICAL EXAMINATIONS AND AUTOPSY:

The insurer at its own expense shall have the right and opportunity to examine the person of the insured when and as often as it may reasonably require during the pendency of a claim hereunder and to make an autopsy in case of death where it is not forbidden by law".

(11) A provision as follows:

"LEGAL ACTIONS:

No action at law or in equity shall be brought to recover on this policy prior to the expiration of sixty days after written proof of loss has been furnished in accordance with the requirements of this policy. No such action shall be brought after the expiration of three years after the time written proof of loss is required to be furnished".

(12) A provision as follows:

"CHANGE OF BENEFICIARY:

Unless the insured makes an irrevocable designation of beneficiary, the right to change of beneficiary is reserved to the insured and the consent of the beneficiary or beneficiaries shall not be requisite to surrender or assignment of this policy or to change of beneficiary or beneficiaries, or to any other changes in this policy".

(The first clause of this provision, relating to the irrevocable designation of beneficiary, may be omitted at the insurer's option).

2. Other provisions. Except as provided in subsection 3 of this section, no such policy delivered or issued for delivery to any person in this state shall contain provisions respecting the matters set forth below unless such provisions are in the words in which the same appear in this section; provided, however, that the insurer may, at its option, use in lieu of any such provision a corresponding provision of different wording approved by the director of the department of insurance, financial institutions and professional registration which is not less favorable in any respect to the insured or the beneficiary. Any such provision contained in the policy shall be preceded individually by the appropriate caption appearing in this subsection or, at the option of the insurer, by such appropriate individual or group captions or subcaptions as the director of the department of insurance, financial institutions and professional registration may approve.

(1) A provision as follows:

"CHANGE OF OCCUPATION:

If the insured be injured or contract sickness after having changed his occupation to one classified by the insurer as more hazardous than that stated in this policy or while doing for compensation anything pertaining to an occupation so classified, the insurer will pay only such portion of the indemnities provided in this policy as the premium paid would have purchased at the rates and within the limits fixed by the insurer for such more hazardous occupation. If the insured changes his occupation to one classified by the insurer as less hazardous than that stated in this policy, the insurer, upon receipt of proof of such change of occupation, will reduce the premium rate accordingly, and will return the excess pro rata unearned premium from the date of change of occupation or from the policy anniversary date immediately preceding receipt of such proof, whichever is the more recent. In applying this provision, the classification of occupational risk and the premium rates shall be such as have been last filed by the insurer prior to the occurrence of the loss for which the insurer is liable or prior to date of proof of change in occupation with the state official having supervision of insurance in the state where the insured resided at the time this policy was issued; but if such filing was not required, then the classification of occupational risk and the premium rates shall be those last made effective by the insurer in such state prior to the occurrence of the loss or prior to the date of proof of change in occupation".

(2) A provision as follows:

"MISSTATEMENT OF AGE:

If the age of the insured has been misstated, all amounts payable under this policy shall be such as the premium paid would have purchased at the correct age".

(3) A provision as follows:

"OTHER INSURANCE IN THIS INSURER:

If an accident or sickness or accident and sickness policy or policies previously issued by the insurer to the insured be in force concurrently herewith, making the aggregate indemnity for ..... (insert type of coverage or coverages) in excess of $..... (insert maximum limit of indemnity or indemnities) the excess insurance shall be void and all premiums paid for such excess shall be returned to the insured or to his estate, or in lieu thereof.

Insurance effective at any one time on the insured under a like policy or policies in this insurer is limited to the one such policy elected by the insured, his beneficiary or his estate, as the case may be, and the insurer will return all premiums paid for all other such policies".

(4) A provision as follows:

"INSURANCE WITH OTHER INSURERS:

If there be other valid coverage, not with this insurer, providing benefits for the same loss on a provision of service basis or on an expense incurred basis and of which this insurer has not been given written notice prior to the occurrence or commencement of loss, the only liability under any expense incurred coverage of this policy shall be for such proportion of the loss as the amount which would otherwise have been payable hereunder plus the total of the like amounts under all such other valid coverages for the same loss of which this insurer had notice bears to the total like amounts under all valid coverages for such loss, and for the return of such portion of the premiums paid as shall exceed the pro rata portion for the amount so determined. For the purpose of applying this provision when other coverage is on a provision of service basis, the "like amount" of such other coverage shall be taken as the amount which the services rendered would have cost in the absence of such coverage".

(If the foregoing policy provision is included in a policy which also contains the next following policy provision there shall be added to the caption of the foregoing provision the phrase "EXPENSE INCURRED BENEFITS". The insurer may, at its option, include in this provision a definition of "other valid coverage", approved as to form by the director of the department of insurance, financial institutions and professional registration, which definition shall be limited in subject matter to coverage provided by organizations subject to regulation by insurance law or by insurance authorities of this or any other state of the United States or any province of Canada, and by hospital or medical service organizations, and to any other coverage the inclusion of which may be approved by the director of the department of insurance, financial institutions and professional registration. In the absence of such definition such term shall not include group insurance, automobile medical payments insurance, or coverage provided by hospital or medical service organizations or by union welfare plans or employer or employees benefit organizations. For the purpose of applying the foregoing policy provision with respect to any insured, any amount of benefit provided for such insured pursuant to any compulsory benefit statute (including any workers' compensation or employer's liability statute whether provided by a governmental agency or otherwise shall in all cases be deemed to be "other valid coverage" of which the insurer has had notice. In applying the foregoing policy provision no third party liability coverage shall be included as "other valid coverage").

(5) A provision as follows:

"INSURANCE WITH OTHER INSURERS:

If there be other valid coverage, not with this insurer, providing benefits for the same loss on other than an expense incurred basis and of which this insurer has not been given written notice prior to the occurrence or commencement of loss, the only liability for such benefits under this policy shall be for such proportion of the indemnities otherwise provided hereunder for such loss as the like indemnities of which the insurer had notice (including the indemnities under this policy) bear to the total amount of all like indemnities for such loss, and for the return of such portion of the premium paid as shall exceed the pro rata portion for the indemnities thus determined".

(If the foregoing policy provision is included in a policy which also contains the next preceding policy provision there shall be added to the caption of the foregoing provision the

phrase "OTHER BENEFITS". The insurer may, at its option, include in this provision a definition of "other valid coverage", approved as to form by the director of the department of insurance, financial institutions and professional registration which definition shall be limited in subject matter to coverage provided by organizations subject to regulation by insurance law or by insurance authorities of this or any other state of the United States or any province of Canada, and to any other coverage the inclusion of which may be approved by the director of the department of insurance, financial institutions and professional registration. In the absence of such definition such term shall not include group insurance, or benefits provided by union welfare plans or by employer or employee benefit organizations. For the purpose of applying the foregoing policy provision with respect to any insured, any amount of benefit provided for such insured pursuant to any compulsory benefit statute (including any workers' compensation or employer's liability statute) whether provided by a governmental agency or otherwise shall in all cases be deemed to be "other valid coverage", of which the insurer has had notice. In applying the foregoing policy provision no third party liability coverage shall be included as "other valid coverage").

(6) A provision as follows:

"RELATION OF EARNINGS TO INSURANCE:

If the total monthly amount of loss of time benefits promised for the same loss under all valid loss of time coverage upon the insured, whether payable on a weekly or monthly basis, shall exceed the monthly earnings of the insured at the time disability commenced or his average monthly earnings for the period of two years immediately preceding a disability for which claim is made, whichever is the greater, the insurer will be liable only for such proportionate amount of such benefits under this policy as the amount of such monthly earnings or such average monthly earnings of the insured bears to the total amount of monthly benefits for the same loss under all such coverage upon the insured at the time such disability commences and for the return of such part of the premiums paid during such two years as shall exceed the pro rata amount of the premiums for the benefits actually paid hereunder; but this shall not operate to reduce the total monthly amount of benefits payable under all such coverage upon the insured below the sum of two hundred dollars or the sum of the monthly benefits specified in such coverages, whichever is the lesser, nor shall it operate to reduce benefits other than those payable for loss of time".

(The foregoing policy provision may be inserted only in a policy which the insured has the right to continue in force subject to its terms by the timely payment of premiums (1) until at least age fifty or, (2) in the case of a policy issued after age forty-four, for at least five years from this date of issue. The insurer may, at its option, include in this provision a definition of "valid loss of time coverage", approved as to form by the director of the department of insurance, financial institutions and professional registration, which definition shall be limited in subject matter to coverage provided by governmental agencies or by organizations subject to regulation by insurance law or by insurance authorities of this or any other state of the United States or any province of Canada, or to any other coverage the inclusion of which may be approved by the director of the department of insurance, financial institutions and professional registration or any combination of such coverages. In the absence of such definition such term shall not include any coverage provided for such insured pursuant to any compulsory benefit statute (including any workers' compensation or employer's liability statute), or benefits provided by union welfare plans or by employer or employee benefit organizations).

(7) A provision as follows:

"UNPAID PREMIUM:

Upon the payment of a claim under this policy, any premium then due and unpaid or covered by any note or written order may be deducted therefrom".

(8) A provision as follows:

"CANCELLATION:

The insurer may cancel this policy at any time by written notice delivered to the insured, or mailed to his last address as shown by the records of the insurer, stating when, not less than five days thereafter, such cancellation shall be effective; and after the policy has been continued beyond its original term the insured may cancel this policy at any time by written notice delivered or mailed to the insurer, effective upon receipt or on such later date as may be specified in such notice. In the event of cancellation, the insurer will return promptly the unearned portion of any premium paid. If the insured cancels, the earned premium shall be computed by the use of the short-rate table last filed with the state official having supervision of insurance in the state where the insured resided when the policy was issued. If the insurer cancels, the earned premium shall be computed pro rata. Cancellation shall be without prejudice to any claim originating prior to the effective date of cancellation".

(9) A provision as follows:

"CONFORMITY WITH STATE STATUTES:

Any provision of this policy which, on its effective date, is in conflict with the statutes of the state in which the insured resides on such date is hereby amended to conform to the minimum requirements of such statutes".

(10) A provision as follows:

"ILLEGAL OCCUPATION:

The insurer shall not be liable for any loss to which a contributing cause was the insured's commission of or attempt to commit a felony or to which a contributing cause was the insured's being engaged in an illegal occupation".

(11) A provision as follows:

"INTOXICANTS AND NARCOTICS:

The insurer shall not be liable for any loss sustained or contracted in consequence of the insured's being intoxicated or under the influence of any narcotic unless administered on the advice of a physician".

3. Inapplicable or inconsistent provisions. If any provision of this section is in whole or in part inapplicable to or inconsistent with the coverage provided by a particular form of policy the insurer, with the approval of the director of the department of insurance, financial institutions and professional registration, shall omit from such policy an inapplicable provision or part of a provision, and shall modify any inconsistent provision or part of the provision, in such manner as to make the provision as contained in the policy consistent with the coverage provided by the policy.

4. Order of certain policy provisions. The provisions which are the subject of subsections 1 and 2 of this section, or any corresponding provisions which are used in lieu thereof in accordance with such subsections, shall be printed in the consecutive order of the provisions in such subsections or, at the option of the insurer, any such provision may appear as a unit in any part of the policy, with other provisions to which it may be logically related, provided the resulting policy shall not be in whole or in part unintelligible, uncertain, ambiguous, abstruse, or likely to mislead a person to whom the policy is offered, delivered or issued.

5. Third party ownership. The word "insured" as used in sections 376.770 to 376.800, shall not be construed as preventing a person other than the insured with a proper insurable interest from making application for and owning a policy covering the insured or from being entitled under such a policy to any indemnities, benefits and rights provided therein.

6. Requirements of other jurisdictions.

(1) Any policy of a foreign or alien insurer, when delivered or issued for delivery to any person in this state, may contain any provision which is not less favorable to the insured or the beneficiary than the provisions of sections 376.770 to 376.800 and which is prescribed or required by the law of the state under which the insurer is organized.

(2) Any policy of a domestic insurer may, when issued for delivery in any other state or country, contain any provision permitted or required by the laws of such other state or country.

7. Approval of policies.

(1) No policy subject to sections 376.770 to 376.800 shall be delivered or issued for delivery to any person in this state unless such policy, including any rider, endorsement or other provisions, supplementary thereto, shall have been approved by the director of the department of insurance, financial institutions and professional registration.

(2) The director of the department of insurance, financial institutions and professional registration shall have authority to make such reasonable rules and regulations concerning the filing and submission of policies as are necessary, proper or advisable. Such rules and regulations shall provide, among other things, that if a policy form is disapproved, **[**the reasons therefor**]** **all specific reasons for nonconformance** shall be stated in writing **within forty-five days from the date of filing;** that a hearing shall be granted upon such disapproval, if so requested; and that the failure of the director of the department of insurance, financial institutions and professional registration, to take action approving or disapproving a submitted policy form within **[**a stipulated time, not to exceed sixty**]** **forty-five** days from the date of filing, shall be deemed an approval thereof **[**until such time as the director of the department of insurance, financial institutions and professional registration shall notify the submitting company, in writing, of his disapproval thereof**]**. **If at any time after a policy form is approved or deemed approved, the director determines that any provision of the filing is contrary to state law, the director shall notify the health carrier of the specific provisions that are contrary to state law and any specific statute or regulation to which the provision is contrary, and request that the health carrier file, within thirty days of the notification an amendment form that modifies the provision to conform to state law. Upon approval of the amendment form by the director, the health carrier shall issue a copy of the amendment to each individual and entity to which the filing has been issued. Such amendment shall have the force and effect as if the amendment was in the original filing or policy.**

(3) The director of the department of insurance, financial institutions and professional registration shall approve only those policies which are in compliance with the insurance laws of this state and which contain such words, phraseology, conditions and provisions which are specific, certain and unambiguous and reasonably adequate to meet needed requirements for the protection of those insured. The disapproval of any policy form shall be based upon the requirements of the laws of this state or of any regulation lawfully promulgated thereunder.

(4) The director of the department of insurance, financial institutions and professional registration may, by order or bulletin, exempt from the approval requirements of this section for so long as he deems proper any insurance policy, document, or form or type thereof, as specified in such order or bulletin, to which, in his opinion, this section may not practicably be applied, or the approval of which is, in his opinion, not desirable or necessary for the protection of the public.

(5) Notwithstanding any other provision of law to the contrary, a health carrier, as defined in section 376.1350, may offer a health benefit plan that is a managed care plan that requires all health care services to be delivered by a participating provider in the health carrier's network, except for emergency services, as defined in section 376.1350, and the services described in subsection 4 of section 376.811. Such a provision shall be disclosed in the policy form.

376.961. MISSOURI HEALTH INSURANCE POOL CREATED — MEMBERS TO BE ALL HEALTH INSURERS IN STATE — BOARD OF DIRECTORS, MEMBERS, TERMS, QUALIFICATIONS — TRANSITIONING RESOURCES. — 1. There is hereby created a nonprofit entity to be known as the "Missouri Health Insurance Pool". All insurers issuing health insurance in this state and insurance arrangements providing health plan benefits in this state shall be members of the pool.

2. Beginning January 1, 2007, the board of directors shall consist of the director of the department of insurance, financial institutions and professional registration or the director's designee, and eight members appointed by the director. Of the initial eight members appointed,

three shall serve a three-year term, three shall serve a two-year term, and two shall serve a one-year term. All subsequent appointments to the board shall be for three-year terms. Members of the board shall have a background and experience in health insurance plans or health maintenance organization plans, in health care finance, or as a health care provider or a member of the general public; except that, the director shall not be required to appoint members from each of the categories listed. The director may reappoint members of the board. The director shall fill vacancies on the board in the same manner as appointments are made at the expiration of a member's term and may remove any member of the board for neglect of duty, misfeasance, malfeasance, or nonfeasance in office.

3. Beginning August 28, 2007, the board of directors shall consist of fourteen members. The board shall consist of the director and the eight members described in subsection 2 of this section and shall consist of the following additional five members:

(1) One member from a hospital located in Missouri, appointed by the governor, with the advice and consent of the senate;

(2) Two members of the senate, with one member from the majority party appointed by the president pro tem of the senate and one member of the minority party appointed by the president pro tem of the senate with the concurrence of the minority floor leader of the senate; and

(3) Two members of the house of representatives, with one member from the majority party appointed by the speaker of the house of representatives and one member of the minority party appointed by the speaker of the house of representatives with the concurrence of the minority floor leader of the house of representatives.

4. The members appointed under subsection 3 of this section shall serve in an ex officio capacity. The terms of the members of the board of directors appointed under subsection 3 of this section shall expire on December 31, 2009. On such date, the membership of the board shall revert back to nine members as provided for in subsection 2 of this section.

5. Beginning on August 28, 2013, the board of directors, on behalf of the pool, the executive director, and any other employees of the pool, shall have the authority to provide assistance or resources to any department, agency, public official, employee, or agent of the federal government for the specific purpose of transitioning individuals enrolled in the pool to coverage outside of the pool beginning on or before January 1, 2014. Such authority does not extend to authorizing the pool to implement, establish, create, administer, or otherwise operate a state-based exchange.

376.962. PLAN OF OPERATION TO BE SUBMITTED BY BOARD — EFFECTIVE WHEN — FAILURE TO SUBMIT, DIRECTOR'S DUTY TO DEVELOP RULES — PLAN CONTENT — AMENDMENTS, PROCEDURE. — 1. The board of directors on behalf of the pool shall submit to the director a plan of operation for the pool and any amendments thereto necessary or suitable to assure the fair, reasonable and equitable administration of the pool. After notice and hearing, the director shall approve the plan of operation, provided it is determined to be suitable to assure the fair, reasonable and equitable administration of the pool, and it provides for the sharing of pool gains or losses on an equitable proportionate basis. The plan of operation shall become effective upon approval in writing by the director consistent with the date on which the coverage under sections 376.960 to 376.989 becomes available. If the pool fails to submit a suitable plan of operation within one hundred eighty days after the appointment of the board of directors, or at any time thereafter fails to submit suitable amendments to the plan, the director shall, after notice and hearing, adopt and promulgate such reasonable rules as are necessary or advisable to effectuate the provisions of this section. Such rules shall continue in force until modified by the director or superseded by a plan submitted by the pool and approved by the director.

2. In its plan, the board of directors of the pool shall:

(1) Establish procedures for the handling and accounting of assets and moneys of the pool;

(2) Select an administering insurer **or third-party administrator** in accordance with section 376.968;

(3) Establish procedures for filling vacancies on the board of directors; **and**

(4) Establish procedures for the collection of assessments from all members to provide for claims paid under the plan and for administrative expenses incurred or estimated to be incurred during the period for which the assessment is made. The level of payments shall be established by the board pursuant to the provisions of section 376.973. Assessment shall occur at the end of each calendar year and shall be due and payable within thirty days of receipt of the assessment notice**[**;

(5) Develop and implement a program to publicize the existence of the plan, the eligibility requirements, and procedures for enrollment, and to maintain public awareness of the plan**]**.

3. On or before September 1, 2013, the board shall submit the amendments to the plan of operation as are necessary or suitable to ensure a reasonable transition period to allow for the termination of issuance of policies by the pool.

4. The amendments to the plan of operation submitted by the board shall include all of the requirements outlined in subsection 2 of this section and shall address the transition of individuals covered under the pool to alternative health insurance coverage as it is available after January 1, 2014. The plan of operation shall also address procedures for finalizing the financial matters of the pool, including assessments, claims expenses, and other matters identified in subsection 2 of this section.

5. The director shall review the plan of operation submitted under subsection 3 of this section and shall promulgate rules to effectuate the transitional plan of operation. Such rules shall be effective no later than October 1, 2013. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

376.964. BOARD, POWERS AND DUTIES — INCLUDING PROVIDING FOR ISSUING POLICIES AND REINSURING RISKS — STAFF APPOINTMENT — RULEMAKING AUTHORITY. — The board of directors and administering insurers of the pool shall have the general powers and authority granted under the laws of this state to insurance companies licensed to transact health insurance as defined in section 376.960, and, in addition thereto, the specific authority to:

(1) Enter into contracts as are necessary or proper to carry out the provisions and purposes of sections 376.960 to 376.989, including the authority, with the approval of the director, to enter into contracts with similar pools of other states for the joint performance of common administrative functions, or with persons or other organizations for the performance of administrative functions;

(2) Sue or be sued, including taking any legal actions necessary or proper for recovery of any assessments for, on behalf of, or against pool members;

(3) Take such legal actions as necessary to avoid the payment of improper claims against the pool or the coverage provided by or through the pool;

(4) Establish appropriate rates, rate schedules, rate adjustments, expense allowances, agents' referral fees, claim reserve formulas and any other actuarial function appropriate to the operation of the pool. Rates shall not be unreasonable in relation to the coverage provided, the risk experience and expenses of providing the coverage. Rates and rate schedules may be adjusted for appropriate risk factors such as age and area variation in claim costs and shall take into consideration appropriate risk factors in accordance with established actuarial and underwriting practices;

(5) Assess members of the pool in accordance with the provisions of this section, and to make advance interim assessments as may be reasonable and necessary for the organizational and interim operating expenses. Any such interim assessments are to be credited as offsets against any regular assessments due following the close of the fiscal year;

(6) **Prior to January 1, 2014,** issue policies of insurance in accordance with the requirements of sections 376.960 to 376.989**. In no event shall new policies of insurance be issued on or after January 1, 2014**;

(7) Appoint, from among members, appropriate legal, actuarial and other committees as necessary to provide technical assistance in the operation of the pool, policy or other contract design, and any other function within the authority of the pool;

(8) Establish rules, conditions and procedures for reinsuring risks of pool members desiring to issue pool plan coverages in their own name. Such reinsurance facility shall not subject the pool to any of the capital or surplus requirements, if any, otherwise applicable to reinsurers;

(9) Negotiate rates of reimbursement with health care providers on behalf of the association and its members;

(10) Administer separate accounts to separate federally defined eligible individuals and trade act eligible individuals who qualify for plan coverage from the other eligible individuals entitled to pool coverage and apportion the costs of administration among such separate accounts.

376.966. NO EMPLOYEE TO LOSE COVERAGE BY ENROLLING IN POOL — ELIGIBILITY FOR POOL COVERAGE, INELIGIBILITY — MEDICAL UNDERWRITING CONSIDERATIONS, NOTIFICATION REQUIRED, WHEN — EXPIRATION DATE. — 1. No employee shall involuntarily lose his or her group coverage by decision of his or her employer on the grounds that such employee may subsequently enroll in the pool. The department shall have authority to promulgate rules and regulations to enforce this subsection.

2. **Prior to January 1, 2014,** the following individual persons shall be eligible for coverage under the pool if they are and continue to be residents of this state:

(1) An individual person who provides evidence of the following:

(a) A notice of rejection or refusal to issue substantially similar health insurance for health reasons by at least two insurers; or

(b) A refusal by an insurer to issue health insurance except at a rate exceeding the plan rate for substantially similar health insurance;

(2) A federally defined eligible individual who has not experienced a significant break in coverage;

(3) A trade act eligible individual;

(4) Each resident dependent of a person who is eligible for plan coverage;

(5) Any person, regardless of age, that can be claimed as a dependent of a trade act eligible individual on such trade act eligible individual's tax filing;

(6) Any person whose health insurance coverage is involuntarily terminated for any reason other than nonpayment of premium or fraud, and who is not otherwise ineligible under subdivision (4) of subsection 3 of this section. If application for pool coverage is made not later than sixty-three days after the involuntary termination, the effective date of the coverage shall be the date of termination of the previous coverage;

(7) Any person whose premiums for health insurance coverage have increased above the rate established by the board under paragraph (a) of subdivision (1) of subsection 3 of this section;

(8) Any person currently insured who would have qualified as a federally defined eligible individual or a trade act eligible individual between the effective date of the federal Health Insurance Portability and Accountability Act of 1996, Public Law 104-191 and the effective date of this act.

3. The following individual persons shall not be eligible for coverage under the pool:

(1) Persons who have, on the date of issue of coverage by the pool, or obtain coverage under health insurance or an insurance arrangement substantially similar to or more comprehensive than a plan policy, or would be eligible to have coverage if the person elected to obtain it, except that:

(a) This exclusion shall not apply to a person who has such coverage but whose premiums have increased to one hundred fifty percent to two hundred percent of rates established by the board as applicable for individual standard risks;

(b) A person may maintain other coverage for the period of time the person is satisfying any preexisting condition waiting period under a pool policy; and

(c) A person may maintain plan coverage for the period of time the person is satisfying a preexisting condition waiting period under another health insurance policy intended to replace the pool policy;

(2) Any person who is at the time of pool application receiving health care benefits under section 208.151;

(3) Any person having terminated coverage in the pool unless twelve months have elapsed since such termination, unless such person is a federally defined eligible individual;

(4) Any person on whose behalf the pool has paid out one million dollars in benefits;

(5) Inmates or residents of public institutions, unless such person is a federally defined eligible individual, and persons eligible for public programs;

(6) Any person whose medical condition which precludes other insurance coverage is directly due to alcohol or drug abuse or self-inflicted injury, unless such person is a federally defined eligible individual or a trade act eligible individual;

(7) Any person who is eligible for Medicare coverage.

4. Any person who ceases to meet the eligibility requirements of this section may be terminated at the end of such person's policy period.

5. If an insurer issues one or more of the following or takes any other action based wholly or partially on medical underwriting considerations which is likely to render any person eligible for pool coverage, the insurer shall notify all persons affected of the existence of the pool, as well as the eligibility requirements and methods of applying for pool coverage:

(1) A notice of rejection or cancellation of coverage;

(2) A notice of reduction or limitation of coverage, including restrictive riders, if the effect of the reduction or limitation is to substantially reduce coverage compared to the coverage available to a person considered a standard risk for the type of coverage provided by the plan.

6. Coverage under the pool shall expire on January 1, 2014.

376.968. ADMINISTRATION OF POOL BY INSURER OR INSURERS BY COMPETITIVE BIDS — INSURER'S QUALIFICATIONS — BOARD TO ESTABLISH CRITERIA FOR BID CONTENT. — The board shall select an insurer **[**or**],** insurers**, or third-party administrators** through a competitive bidding process to administer the pool. The board shall evaluate bids submitted based on criteria established by the board which shall include:

(1) The insurer's proven ability to handle individual accident and health insurance;

(2) The efficiency of the insurer's claim-paying procedures;

(3) An estimate of total charges for administering the plan;

(4) The insurer's ability to administer the pool in a cost-efficient manner.

376.970. ADMINISTERING INSURER TO SERVE FOR THREE YEARS SUBJECT TO REMOVAL FOR CAUSE — DUTIES — REPORTS — BIDDING PROCESS. — 1. The administering insurer shall serve for a period of three years subject to removal for cause. At least one year prior to the expiration of each three-year period of service by an administering insurer, the board shall invite all insurers, including the current administering insurer, to submit bids to serve as the administering insurer for the succeeding three-year period. Selection of the administering insurer

for the succeeding period shall be made at least six months prior to the end of the current three-year period.

2. The administering insurer shall:

(1) Perform all eligibility and administrative claim-payment functions relating to the pool;

(2) Establish a premium billing procedure for collection of premium from insured persons. Billings shall be made on a period basis as determined by the board;

(3) Perform all necessary functions to assure timely payment of benefits to covered persons under the pool including:

(a) Making available information relating to the proper manner of submitting a claim for benefits to the pool and distributing forms upon which submission shall be made;

(b) Evaluating the eligibility of each claim for payment by the pool;

(4) Submit regular reports to the board regarding the operation of the pool. The frequency, content and form of the report shall be determined by the board;

(5) Following the close of each calendar year, determine net written and earned premiums, the expense of administration, and the paid and incurred losses for the year and report this information to the board and the department on a form prescribed by the director;

(6) Be paid as provided in the plan of operation for its expenses incurred in the performance of its services.

3. On or before September 1, 2013, the board shall invite all insurers and third-party administrators, including the current administering insurer, to submit bids to serve as the administering insurer or third-party administrator for the pool. Selection of the administering insurer or third-party administrator shall be made prior to January 1, 2014.

4. Beginning January 1, 2014, the administering insurer or third-party administrator shall:

(1) Submit to the board and director a detailed plan outlining the winding down of operations of the pool. The plan shall be submitted no later than January 31, 2014, and shall be updated quarterly thereafter;

(2) Perform all administrative claim-payment functions relating to the pool;

(3) Perform all necessary functions to assure timely payment of benefits to covered persons under the pool including:

(a) Making available information relating to the proper manner of submitting a claim for benefits to the pool and distributing forms upon which submission shall be made;

(b) Evaluating the eligibility of each claim for payment by the pool;

(4) Submit regular reports to the board regarding the operation of the pool. The frequency, content and form of the report shall be determined by the board;

(5) Following the close of each calendar year, determine the expense of administration, and the paid and incurred losses for the year, and report such information to the board and department on a form prescribed by the director;

(6) Be paid as provided in the plan of operation for its expenses incurred in the performance of its services.

376.973. ADMINISTERING INSURER AT CLOSE OF FISCAL YEAR TO MAKE ACCOUNTING AND ASSESSMENT — HOW CALCULATED — EXCESS TO BE HELD AT INTEREST FOR FUTURE LOSSES OR TO REDUCE PREMIUMS — FUTURE LOSSES, DEFINED — ASSESSMENTS, CONTINUATION OF. — 1. Following the close of each fiscal year, the pool administrator shall determine the net premiums (premiums less administrative expense allowances), the pool expenses of administration and the incurred losses for the year, taking into account investment income and other appropriate gains and losses. Health insurance premiums and benefits paid by an insurance arrangement that are less than an amount determined by the board to justify the cost of collection shall not be considered for purposes of determining assessments. The total cost of pool operation shall be the amount by which all program expenses, including pool expenses

of administration, incurred losses for the year, and other appropriate losses exceeds all program revenues, including net premiums, investment income, and other appropriate gains.

2. Each insurer's assessment shall be determined by multiplying the total cost of pool operation by a fraction, the numerator of which equals that insurer's premium and subscriber contract charges for health insurance written in the state during the preceding calendar year and the denominator of which equals the total of all premiums, subscriber contract charges written in the state and one hundred ten percent of all claims paid by insurance arrangements in the state during the preceding calendar year; provided, however, that the assessment for each health maintenance organization shall be determined through the application of an equitable formula based upon the value of services provided in the preceding calendar year.

3. Each insurance arrangement's assessment shall be determined by multiplying the total cost of pool operation calculated under subsection 1 of this section by a fraction, the numerator of which equals one hundred ten percent of the benefits paid by that insurance arrangement on behalf of insureds in this state during the preceding calendar year and the denominator of which equals the total of all premiums, subscriber contract charges and one hundred ten percent of all benefits paid by insurance arrangements made on behalf of insureds in this state during the preceding calendar year. Insurance arrangements shall report to the board claims payments made in this state on an annual basis on a form prescribed by the director.

4. If assessments exceed actual losses and administrative expenses of the pool, the excess shall be held at interest and used by the board to offset future losses or to reduce pool premiums. As used in this subsection, "future losses" include reserves for incurred but not paid claims.

5. Assessments shall continue until such a time as the executive director of the pool provides notice to the board and director that all claims have been paid.

6. Any assessment funds remaining at the time the executive director provides notice that all claims have been paid shall be deposited in the state general revenue fund.

376.1192. MANDATED HEALTH INSURANCE COVERAGE — ACTUARIAL ANALYSIS BY OVERSIGHT DIVISION — COST — EXPIRATION DATE. — 1. As used in this section, "health benefit plan" and "health carrier" shall have the same meaning as such terms are defined in section 376.1350.

2. Beginning September 1, 2013, the oversight division of the joint committee on legislative research shall perform an actuarial analysis of the cost impact to health carriers, insureds with a health benefit plan, and other private and public payers if state mandates were enacted to provide health benefit plan coverage for the following:

(1) Orally administered anticancer medication that is used to kill or slow the growth of cancerous cells charged at the same co-payment, deductible, or coinsurance amount as intravenously administered or injected cancer medication that is provided, regardless of formulation or benefit category determination by the health carrier administering the health benefit plan;

(2) Diagnosis and treatment of eating disorders that include anorexia nervosa, bulimia, binge eating, eating disorders nonspecified, and any other severe eating disorders contained in the most recent version of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association. The actuarial analysis shall assume the following are included in health benefit plan coverage:

(a) Residential treatment for eating disorders, if such treatment is medically necessary in accordance with the Practice Guidelines for the Treatment of Patients with Eating Disorders, as most recently published by the American Psychiatric Association; and

(b) Access to medical treatment that provides coverage for integrated care and treatment as recommended by medical and mental health care professionals, including but not limited to psychological services, nutrition counseling, physical therapy, dietician services, medical monitoring, and psychiatric monitoring.

3. By December 31, 2013, the director of the oversight division of the joint committee on legislative research shall submit a report of the actuarial findings prescribed by this section to the speaker of the house of representatives, the president pro tempore of the senate, and the chairpersons of the house of representatives committee on health insurance and the senate small business, insurance and industry committee, or the committees having jurisdiction over health insurance issues if the preceding committees no longer exist.

4. For the purposes of this section, the actuarial analysis of health benefit plan coverage shall assume that such coverage:

(1) Shall not be subject to any greater deductible or co-payment than other health care services provided by the health benefit plan; and

(2) Shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months' or less duration, or any other supplemental policy.

5. The cost for each actuarial analysis shall not exceed thirty thousand dollars and the oversight division of the joint committee on legislative research may utilize any actuary contracted to perform services for the Missouri consolidated health care plan to perform the analysis required under this section.

6. The provisions of this section shall expire on December 31, 2013.

376.1363. UTILIZATION REVIEW DECISIONS, PROCEDURES. — 1. A health carrier shall maintain written procedures for making utilization review decisions and for notifying enrollees and providers acting on behalf of enrollees of its decisions. For purposes of this section, "enrollee" includes the representative of an enrollee.

2. For initial determinations, a health carrier shall make the determination within two working days of obtaining all necessary information regarding a proposed admission, procedure or service requiring a review determination. For purposes of this section, "necessary information" includes the results of any face-to-face clinical evaluation or second opinion that may be required:

(1) In the case of a determination to certify an admission, procedure or service, the carrier shall notify the provider rendering the service by telephone **or electronically** within twenty-four hours of making the initial certification, and provide written or electronic confirmation of **[**the**]** **a** telephone **or electronic** notification to the enrollee and the provider within two working days of making the initial certification;

(2) In the case of an adverse determination, the carrier shall notify the provider rendering the service by telephone **or electronically** within twenty-four hours of making the adverse determination; and shall provide written or electronic confirmation of **[**the**]** **a** telephone **or electronic** notification to the enrollee and the provider within one working day of making the adverse determination.

3. For concurrent review determinations, a health carrier shall make the determination within one working day of obtaining all necessary information:

(1) In the case of a determination to certify an extended stay or additional services, the carrier shall notify by telephone **or electronically** the provider rendering the service within one working day of making the certification, and provide written or electronic confirmation to the enrollee and the provider within one working day after **[**the**]** telephone **or electronic** notification. The written notification shall include the number of extended days or next review date, the new total number of days or services approved, and the date of admission or initiation of services;

(2) In the case of an adverse determination, the carrier shall notify by telephone **or electronically** the provider rendering the service within twenty-four hours of making the adverse determination, and provide written or electronic notification to the enrollee and the provider

within one working day of **[**the**]** **a** telephone **or electronic** notification. The service shall be continued without liability to the enrollee until the enrollee has been notified of the determination.

4. For retrospective review determinations, a health carrier shall make the determination within thirty working days of receiving all necessary information. A carrier shall provide notice in writing of the carrier's determination to an enrollee within ten working days of making the determination.

5. A written notification of an adverse determination shall include the principal reason or reasons for the determination, the instructions for initiating an appeal or reconsideration of the determination, and the instructions for requesting a written statement of the clinical rationale, including the clinical review criteria used to make the determination. A health carrier shall provide the clinical rationale in writing for an adverse determination, including the clinical review criteria used to make that determination, to any party who received notice of the adverse determination and who requests such information.

6. A health carrier shall have written procedures to address the failure or inability of a provider or an enrollee to provide all necessary information for review. In cases where the provider or an enrollee will not release necessary information, the health carrier may deny certification of an admission, procedure or service.

376.1575. DEFINITIONS — As used in sections 376.1575 to 376.1580, the following terms shall mean:

(1) "Completed application", a practitioner's application to a health carrier that seeks the health carrier's authorization for the practitioner to provide patient care services as a member of the health carrier's network and does not omit any information which is clearly required by the application form and the accompanying instructions;

(2) "Credentialing", a health carrier's process of assessing and validating the qualifications of a practitioner to provide patient care services and act as a member of the health carrier's provider network;

(3) "Health carrier", the same meaning as such term is defined in section 376.1350;

(4) "Practitioner":

(a) A physician or physician assistant eligible to provide treatment services under chapter 334;

(b) A pharmacist eligible to provide services under chapter 338;

(c) A dentist eligible to provide services under chapter 332;

(d) A chiropractor eligible to provide services under chapter 331;

(e) An optometrist eligible to provide services under chapter 336;

(f) A podiatrist eligible to provide services under chapter 330;

(g) A psychologist or licensed clinical social worker eligible to provide services under chapter 337; or

(h) An advanced practice nurse eligible to provide services under chapter 335.

376.1578. CREDENTIALING PROCEDURE, HEALTH CARRIER DUTIES — VIOLATIONS, MECHANISM FOR REPORTING. — 1. Within two working days after receipt of a faxed or mailed completed application, the health carrier shall send a notice of receipt to the practitioner. A health carrier shall provide access to a provider web portal that allows the practitioner to receive notice of the status of an electronically submitted application.

2. A health carrier shall assess a health care practitioner's credentialing information and make a decision as to whether to approve or deny the practitioner's credentialing application within sixty business days of the date of receipt of the completed application. The sixty-day deadline established in this section shall not apply if the application or subsequent verification of information indicates that the practitioner has:

(1) A history of behavioral disorders or other impairments affecting the practitioner's ability to practice, including but not limited to substance abuse;

(2) Licensure disciplinary actions against the practitioner's license to practice imposed by any state or territory or foreign jurisdiction;

(3) Had the practitioner's hospital admitting or surgical privileges or other organizational credentials or authority to practice revoked, restricted, or suspended based on the practitioner's clinical performance; or

(4) A judgment or judicial award against the practitioner arising from a medical malpractice liability lawsuit.

3. The department of insurance, financial institutions and professional registration shall establish a mechanism for reporting alleged violations of this section to the department.

376.1900. DEFINITIONS — REIMBURSEMENT FOR TELEHEALTH SERVICES, WHEN. — 1. As used in this section, the following terms shall mean:

(1) "Electronic visit", or "e-Visit", an online electronic medical evaluation and management service completed using a secured web-based or similar electronic-based communications network for a single patient encounter. An electronic visit shall be initiated by a patient or by the guardian of a patient with the health care provider, be completed using a federal Health Insurance Portability and Accountability Act (HIPAA) compliant online connection, and include a permanent record of the electronic visit;

(2) "Health benefit plan" shall have the same meaning ascribed to it in section 376.1350;

(3) "Health care provider" shall have the same meaning ascribed to it in section 376.1350;

(4) "Health care service", a service for the diagnosis, prevention, treatment, cure or relief of a physical or mental health condition, illness, injury or disease;

(5) "Health carrier" shall have the same meaning ascribed to it in section 376.1350;

(6) "Telehealth" shall have the same meaning ascribed to it in section 208.670.

2. Each health carrier or health benefit plan that offers or issues health benefit plans which are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2014, shall not deny coverage for a health care service on the basis that the health care service is provided through telehealth if the same service would be covered if provided through face-to-face diagnosis, consultation, or treatment.

3. A health carrier may not exclude an otherwise covered health care service from coverage solely because the service is provided through telehealth rather than face-to-face consultation or contact between a health care provider and a patient.

4. A health carrier shall not be required to reimburse a telehealth provider or a consulting provider for site origination fees or costs for the provision of telehealth services; however, subject to correct coding, a health carrier shall reimburse a health care provider for the diagnosis, consultation, or treatment of an insured or enrollee when the health care service is delivered through telehealth on the same basis that the health carrier covers the service when it is delivered in person.

5. A health care service provided through telehealth shall not be subject to any greater deductible, copayment, or coinsurance amount than would be applicable if the same health care service was provided through face-to-face diagnosis, consultation, or treatment.

6. A health carrier shall not impose upon any person receiving benefits under this section any copayment, coinsurance, or deductible amount, or any policy year, calendar year, lifetime, or other durational benefit limitation or maximum for benefits or services, that is not equally imposed upon all terms and services covered under the policy, contract, or health benefit plan.

7. Nothing in this section shall preclude a health carrier from undertaking utilization review to determine the appropriateness of telehealth as a means of delivering

a health care service, provided that the determinations shall be made in the same manner as those regarding the same service when it is delivered in person.

8. A health carrier or health benefit plan may limit coverage for health care services that are provided through telehealth to health care providers that are in a network approved by the plan or the health carrier.

9. Nothing in this section shall be construed to require a health care provider to be physically present with a patient where the patient is located unless the health care provider who is providing health care services by means of telehealth determines that the presence of a health care provider is necessary.

10. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months' or less duration, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

376.2000. CITATION OF LAW — DEFINITIONS. — 1. Sections 376.2000 to 376.2014 shall be known and may be cited as the "Health Insurance Marketplace Innovation Act of 2013".

2. As used in sections 376.2000 to 376.2014, the following terms mean:

(1) "Department", the department of insurance, financial institutions and professional registration;

(2) "Director", the director of the department of insurance, financial institutions and professional registration;

(3) "Exchange", any health benefit exchange established or operating in this state, including any exchange established or operated by the United States Department of Health and Human Services.

(4) "Navigator", a person that, for compensation, provides information or services in connection with eligibility, enrollment, or program specifications of any health benefit exchange operating in this state, including any person that is selected to perform the activities and duties identified in 42 U.S.C. 18031(i) in this state, any person who receives funds from the United States Department of Health and Human Services to perform any of the activities and duties identified in 42 U.S.C. 18031(i), or any other person certified by the United States Department of Health and Human Services, or a health benefit exchange operating in this state, to perform such defined or related duties irrespective of whether such person is identified as a navigator, certified application counselor, in-person assister, or other title. A "navigator" does not include any not-for-profit entity disseminating to a general audience public health information.

376.2002. NAVIGATORS, LICENSE REQUIRED — PERMITTED ACTS — PROHIBITED ACTS — EXEMPTIONS. — 1. No individual or entity shall perform, offer to perform, or advertise any service as a navigator in this state, or receive navigator funding from the state or an exchange unless licensed as a navigator by the department under sections 376.2000 to 376.2014.

2. A navigator may:

(1) Provide fair and impartial information and services in connection with eligibility, enrollment, and program specifications of any health benefit exchange operating in this state, including information about the costs of coverage, advance payments of premium tax credits, and cost sharing reductions;

(2) Facilitate the selection of a qualified health plan;

(3) Initiate the enrollment process;

(4) Provide referrals to any applicable office of health insurance consumer assistance, ombudsman, or other agency for any enrollee with a grievance, complaint, or question regarding their health plan, coverage, or determination under the plan; and

(5) Use culturally and linguistically appropriate language to communicate the information authorized in this subsection.

3. Unless also properly licensed as an insurance producer in this state with authority for health under section 375.014, a navigator shall not:

(1) Sell, solicit, or negotiate health insurance;

(2) Engage in any activity that would require an insurance producer license;

(3) Provide advice concerning the benefits, terms, and features of a particular health plan or offer advice about which exchange health plan is better or worse for a particular individual or employer;

(4) Recommend or endorse a particular health plan or advise consumers about which health plan to choose; or

(5) Provide any information or services related to health benefit plans or other products not offered in the exchange.

4. The following entities or persons are exempt from the requirement to be licensed as a navigator:

(1) An entity or person licensed as an insurance producer in this state with authority for health under section 375.014;

(2) A law firm or licensed attorney in this state; and

(3) A "health care provider" as defined in section 376.1350 provided that:

(a) The health care provider does not receive any funds from the United States Department of Health and Human Services or a health exchange operating in this state to act as a navigator; and

(b) The activities or functions performed are related to advising, assisting, or counseling patients regarding private or public coverage or financial matters related to medical treatments or government assistance programs.

However, nothing in this section shall prohibit a health care provider from voluntarily becoming licensed as a navigator.

376.2004. APPLICATION PROCEDURE. — 1. An individual applying for a navigator license shall make application to the department on a form developed by the director and declare under penalty of refusal, suspension, or revocation of the license that the statements made in the application are true, correct, and complete to the best of the individual's knowledge and belief. Before approving the application, the director shall find that the individual:

(1) Is eighteen years of age or older;

(2) Resides in this state or maintains his or her principal place of business in the state;

(3) Is not disqualified for having committed any act that would be grounds for refusal to issue, renew, suspend, or revoke an insurance producer license under section 375.141;

(4) Has successfully passed the written examination prescribed by the director;

(5) When applicable, has the written consent of the director under 18 U.S.C. 1033 or any successor statute regulating crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce;

(6) Has identified the entity with which he or she is affiliated and supervised; and

(7) Has paid the fees prescribed by the director.

2. An entity that acts as a navigator, supervises the activities of individual navigators, or receives funding to perform such activities shall obtain a navigator entity

license. An entity applying for an entity navigator license shall make application on a form containing the information prescribed by the director.

3. The director may require any documents deemed necessary to verify the information contained in an application submitted in accordance with subsections 1 and 2 of this section.

4. Entities licensed as navigators shall, in a manner prescribed by the director, provide a list of all individual navigators that are employed by or in any manner affiliated with the navigator entity and shall report any changes in employment or affiliation within twenty days of such change.

5. Prior to any exchange becoming operational in this state, the director shall prescribe initial training, continuing education, and written examination standards and requirements for navigators.

376.2006. TERM OF LICENSURE — RENEWAL — CONTINUING EDUCATION. — 1. A navigator license shall be valid for two years.

2. A navigator may file an application for renewal of a license and pay the renewal fee as prescribed by the director. Any navigator who fails to timely file for license renewal shall be charged a late fee in an amount prescribed by the director.

3. Prior to the filing date for an application for renewal of a license, an individual licensee shall comply with any ongoing training and continuing education requirements established by the director. Such navigator shall file with the director, by a method prescribed by the director, proof of satisfactory certification of completion of the continuing education requirements. Any failure to fulfill the ongoing training and continuing education requirements shall result in the expiration of the license.

376.2008. CONSULTATION WITH LICENSED INSURANCE PRODUCER, NAVIGATOR TO ADVISE, WHEN. — Upon contact with a person who acknowledges having existing health insurance coverage obtained through an insurance producer, a navigator shall advise the person to consult with a licensed insurance producer regarding coverage in the private market.

376.2010. SANCTION OF LICENSE, WHEN — RESTITUTION REQUIRED, WHEN — EXAMINATION AND INVESTIGATION OF RECORDS. — 1. The director may place on probation, suspend, revoke, or refuse to issue, renew, or reinstate a navigator license or may levy a fine not to exceed one thousand dollars for each violation, or any combination of actions, for any one or more of the causes listed in section 375.141, 375.936 or for other good cause. In the event that the action by the director is not to renew or to deny an application for a license, the director shall notify the applicant or licensee in writing and shall advise the applicant or licensee of the reason for the denial or nonrenewal. Appeal of the nonrenewal or denial of the application for a navigator license shall be made under the provisions of chapter 621.

2. In addition to imposing the penalties authorized by subsection 1 of this section, the director may require that restitution be made to any person who has suffered financial injury because of a violation of this section.

3. The director shall have the power to examine and investigate the business affairs and records of any navigator to determine whether the individual or entity has engaged or is engaging in any violation of this section.

4. The navigator license held by an entity may be suspended or revoked, renewal or reinstatement thereof may be refused, or a fine may be levied, with or without a suspension, revocation, or refusal to renew a license, if the director finds that an individual licensee's violation was known or should have been known by the employing or

supervising entity and the violation was not reported to the director and no corrective action was undertaken on a timely basis.

376.2011. VIOLATIONS, ADMINISTRATIVE ORDERS, CIVIL ACTIONS — PENALTY. — 1. If the director determines that a person has engaged, is engaging, or has taken a substantial step toward engaging in an act, practice, omission, or course of business constituting a violation of sections 376.2000 to 376.2014 or a rule adopted or order issued pursuant thereto, or a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation in sections 376.2000 to 376.2014 or a rule adopted or order issued pursuant thereto, the director may issue such administrative orders as authorized under section 374.046.

2. If the director believes that a person has engaged, is engaging, or has taken a substantial step toward engaging in an act, practice, omission, or course of business constituting a violation of sections 376.2000 to 376.2014 or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation in sections 376.2000 to 376.2014 or a rule adopted or order issued pursuant thereto, the director may maintain a civil action for relief authorized under section 374.048.

3. A violation of sections 376.2000 to 376.2014 is a level two violation under section 374.049.

376.2012. NAVIGATORS DUTY TO REPORT, WHEN. — 1. Each licensed navigator shall report to the director within thirty calendar days of the final disposition of the matter of any administrative action taken against him or her in another jurisdiction or by another governmental agency in this state. This report shall include a copy of the order, consent to order, or other relevant legal documents.

2. Within thirty days of the initial pretrial hearing date, a navigator shall report to the director any criminal prosecution of the navigator in any jurisdiction. The report shall include a copy of the initial complaint filed, the order resulting from the hearing, and any other relevant legal documents.

3. An entity that acts as a navigator that terminates the employment, engagement, affiliation, or other relationship with an individual navigator shall notify the director within twenty days following the effective date of the termination, using a format prescribed by the director if the reason for termination is one of the reasons set forth in section 375.141 or 375.936 or if the entity has knowledge that the navigator was found by a court or governmental body to have engaged in any such activities. Upon the written request of the director, the entity shall provide additional information, documents, records, or other data pertaining to the termination or activity of the individual.

376.2014. APPLICABILITY — SEVERABILITY — RULEMAKING AUTHORITY. — 1. The requirements of sections 379.930 to 379.952 and chapters 375, 376, 407 and any related rules shall apply to navigators. The activities and duties of a navigator shall be deemed to constitute transacting the business of insurance.

2. If any provision of sections 376.2000 to 376.2014 or its application to any person or circumstance is held invalid by a court of competent jurisdiction or by federal law, the invalidity does not affect other provisions or applications of sections 376.2000 to 376.2014 that can be given effect without the invalid provision or application. The provisions of sections 376.2000 to 376.2014 are severable, and the valid provisions or applications shall remain in full force and effect.

3. The director may promulgate rules and regulations to implement and administer the provisions of sections 376.2000 to 376.2014. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections

376.2000 to 376.2014 shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. Sections 376.2000 to 376.2014 and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

SECTION 1. HEALTH INSURANCE PRODUCTS, DEPARTMENT DUTIES — Notwithstanding any other provision of law to the contrary, the department of insurance, financial institutions and professional registration shall exercise its authority and responsibility over health insurance product form filings, consumer complaints, and investigations into compliance with state law, regardless as to how a health insurance product may be sold or marketed in this state or to residents of this state.

SECTION B. EFFECTIVE DATE. — The enactment of sections 376.1575, 376.1578, and 376.1900 of this act shall become effective January 1, 2014.

SECTION C. EMERGENCY CLAUSE. — Because of the need to ensure that navigators are adequately trained to provide essential health insurance information to the public and because of the need to ensure that the Department of Insurance, Financial Institutions and Professional Registration has the regulatory authority to oversee the marketing of health insurance products in this state, the enactment of sections 376.2000, 376.2002, 376.2004, 376.2006, 376.2008, 376.2010, 376.2011, 376.2012, 376.2014, and section 1 of this act are deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and the enactment of sections 376.2000, 376.2002, 376.2004, 376.2006, 376.2008, 376.2010, 376.2011, 376.2012, 376.2014, and section 1 of this act shall be in full force and effect upon its passage and approval.

Approved July 12, 2013

SB 282 [HCS SS SB 282]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Modifies various provisions relating to the regulation of motor vehicles

AN ACT to repeal sections 174.700, 174.703, 174.706, 302.291, 302.302, 302.341, 307.075, and 544.157, RSMo, and to enact in lieu thereof fourteen new sections relating to the regulation of motor vehicles, with penalty provisions.

SECTION

A. Enacting clause.
174.700. Board of regents and board of governors may appoint necessary police officers.
174.703. Police officers to take oath and be issued certificate of appointment — powers of arrest and other powers — training or experience requirements.
174.706. Boards may appoint guards or watchmen not having authority of police officers.
174.709. Vehicular traffic, control of, governing body may regulate — codification — violations, penalty.
174.712. Motor vehicles on campus subject to general motor vehicle laws of Missouri.
302.291. Incompetent or unqualified operators, director may require examination, when — report permitted, when, by whom, contents, immunity from liability — confidentiality, penalty — rules — appeal — reinstatement.
302.302. Point system — assessment for violation — assessment of points stayed, when, procedure.

302.341. Moving traffic violation, failure to prepay fine or appear in court, license suspended, procedure — excessive revenue from fines to be distributed to schools — definition, state highways.
304.152. Roadside checkpoints and roadblock patterns based on vehicle type prohibited.
304.890. Definitions.
304.892. Violations, penalties.
304.894. Offense of endangerment of an emergency responder, elements — penalties.
307.075. Taillamps, reflectors — violations, penalty.
544.157. Law enforcement officers, conservation agents, capitol police, college or university police officers, and park rangers, arrest powers — fresh pursuit defined — policy of agency electing to institute vehicular pursuits.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 174.700, 174.703, 174.706, 302.291, 302.302, 302.341, 307.075, and 544.157, RSMo, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 174.700, 174.703, 174.706, 174.709, 174.712, 302.291, 302.302, 302.341, 304.152, 304.890, 304.892, 304.894, 307.075, and 544.157, to read as follows:

174.700. BOARD OF REGENTS AND BOARD OF GOVERNORS MAY APPOINT NECESSARY POLICE OFFICERS. — The board of regents or board of governors of any state college or university may appoint and employ as many college or university police officers as it may deem necessary to **enforce regulations established under section 174.709 and general motor vehicle laws of this state in accordance with section 174.712,** protect persons, property, and to preserve peace and good order only in the public buildings, properties, grounds, and other facilities and locations over which it has charge or control and to respond to emergencies or natural disasters outside of the boundaries of university property and provide services if requested by the law enforcement agency with jurisdiction.

174.703. POLICE OFFICERS TO TAKE OATH AND BE ISSUED CERTIFICATE OF APPOINTMENT — POWERS OF ARREST AND OTHER POWERS — TRAINING OR EXPERIENCE REQUIREMENTS. — **1.** The college or university police officers, before they enter upon their duties, shall take and subscribe an oath of office before some officer authorized to administer oaths, to faithfully and impartially discharge the duties thereof, which oath shall be filed in the office of the board, and the secretary of the board shall give each college police officer so appointed and qualified a certificate of appointment, under the seal of the board, which certificate shall empower him or her with the same authority to maintain order, preserve peace and make arrests as is now held by peace officers.

2. The college or university police officers shall have the authority to enforce the regulations established in section 174.709 and general motor vehicle laws in accordance with section 174.712 on the campus as prescribed in chapter 304. The college or university police officer may in addition expel from the public buildings, campuses, and grounds, persons violating the rules and regulations that may be prescribed by the board or others under the authority of the board.

3. Such officer or employee of the state college or university as may be designated by the board shall have immediate charge, control and supervision of police officers appointed by authority of this section. Such college or university police officers shall have satisfactorily completed before appointment a training course for police officers as prescribed by chapter 590 for state peace officers or, by virtue of previous experience or training, have met the requirements of chapter 590**, and have been certified under that chapter**.

174.706. BOARDS MAY APPOINT GUARDS OR WATCHMEN NOT HAVING AUTHORITY OF POLICE OFFICERS. — Nothing in sections 174.700 to 174.706 shall be construed as denying the board the right to appoint guards or watchmen who shall not be given the authority and powers authorized by sections 174.700 to **[**174.706**]** **174.712**.

174.709. VEHICULAR TRAFFIC, CONTROL OF, GOVERNING BODY MAY REGULATE — CODIFICATION — VIOLATIONS, PENALTY. — 1. For the purpose of promoting public safety, health, and general welfare and to protect life and property, the board of regents or board of governors of any state college or university may establish regulations to control vehicular traffic, including speed regulations, on any thoroughfare owned or maintained by the state college or university and located within any of its campuses. Such regulations shall be consistent with the provisions of the general motor vehicle laws of this state. Upon adoption of such regulations, the state college or university shall have the authority to place official traffic control signals, as defined in section 300.010, on campus property.

2. The regulations established by the board of regents or board of governors of any state college or university under subsection 1 of this section shall be codified, printed, and distributed for public use. Adequate signs displaying the speed limit shall be posted along such thoroughfares.

3. Violations of any regulation established under this section shall have the same effect as a violation of municipal ordinances adopted under section 304.120, with penalty provisions as provided in section 304.570. Points assessed against any person under section 302.302, for a violation of this section shall be the same as provided for a violation of a county or municipal ordinance.

4. The provisions of this section shall apply only to moving violations.

174.712. MOTOR VEHICLES ON CAMPUS SUBJECT TO GENERAL MOTOR VEHICLE LAWS OF MISSOURI. — All motor vehicles operated upon any thoroughfare owned or maintained by a state college or university and located within any of its campuses shall be subject to the provisions of the general motor vehicle laws of this state, including chapters 301, 302, 303, 304, 307, and 577. Violations shall have the same effect as though such had occurred on public roads, streets, or highways of this state.

302.291. INCOMPETENT OR UNQUALIFIED OPERATORS, DIRECTOR MAY REQUIRE EXAMINATION, WHEN — REPORT PERMITTED, WHEN, BY WHOM, CONTENTS, IMMUNITY FROM LIABILITY — CONFIDENTIALITY, PENALTY — RULES — APPEAL — REINSTATEMENT. — 1. The director, having good cause to believe that an operator is incompetent or unqualified to retain his or her license, after giving ten days' notice in writing by certified mail directed to such person's present known address, may require the person to submit to an examination as prescribed by the director. Upon conclusion of the examination, the director may allow the person to retain his or her license, may suspend, deny or revoke the person's license, or may issue the person a license subject to restrictions as provided in section 302.301. If an examination indicates a condition that potentially impairs safe driving, the director, in addition to action with respect to the license, may require the person to submit to further periodic examinations. The refusal or neglect of the person to submit to an examination within thirty days after the date of such notice shall be grounds for suspension, denial or revocation of the person's license by the director, an associate circuit or circuit court. Notice of any suspension, denial, revocation or other restriction shall be provided by certified mail. As used in this section, the term "denial" means the act of not licensing a person who is currently suspended, revoked or otherwise not licensed to operate a motor vehicle. Denial may also include the act of withdrawing a previously issued license.

2. The examination provided for in subsection 1 of this section may include, but is not limited to, a written test and tests of driving skills, vision, highway sign recognition and, if appropriate, a physical and/or mental examination as provided in section 302.173.

3. The director shall have good cause to believe that an operator is incompetent or unqualified to retain such person's license on the basis of, but not limited to, a report by:

(1) Any certified peace officer;

(2) Any physician, physical therapist or occupational therapist licensed pursuant to chapter 334; any chiropractic physician licensed pursuant to chapter 331; any registered nurse licensed pursuant to chapter 335; any psychologist, social worker or professional counselor licensed pursuant to chapter 337; any optometrist licensed pursuant to chapter 336; **any emergency medical technician licensed pursuant to chapter 190;** or

(3) Any member of the operator's family within three degrees of consanguinity, or the operator's spouse, who has reached the age of eighteen, except that no person may report the same family member pursuant to this section more than one time during a twelve-month period. The report must state that the person reasonably and in good faith believes the driver cannot safely operate a motor vehicle and must be based upon personal observation or physical evidence which shall be described in the report, or the report shall be based upon an investigation by a law enforcement officer. The report shall be a written declaration in the form prescribed by the department of revenue and shall contain the name, address, telephone number, and signature of the person making the report.

4. Any physician, physical therapist or occupational therapist licensed pursuant to chapter 334, any chiropractor licensed pursuant to chapter 331, any registered nurse licensed pursuant to chapter 335, any psychologist, social worker or professional counselor licensed pursuant to chapter 337, or any optometrist licensed pursuant to chapter 336**, or any emergency medical technician licensed pursuant to chapter 190** may report to the department any patient diagnosed or assessed as having a disorder or condition that may prevent such person from safely operating a motor vehicle. Such report shall state the diagnosis or assessment and whether the condition is permanent or temporary. The existence of a physician-patient relationship shall not prevent the making of a report by such medical professionals.

5. Any person who makes a report in good faith pursuant to this section shall be immune from any civil liability that otherwise might result from making the report. Notwithstanding the provisions of chapter 610 to the contrary, all reports made and all medical records reviewed and maintained by the department of revenue pursuant to this section shall be kept confidential except upon order of a court of competent jurisdiction or in a review of the director's action pursuant to section 302.311.

6. The department of revenue shall keep records and statistics of reports made and actions taken against driver's licenses pursuant to this section.

7. The department of revenue shall, in consultation with the medical advisory board established by section 302.292, develop a standardized form and provide guidelines for the reporting of cases and for the examination of drivers pursuant to this section. The guidelines shall be published and adopted as required for rules and regulations pursuant to chapter 536. The department of revenue shall also adopt rules and regulations as necessary to carry out the other provisions of this section. The director of revenue shall provide health care professionals and law enforcement officers with information about the procedures authorized in this section. The guidelines and regulations implementing this section shall be in compliance with the federal Americans with Disabilities Act of 1990.

8. Any person who knowingly violates a confidentiality provision of this section or who knowingly permits or encourages the unauthorized use of a report or reporting person's name in violation of this section shall be guilty of a class A misdemeanor and shall be liable for damages which proximately result.

9. Any person who intentionally files a false report pursuant to this section shall be guilty of a class A misdemeanor and shall be liable for damages which proximately result.

10. All appeals of license revocations, suspensions, denials and restrictions shall be made as required pursuant to section 302.311 within thirty days after the receipt of the notice of revocation, suspension, denial or restriction.

11. Any individual whose condition is temporary in nature as reported pursuant to the provisions of subsection 4 of this section shall have the right to petition the director of the department of revenue for total or partial reinstatement of his or her license. Such request shall

be made on a form prescribed by the department of revenue and accompanied by a statement from a health care provider with the same or similar license as the health care provider who made the initial report resulting in the limitation or loss of the driver's license. Such petition shall be decided by the director of the department of revenue within thirty days of receipt of the petition. Such decision by the director is appealable pursuant to subsection 10 of this section.

302.302. POINT SYSTEM — ASSESSMENT FOR VIOLATION — ASSESSMENT OF POINTS STAYED, WHEN, PROCEDURE. — 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

(1) Any moving violation of a state law or county or municipal or federal traffic ordinance or regulation not listed in this section, other than a violation of vehicle equipment provisions or a court-ordered supervision as provided in section 302.303. . . . . 2 points
(except any violation of municipal stop sign ordinance where no accident is involved. . . . . 1 point)

(2) Speeding
In violation of a state law . . . . . 3 points
In violation of a county or municipal ordinance. . . . . 2 points

(3) Leaving the scene of an accident
In violation of section 577.060. . . . . 12 points
In violation of any county or municipal ordinance. . . . . 6 points

(4) Careless and imprudent driving in violation of subsection 4 of section 304.016. . . . . 4 points
In violation of a county or municipal ordinance. . . . . 2 points

(5) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020:
(a) For the first conviction. . . . . 2 points
(b) For the second conviction. . . . . 4 points
(c) For the third conviction. . . . . 6 points

(6) Operating with a suspended or revoked license prior to restoration of operating privileges. . . . . 12 points

(7) Obtaining a license by misrepresentation. . . . . 12 points

(8) For the first conviction of driving while in an intoxicated condition or under the influence of controlled substances or drugs. . . . . 8 points

(9) For the second or subsequent conviction of any of the following offenses however combined: driving while in an intoxicated condition, driving under the influence of controlled substances or drugs or driving with a blood alcohol content of eight-hundredths of one percent or more by weight. . . . . 12 points

(10) For the first conviction for driving with blood alcohol content eight-hundredths of one percent or more by weight
In violation of state law. . . . . 8 points

In violation of a county or municipal ordinance or federal law or regulation. . . . . 8 points

(11) Any felony involving the use of a motor vehicle. . . . . 12 points

(12) Knowingly permitting unlicensed operator to operate a motor vehicle. . . . . 4 points

(13) For a conviction for failure to maintain financial responsibility pursuant to county or municipal ordinance or pursuant to section 303.025. . . . . 4 points

(14) Endangerment of a highway worker in violation of section 304.585.. . . . . 4 points

(15) Aggravated endangerment of a highway worker in violation of section 304.585. . . . . 12 points

(16) For a conviction of violating a municipal ordinance that prohibits tow truck operators from stopping at or proceeding to the scene of an accident unless they have been requested to stop or proceed to such scene by a party involved in such accident or by an officer of a public safety agency.. . . . . 4 points

(17) Endangerment of an emergency responder in violation of section 304.894. . . . . 4 points

(18) Aggravated endangerment of an emergency responder in violation of section 304.894. . . . . 12 points

2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section 302.020, when the director issues such operator a license or permit pursuant to the provisions of sections 302.010 to 302.340.

3. An additional two points shall be assessed when personal injury or property damage results from any violation listed in subdivisions (1) to (13) of subsection 1 of this section and if found to be warranted and certified by the reporting court.

4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this section constitutes both a violation of a state law and a violation of a county or municipal ordinance, points may be assessed for either violation but not for both. Notwithstanding that an offense arising out of the same occurrence could be construed to be a violation of subdivisions (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for offenses arising out of the same occurrence.

5. The director of revenue shall put into effect a system for staying the assessment of points against an operator. The system shall provide that the satisfactory completion of a driver-improvement program or, in the case of violations committed while operating a motorcycle, a motorcycle-rider training course approved by the state highways and transportation commission, by an operator, when so ordered and verified by any court having jurisdiction over any law of this state or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a commercial motor vehicle as defined in section 302.700 or a violation committed by an individual who has been issued a commercial driver's license or is required to obtain a commercial driver's license in this state or any other state, shall be accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2) or (4) of subsection 1 of this section or pursuant to subsection 3 of this section. A court using a centralized violation bureau established under section 476.385 may elect to have the bureau order

and verify completion of a driver-improvement program or motorcycle-rider training course as prescribed by order of the court. For the purposes of this subsection, the driver-improvement program shall meet or exceed the standards of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which occurred during the operation of a motorcycle, the program shall meet the standards established by the state highways and transportation commission pursuant to sections 302.133 to 302.137. The completion of a driver-improvement program or a motorcycle-rider training course shall not be accepted in lieu of points more than one time in any thirty-six-month period and shall be completed within sixty days of the date of conviction in order to be accepted in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions of this subsection shall, within fifteen days after completion of the driver-improvement program or motorcycle-rider training course by an operator, forward a record of the completion to the director, all other provisions of the law to the contrary notwithstanding. The director shall establish procedures for record keeping and the administration of this subsection.

302.341. MOVING TRAFFIC VIOLATION, FAILURE TO PREPAY FINE OR APPEAR IN COURT, LICENSE SUSPENDED, PROCEDURE — EXCESSIVE REVENUE FROM FINES TO BE DISTRIBUTED TO SCHOOLS — DEFINITION, STATE HIGHWAYS. — 1. If a Missouri resident charged with a moving traffic violation of this state or any county or municipality of this state fails to dispose of the charges of which the resident is accused through authorized prepayment of fine and court costs and fails to appear on the return date or at any subsequent date to which the case has been continued, or without good cause fails to pay any fine or court costs assessed against the resident for any such violation within the period of time specified or in such installments as approved by the court or as otherwise provided by law, any court having jurisdiction over the charges shall within ten days of the failure to comply inform the defendant by ordinary mail at the last address shown on the court records that the court will order the director of revenue to suspend the defendant's driving privileges if the charges are not disposed of and fully paid within thirty days from the date of mailing. Thereafter, if the defendant fails to timely act to dispose of the charges and fully pay any applicable fines and court costs, the court shall notify the director of revenue of such failure and of the pending charges against the defendant. Upon receipt of this notification, the director shall suspend the license of the driver, effective immediately, and provide notice of the suspension to the driver at the last address for the driver shown on the records of the department of revenue. Such suspension shall remain in effect until the court with the subject pending charge requests setting aside the noncompliance suspension pending final disposition, or satisfactory evidence of disposition of pending charges and payment of fine and court costs, if applicable, is furnished to the director by the individual. **[**Upon proof of disposition of charges and payment of fine and court costs, if applicable, and payment of the reinstatement fee as set forth in section 302.304, the director shall return the license and remove the suspension from the individual's driving record if the individual was not operating a commercial motor vehicle or a commercial driver's license holder at the time of the offense.**]** The filing of financial responsibility with the bureau of safety responsibility, department of revenue, shall not be required as a condition of reinstatement of a driver's license suspended solely under the provisions of this section.

2. If any city, town or village receives more than thirty-five percent of its annual general operating revenue from fines and court costs for traffic violations occurring on state highways, all revenues from such violations in excess of thirty-five percent of the annual general operating revenue of the city, town or village shall be sent to the director of the department of revenue and shall be distributed annually to the schools of the county in the same manner that proceeds of all penalties, forfeitures and fines collected for any breach of the penal laws of the state are distributed. For the purpose of this section the words "state highways" shall mean any state or federal highway, including any such highway continuing through the boundaries of a city, town or village with a designated street name other than the state highway number. The director of the

department of revenue shall set forth by rule a procedure whereby excess revenues as set forth above shall be sent to the department of revenue. If any city, town, or village disputes a determination that it has received excess revenues required to be sent to the department of revenue, such city, town, or village may submit to an annual audit by the state auditor under the authority of article IV, section 13 of the Missouri Constitution. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

304.152. ROADSIDE CHECKPOINTS AND ROADBLOCK PATTERNS BASED ON VEHICLE TYPE PROHIBITED. — 1. Notwithstanding any provision of the law to the contrary, no law enforcement agency may establish a roadside checkpoint or road block pattern based upon a particular vehicle type, including the establishment of motorcycle-only checkpoints.

2. Notwithstanding subsection 1 of this section, a law enforcement agency may establish a roadside checkpoint pattern that only stops and checks commercial motor vehicles, as defined in section 301.010.

3. The provisions of this section shall not be construed to restrict any other type of checkpoint or road block which is lawful and is established and operated in accordance with the provisions of the United States Constitution and the Constitution of Missouri.

304.890. DEFINITIONS. — As used in sections 304.890 to 304.894, the following terms shall mean:

(1) "Active emergency", any incident occurring on a highway, as the term "highway" is defined in section 302.010, that requires emergency services from any emergency responder;

(2) "Active emergency zone", any area upon or around any highway, which is visibly marked by emergency responders performing work for the purpose of emergency response, and where an active emergency, or incident removal, is temporarily occurring. This area includes the lanes of highway leading up to an active emergency or incident removal, beginning within three hundred feet of visual sighting of:

(a) Appropriate signs or traffic control devices posted or placed by emergency responders; or

(b) An emergency vehicle displaying active emergency lights or signals;

(3) "Emergency responder", any law enforcement officer, paid or volunteer firefighter, first responder, emergency medical worker, tow truck operator, or other emergency personnel responding to an emergency on a highway.

304.892. VIOLATIONS, PENALTIES. — 1. Upon the first conviction, finding of guilt, or plea of guilty by any person for a moving violation, as the term "moving violation" is defined in section 302.010, or any offense listed in section 302.302, other than a violation described in subsection 2 of this section, when the violation or offense occurs within an active emergency zone, the court shall assess a fine of thirty-five dollars in addition to any other fine authorized by law. Upon a second or subsequent conviction, finding of guilt, or plea of guilty, the court shall assess a fine of seventy-five dollars in addition to any other fine authorized by law.

2. Upon the first conviction, finding of guilt, or plea of guilty by any person for a speeding violation under either section 304.009 or 304.010, or a passing violation under subsection 3 of this section, when the violation or offense occurs within an active

emergency zone and emergency responders were present in such zone at the time of the offense or violation, the court shall assess a fine of two hundred fifty dollars in addition to any other fine authorized by law. Upon a second or subsequent conviction, finding of guilt, or plea of guilty, the court shall assess a fine of three hundred dollars in addition to any other fine authorized by law. However, no person assessed an additional fine under this subsection shall also be assessed an additional fine under subsection 1 of this section.

3. The driver of a motor vehicle shall not overtake or pass another motor vehicle within an active emergency zone. Violation of this subsection is a class C misdemeanor.

4. The additional fines imposed by this section shall not be construed to enhance the assessment of court costs or the assessment of points under section 302.302.

304.894. OFFENSE OF ENDANGERMENT OF AN EMERGENCY RESPONDER, ELEMENTS — PENALTIES. — 1. A person commits the offense of endangerment of an emergency responder for any of the following offenses when the offense occurs within an active emergency zone:

(1) Exceeding the posted speed limit by fifteen miles per hour or more;

(2) Passing in violation of subsection 3 of section 304.892;

(3) Failure to stop for an active emergency zone flagman or emergency responder, or failure to obey traffic control devices erected, or personnel posted, in the active emergency zone for purposes of controlling the flow of motor vehicles through the zone;

(4) Driving through or around an active emergency zone via any lane not clearly designated for motorists to control the flow of traffic through or around the active emergency zone;

(5) Physically assaulting, attempting to assault, or threatening to assault an emergency responder with a motor vehicle or other instrument; or

(6) Intentionally striking, moving, or altering barrels, barriers, signs, or other devices erected to control the flow of traffic to protect emergency responders and motorists unless the action was necessary to avoid an obstacle, an emergency, or to protect the health and safety of an occupant of the motor vehicle or of another person.

2. Upon a finding of guilt or a plea of guilty for committing the offense of endangerment of an emergency responder under subsection 1 of this section, if no injury or death to an emergency responder resulted from the offense, the court shall assess a fine of not more than one thousand dollars, and four points shall be assessed to the operator's license pursuant to section 302.302 upon conviction.

3. A person commits the offense of aggravated endangerment of an emergency responder upon a finding of guilt or a plea of guilty for any offense under subsection 1 of this section when such offense results in the injury or death of an emergency responder. Upon a finding of guilt or a plea of guilty for committing the offense of aggravated endangerment of an emergency responder, in addition to any other penalty authorized by law, the court shall assess a fine of not more than five thousand dollars if the offense resulted in injury to an emergency responder, and ten thousand dollars if the offense resulted in the death of an emergency responder. In addition, twelve points shall be assessed to the operator's license pursuant to section 302.302 upon conviction.

4. Except for the offense established under subdivision (6) of subsection 1 of this section, no person shall be deemed to have committed the offense of endangerment of an emergency responder except when the act or omission constituting the offense occurred when one or more emergency responders were responding to an active emergency.

5. No person shall be cited for, or found guilty of, endangerment of an emergency responder or aggravated endangerment of an emergency responder, for any act or omission otherwise constituting an offense under subsection 1 of this section, if such act or omission resulted in whole or in part from mechanical failure of the person's vehicle, or from the negligence of another person or emergency responder.

307.075. TAILLAMPS, REFLECTORS — VIOLATIONS, PENALTY. — 1. Every motor vehicle and every motor-drawn vehicle shall be equipped with at least two rear lamps, not less than fifteen inches or more than seventy-two inches above the ground upon which the vehicle stands, which when lighted will exhibit a red light plainly visible from a distance of five hundred feet to the rear. Either such rear lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration marker and render it clearly legible from a distance of fifty feet to the rear. When the rear registration marker is illuminated by an electric lamp other than the required rear lamps, all such lamps shall be turned on or off only by the same control switch at all times.

2. Every motorcycle registered in this state, when operated on a highway, shall also carry at the rear, either as part of the rear lamp or separately, at least one approved red reflector, which shall be of such size and characteristics and so maintained as to be visible during the times when lighted lamps are required from all distances within three hundred feet to fifty feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps. **A motorcycle may be equipped with a means of varying the brightness of the vehicle's brake light for a duration of not more than five seconds upon application of the vehicle's brakes.**

3. Every new passenger car, new commercial motor vehicle, motor-drawn vehicle and omnibus with a capacity of more than six passengers registered in this state after January 1, 1966, when operated on a highway, shall also carry at the rear at least two approved red reflectors, at least one at each side, so designed, mounted on the vehicle and maintained as to be visible during the times when lighted lamps are required from all distances within five hundred to fifty feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps. Every such reflector shall meet the requirements of this chapter and shall be mounted upon the vehicle at a height not to exceed sixty inches nor less than fifteen inches above the surface upon which the vehicle stands.

4. Any person who knowingly operates a motor vehicle without the lamps required in this section in operable condition is guilty of an infraction.

544.157. LAW ENFORCEMENT OFFICERS, CONSERVATION AGENTS, CAPITOL POLICE, COLLEGE OR UNIVERSITY POLICE OFFICERS, AND PARK RANGERS, ARREST POWERS — FRESH PURSUIT DEFINED — POLICY OF AGENCY ELECTING TO INSTITUTE VEHICULAR PURSUITS. — 1. Any law enforcement officer certified pursuant to chapter 590 of any political subdivision of this state, any authorized agent of the department of conservation, any commissioned member of the Missouri capitol police**, any college or university police officer,** and any commissioned member of the Missouri state park rangers in fresh pursuit of a person who is reasonably believed by such officer to have committed a felony in this state or who has committed, or attempted to commit, in the presence of such officer or agent, any criminal offense or violation of a municipal or county ordinance, or for whom such officer holds a warrant of arrest for a criminal offense, shall have the authority to arrest and hold in custody such person anywhere in this state. Fresh pursuit may only be initiated from within the pursuing peace officer's, conservation agent's, capitol police officer's**, college or university police officer's,** or state park ranger's jurisdiction and shall be terminated once the pursuing peace officer is outside of such officer's jurisdiction and has lost contact with the person being pursued. If the offense is a traffic violation, the uniform traffic ticket shall be used as if the violator had been apprehended in the municipality or county in which the offense occurred.

2. If such an arrest is made in obedience to a warrant, the disposition of the prisoner shall be made as in other cases of arrest under a warrant; if the violator is served with a uniform traffic ticket, the violator shall be directed to appear before a court having jurisdiction to try the offense; if the arrest is without a warrant, the prisoner shall be taken forthwith before a judge of a court with original criminal jurisdiction in the county wherein such arrest was made or before a municipal judge thereof having original jurisdiction to try such offense, who may release the person as provided in section 544.455, conditioned upon such person's appearance before the

court having jurisdiction to try the offense. The person so arrested need not be taken before a judge as herein set out if given a summons by the arresting officer.

3. The term "fresh pursuit", as used in this section, shall include hot or fresh pursuit as defined by the common law and also the pursuit of a person who has committed a felony or is reasonably suspected of having committed a felony in this state, or who has committed or attempted to commit in this state a criminal offense or violation of municipal or county ordinance in the presence of the arresting officer referred to in subsection 1 of this section or for whom such officer holds a warrant of arrest for a criminal offense. It shall include also the pursuit of a person suspected of having committed a supposed felony in this state, though no felony has actually been committed, if there is reasonable ground for so believing. "Fresh pursuit" as used herein shall imply instant pursuit.

4. A public agency electing to institute vehicular pursuits shall adopt a policy for the safe conduct of vehicular pursuits by peace officers. Such policy shall meet the following minimum standards:

(1) There shall be supervisory control of the pursuit;

(2) There shall be procedures for designating the primary pursuit vehicle and for determining the total number of vehicles to be permitted to participate at one time in the pursuit;

(3) There shall be procedures for coordinating operation with other jurisdictions; and

(4) There shall be guidelines for determining when the interests of public safety and effective law enforcement justify a vehicular pursuit and when a vehicular pursuit should not be initiated or should be terminated.

Approved June 27, 2013

SB 287 [SCS SB 287]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Modifies Missouri's captive insurance law to allow for the formation of sponsored captive insurance companies and other ancillary matters

AN ACT to repeal sections 379.1300, 379.1306, 379.1310, 379.1312, and 379.1326, RSMo, and to enact in lieu thereof six new sections relating to captive insurance companies.

SECTION
A. Enacting clause.
379.1300. Definitions.
379.1306. Capital and surplus requirements.
379.1310. Incorporation as a stock insurer permitted, when.
379.1312. Reports required.
379.1326. Premium tax imposed, amount, procedure.
379.1351. Sponsored captive insurance companies, may be formed by whom — definitions — requirements.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 379.1300, 379.1306, 379.1310, 379.1312, and 379.1326, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 379.1300, 379.1306, 379.1310, 379.1312, 379.1326, and 379.1351, to read as follows:

379.1300. DEFINITIONS. — As used in sections 379.1300 to **[**379.1350**]** **379.1351**, the following terms shall mean:

(1) "Affiliated company", any company in the same corporate system as a parent, an industrial insured, or a member organization by virtue of common ownership, control, operation, or management;

(2) "Alien captive insurance company", any insurance company formed to write insurance business for its parents and affiliates and licensed under the laws of an alien jurisdiction that imposes statutory or regulatory standards in a form acceptable to the director on companies transacting the business of insurance in such jurisdiction;

(3) "Annuity", a contract issued for a valuable consideration under which the obligations are assumed with respect to periodic payments for a specified term or terms or where the making or continuance of all or of some of such payments, or the amount of any such payments, is dependent upon the continuance of human life;

(4) "Association", any legal association of individuals, corporations, limited liability companies, partnerships, associations, or other entities that has been in continuous existence for at least one year, the member organizations of which or which does itself, whether or not in conjunction with some or all of the member organizations:

(a) Own, control, or hold with power to vote all of the outstanding voting securities of an association captive insurance company incorporated as a stock insurer; **[**or**]**

(b) Have complete voting control over an association captive insurance company incorporated as a mutual insurer; **[**or**]**

(c) Constitute all of the subscribers of an association captive insurance company formed as a reciprocal insurer; **or**

(d) Have complete voting control over an association captive insurance company formed as a limited liability company;

(5) "Association captive insurance company", any company that insures risks of the member organizations of the association and their affiliated companies; except that, association captive insurance company shall not include, without limitation, any reciprocal insurer that has not chosen to apply for and is not licensed as a captive insurance company under section 379.1302;

(6) "Branch business", any insurance business transacted by a branch captive insurance company in this state;

(7) "Branch captive insurance company", any alien captive insurance company licensed by the director to transact the business of insurance in this state through a business unit with a principal place of business in this state;

(8) "Branch operations", any business operations of a branch captive insurance company in this state;

(9) "Captive insurance company", any pure captive insurance company, association captive insurance company, **sponsored captive insurance company,** or industrial insured captive insurance company formed or licensed under sections 379.1300 to **[**379.1350**]** **379.1351**. For purposes of sections 379.1300 to **[**379.1350**]** **379.1351**, a branch captive insurance company shall be a pure captive insurance company with respect to operations in this state, unless otherwise permitted by the director;

(10) "Controlled unaffiliated business", any company:

(a) That is not in the corporate system of a parent and affiliated companies;

(b) That has an existing contractual relationship with a parent or affiliated company; and

(c) Whose risks are managed by a pure captive insurance company in accordance with section 379.1338;

(11) "Director", the director of the department of insurance, financial institutions and professional registration;

(12) "Excess workers' compensation insurance", in the case of an employer that has insured or self-insured its workers' compensation risks in accordance with applicable state or federal law, insurance in excess of a specified per-incident or aggregate limit established by the director;

(13) "Industrial insured", an insured:

(a) Who procures the insurance of any risk or risks by use of the services of a full-time employee acting as an insurance manager or buyer;

(b) Whose aggregate annual premiums for insurance on all risks total at least twenty-five thousand dollars; and

(c) Who has at least twenty-five full-time employees;

(14) "Industrial insured captive insurance company", any company that insures risks of the industrial insureds that comprise the industrial insured group and their affiliated companies;

(15) "Industrial insured group", any group of industrial insureds that collectively:

(a) Own, control, or hold with power to vote all of the outstanding voting securities of an industrial insured captive insurance company incorporated as a stock insurer; **[**or**]**

(b) Have complete voting control over an industrial insured captive insurance company incorporated as a mutual insurer;

(c) Constitute all of the subscribers of an industrial insured captive insurance company formed as a reciprocal insurer; or

(d) Have complete voting control over an industrial captive insurance company formed as a limited liability company;

(16) "Member organization", any individual, corporation, limited liability company, partnership, association, or other entity that belongs to an association;

(17) "Mutual corporation", a corporation organized without stockholders and includes a nonprofit corporation with members;

(18) "Parent", a corporation, limited liability company, partnership, other entity, or individual that directly or indirectly owns, controls, or holds with power to vote more than fifty percent of the outstanding voting:

(a) Securities of a pure captive insurance company organized as a stock corporation; or

(b) Membership interests of a pure captive insurance company organized as a nonprofit corporation;

(19) "Pure captive insurance company", any company that insures risks of its parent and affiliated companies or controlled unaffiliated business.

379.1306. CAPITAL AND SURPLUS REQUIREMENTS. — 1. No captive insurance company shall be issued a license unless it shall possess and thereafter maintain unimpaired paid-in capital and surplus of:

(1) In the case of a pure captive insurance company, not less than two hundred fifty thousand dollars;

(2) In the case of an association captive insurance company, not less than **[**seven**]** **five** hundred **[**fifty**]** thousand dollars; **[**and**]**

(3) In the case of an industrial insured captive insurance company, not less than five hundred thousand dollars**; and**

(4) In the case of a sponsored captive insurance company, not less than five hundred thousand dollars.

2. The director may prescribe additional capital and surplus based upon the type, volume, and nature of insurance business transacted.

3. Capital and surplus may be in the form of cash or an irrevocable letter of credit issued by a bank chartered by the state of Missouri or a member bank of the Federal Reserve System, and approved by the director.

379.1310. INCORPORATION AS A STOCK INSURER PERMITTED, WHEN. — 1. A pure captive insurance company may be incorporated as a stock insurer with its capital divided into shares and held by the stockholders as a nonprofit corporation with one or more members, or as a manager-managed limited liability company.

2. An association captive insurance company or an industrial insured captive insurance company may be:

(1) Incorporated as a stock insurer with its capital divided into shares and held by the stockholders;

(2) Incorporated as a mutual insurer without capital stock, the governing body of which is elected by its insureds;

(3) Organized as a manager-managed limited liability company; or

(4) Organized as a reciprocal insurer in accordance with sections 379.650 to 379.790.

3. A captive insurance company incorporated or organized in this state shall have not less than three incorporators or three organizers of whom not less than one shall be a resident of this state.

4. In the case of a captive insurance company:

(1) Formed as a corporation, before the articles of incorporation are transmitted to the secretary of state, the incorporators shall petition the director to issue a certificate setting forth the director's finding that the establishment and maintenance of the proposed corporation will promote the general good of the state. In arriving at such a finding the director shall consider:

(a) The character, reputation, financial standing and purposes of the incorporators;

(b) The character, reputation, financial responsibility, insurance experience, and business qualifications of the officers and directors; and

(c) Such other aspects as the director shall deem advisable.

The articles of incorporation, such certificate, and the organization fee shall be transmitted to the secretary of state, who shall thereupon record both the articles of incorporation and the certificate;

(2) Formed as a limited liability company, before the articles of organization are transmitted to the secretary of state, the organizers shall petition the director to issue a certificate setting forth the director's finding that the establishment and maintenance of the proposed company will promote the general good of the state. In arriving at such a finding, the director shall consider the items set forth in paragraphs (a) to (c) of subdivision (1) of this subsection;

(3) Formed as a reciprocal insurer, the organizers shall petition the director to issue a certificate setting the director's finding that the establishment and maintenance of the proposed association will promote the general good of the state. In arriving at such a finding the director shall consider the items set forth in paragraphs (a) to (c) of subdivision (1) of this subsection.

5. The capital stock of a captive insurance company incorporated as a stock insurer may be authorized with no par value.

6. In the case of a captive insurance company:

(1) Formed as a corporation, at least one of the members of the board of directors shall be a resident of this state;

(2) Formed as a limited liability company, at least one of the managers shall be a resident of this state;

(3) Formed as a reciprocal insurer, at least one of the members of the subscribers' advisory committee shall be a resident of this state.

7. Other than captive insurance companies formed as limited liability companies under chapter 347, or as nonprofit corporations under chapter 355, captive insurance companies formed as corporations under sections 379.1300 to **[**379.1350**]** **379.1351** shall have the privileges and be subject to chapter 351 as well as the applicable provisions contained in sections 379.1300 to 379.1308. In the event of conflict between the provisions of such general corporation law and sections 379.1300 to **[**379.1350**]** **379.1351**, sections 379.1300 to **[**379.1350**]** **379.1351** shall control.

8. Captive insurance companies formed under sections 379.1300 to **[**379.1350**]** **379.1351**:

(1) As limited liability companies shall have the privileges and be subject to the provisions of chapter 347 as well as the applicable provisions contained in sections 379.1300 to **[**379.1350**]** **379.1351**. In the event of a conflict between chapter 347 and sections 379.1300 to **[**379.1350**]** **379.1351**, sections 379.1300 to **[**379.1350**]** **379.1351** shall control; or

(2) As nonprofit corporations shall have the privileges and be subject to the provisions of chapter 355 as well as the applicable provisions contained in sections 379.1300 to **[**379.1350**]**

379.1351. In the event of conflict between chapter 355 and sections 379.1300 to **[**379.1350**]** **379.1351**, sections 379.1300 to **[**379.1350**]** **379.1351** shall control.

9. The provisions of section 375.355, section 375.908, sections 379.980 to 379.988, and chapter 382, pertaining to mergers, consolidations, conversions, mutualizations, redomestications, and mutual holding companies shall apply in determining the procedures to be followed by captive insurance companies in carrying out any of the transactions described therein; except that:

(1) The director may waive or modify the requirements for public notice and hearing**, or** in accordance with rules which the director may adopt addressing categories of transactions**, modify the requirements for public notice and hearing**. If a notice of public hearing is required, but no one requests a hearing **ten days before the day set for the hearing**, then the director may cancel the hearing;

(2) An alien insurer may be a party to a merger or a redomestication authorized under this subsection, if approved by the director**; and**

(3) The director may issue a certificate of general good to permit the formation of a captive insurance company that is established for the sole purpose of consolidating or merging with or assuming existing insurance or reinsurance business from an existing Missouri licensed captive insurance company. The director may, upon a request of such newly formed captive insurance company, waive or modify the requirements of paragraph (b) of subdivision (1) and subdivision (2) of subsection 3 of section 379.1302.

10. The articles of incorporation or bylaws of a captive insurance company formed as a corporation may authorize a quorum of its board of directors to consist of no fewer than one-third of the full board of directors **[**determined**]**, provided that a quorum shall not consist of fewer than two directors.

11. Captive insurance companies formed as reciprocal insurers under the provisions of sections 379.1300 to **[**379.1350**]** **379.1351** shall have the privileges and be subject to the provisions of sections 379.650 to 379.790 in addition to the applicable provisions of sections 379.1300 to **[**379.1350**]** **379.1351**. In the event of a conflict between the provisions of sections 379.650 to 379.790 and the provisions of sections 379.1300 to **[**379.1350**]** **379.1351**, the latter shall control, to the extent a reciprocal insurer is made subject to other provisions of chapters 374, 375, and 379 under sections 379.650 to 379.790, such provisions shall not be applicable to a reciprocal insurer formed under sections 379.1300 to **[**379.1350**]** **379.1351** unless such provisions are expressly made applicable to captive insurance companies under sections 379.1300 to **[**379.1350**]** **379.1351**.

12. The subscribers' agreement or other organizing document of a captive insurance company formed as a reciprocal insurer may authorize a quorum of its subscribers' advisory committee to consist of no fewer than one-third of the number of its members.

379.1312. REPORTS REQUIRED. — 1. Captive insurance companies shall not be required to make any annual report except as provided in sections 379.1300 to **[**379.1350**]** **379.1351**.

2. Prior to March first of each year, each captive insurance company shall submit to the director a report of its financial condition, verified by oath of two of its executive officers. Each captive insurance company shall report using generally accepted accounting principles, unless the director approves the use of statutory accounting principles, with any appropriate or necessary modifications or adaptations thereof required or approved or accepted by the director for the type of insurance and kinds of insurers to be reported upon, and as supplemented by additional information required by the director. Except as otherwise provided, each association captive insurance company shall file its report in the form required by section 375.041. The director shall by rule propose the forms in which pure captive insurance companies and industrial insured captive insurance companies shall report. Subdivision (3) of subsection **[**2**]** **3** of section 379.1302 shall apply to each report filed under this section.

3. Any pure captive insurance company or an industrial insured captive insurance company may make written application for filing the required report on a fiscal year end. If an alternative reporting date is granted:

(1) The annual report is due sixty days after the fiscal year end; and

(2) In order to provide sufficient detail to support the premium tax return, the pure captive insurance company or industrial insured captive insurance company shall file prior to March first of each year for each calendar year end its balance sheet, income statement and statement of cash flows, verified by oath of two of its executive officers.

379.1326. PREMIUM TAX IMPOSED, AMOUNT, PROCEDURE. — 1. Each captive insurance company shall pay to the director of revenue, on or before May first of each year, a premium tax at the rate of thirty-eight-hundredths of one percent on the first twenty million dollars and two hundred eighty-five-thousandths of one percent on the next twenty million dollars and nineteen-hundredths of one percent on the next twenty million dollars and seventy-two-thousandths of one percent on each dollar thereafter on the direct premiums collected or contracted for on policies or contracts of insurance written by the captive insurance company during the year ending December thirty-first next preceding, after deducting from the direct premiums subject to the tax the amounts paid to policyholders as return premiums which shall include dividends on unabsorbed premiums or premium deposits returned or credited to policyholders; provided, however, that no tax shall be due or payable as to considerations received for annuity contracts.

2. Each captive insurance company shall pay to the director of revenue on or before May first of each year a premium tax at the rate of two hundred fourteen-thousandths of one percent on the first twenty million dollars of assumed reinsurance premium, and one hundred forty-three-thousandths of one percent on the next twenty million dollars and forty-eight-thousandths of one percent on the next twenty million dollars and twenty-four-thousandths of one percent of each dollar thereafter. However, no reinsurance premium tax applies to premiums for risks or portions of risks which are subject to taxation on a direct basis under subsection 1 of this section. No reinsurance premium tax shall be payable in connection with the receipt of assets in exchange for the assumption of loss reserves and other liabilities of another insurer under common ownership and control if such transaction is part of a plan to discontinue the operations of such other insurer, and if the intent of the parties to such transaction is to renew or maintain such business with the captive insurance company.

3. The annual**:**

(1) Minimum aggregate tax to be paid by a captive insurance company calculated under subsections 1 and 2 of this section shall be seven thousand five hundred dollars, and the annual maximum aggregate tax shall be two hundred thousand dollars**;**

(2) Minimum aggregate tax to be paid by a sponsored captive insurance company shall be seven thousand five hundred dollars and shall apply to the sponsored captive insurance company as a whole and not to each protected cell, and such cells shall not be subject to the minimum tax;

(3) Maximum tax to be paid by a protected cell shall be as calculated under subsection 1 of this section. The annual maximum tax to be remitted by a sponsored captive insurance company shall be the aggregate of the tax liabilities of each protected cell.

4. Every captive insurance company shall, on or before February first each year, make a return on a form provided by the director, verified by the affidavit of the company's president and secretary or other authorized officers, to the director stating the amount of all direct premiums received and assumed reinsurance premiums received, whether in cash or in notes, during the year ending on December thirty-first next preceding. Upon receipt of such returns, the director of the department of insurance, financial institutions and professional registration shall verify the same and certify the amount of tax due from the various companies on the basis and at the rate provided in subsections 1 to 3 of this section, and shall certify the same to the director of

revenue, on or before March thirty-first of each year. The director of revenue shall immediately thereafter notify and assess each company the amount of tax due.

5. A captive insurance company failing to make returns as required by subsection 4 of this section or failing to pay within the time required all taxes assessed by this section shall be subject to the provisions of sections 148.375 and 148.410.

6. Two or more captive insurance companies under common ownership and control shall be taxed as though they were a single captive insurance company.

7. For the purposes of this section, **the following terms shall mean:**

(1) "Common ownership and control" **[**shall mean**] ownership and control of two or more captive insurance companies by the same person or group of persons;**

(2) "Ownership and control":

[(1)**] (a)** In the case of stock corporations, the direct or indirect ownership of eighty percent or more of the outstanding voting stock of **[**two or more corporations by the same shareholder or shareholders; and**] the corporation;**

[(2)**] (b)** In the case of mutual or nonprofit corporations, the direct or indirect ownership of eighty percent or more of the surplus and the voting power of **[**two or more corporations by the same member or members**] the corporation;**

(c) In the case of a limited liability company, the direct or indirect ownership of eighty percent or more of the membership interest in the limited liability company; and

(d) In the case of a sponsored captive insurance company and for purposes of this section, a protected cell shall be treated as a separate captive insurance company owned and controlled by the protected cell's participant, but only if:

a. The participant is the only participant with respect to such protected cell; and

b. The participant is the sponsor or is affiliated with the sponsor of the sponsored captive insurance company through common ownership and control.

8. The tax provided for in this section shall constitute all taxes collectible under the laws of this state from any captive insurance company, and no other occupation tax or other taxes shall be levied or collected from any captive insurance company by the state or any county, city, or municipality within this state, except ad valorem taxes on real and personal property used in the production of income.

9. Upon receiving the taxes collected under this section from the director of revenue, the state treasurer shall receipt ten percent thereof into the insurance dedicated fund established under section 374.150, subject to a maximum of three percent of the current fiscal year's appropriation from such fund, and he or she shall place the remainder of such taxes collected to the general revenue fund of the state.

10. The tax provided for in this section shall be calculated on an annual basis, notwithstanding policies or contracts of insurance or contracts of reinsurance issued on a multiyear basis. In the case of multiyear policies or contracts, the premium shall be prorated for purposes of determining the tax under this section.

11. A captive insurance company may deduct from premium taxes payable to this state, in addition to all other credits allowed by law, license fees and renewal fees payable under section 379.1302. A deduction for fees which exceeds a captive insurance company's premium tax liability for the same tax year shall not be refundable, but may be carried forward to any subsequent tax year, not to exceed five years, until the full deduction is claimed.

379.1351. SPONSORED CAPTIVE INSURANCE COMPANIES, MAY BE FORMED BY WHOM — DEFINITIONS — REQUIREMENTS. — 1. One or more sponsors may form a sponsored captive insurance company under sections 379.1300 to 379.1351. In addition to the general provisions of sections 379.1300 to 379.1351, the provisions of this section shall apply to sponsored captive insurance companies. A sponsored captive insurance company shall be incorporated as a stock insurer with its capital divided into shares and held by the

stockholders, as a mutual corporation, as a nonprofit corporation with one or more members, or as a manager-managed limited liability company.

2. As used in this section, unless the context requires otherwise, the following terms shall mean:

(1) "Incorporated protected cell", a protected cell that is established as a corporation or limited liability company separate from the sponsored captive insurance company, of which it is a part;

(2) "Participant", an entity described in subsection 7 of this section and any affiliates thereof that is insured by a sponsored captive insurance company, where the losses of the participant are limited through a participant contract to such participant's pro rata share of the assets of one or more protected cells identified in such participant contract;

(3) "Participant contract", a contract by which a sponsored captive insurance company insures the risks of a participant and limits the losses of each such participant to its pro rata share of the assets of one or more protected cells identified in such participant contract;

(4) "Protected cell", a separate account established by a sponsored captive insurance company formed or licensed under this chapter in which assets are maintained for one or more participants in accordance with the terms of one or more participant contracts to fund the liability of the sponsored captive insurance company assumed on behalf of such participants as set forth in such participant contracts, and shall include an incorporated protected cell, as defined in this section;

(5) "Sponsor", any entity that meets the requirements of subsection 6 of this section and is approved by the director to provide all or part of the capital and surplus required by applicable loss and to organize and operate a sponsored captive insurance company;

(6) "Sponsored captive insurance company", any captive insurance company:

(a) In which the minimum capital and surplus required by applicable law is provided by one or more sponsors;

(b) That is formed or licensed under the provisions of sections 379.1300 to 379.1351;

(c) That insures the risks only of its participants through separate participant contracts; and

(d) That funds its liability to each participant through one or more protected cells and segregates the assets of each protected cell from the assets of other protected cells and from the assets of the sponsored captive insurance company's general account.

3. In addition to the information required by subsection 3 of section 379.1302, each applicant-sponsored captive insurance company shall file with the director the following:

(1) Materials demonstrating how the applicant will account for the loss and expense experience of each protected cell at a level of detail found to be sufficient by the director, and how it will report such experience to the director;

(2) A statement acknowledging that all financial records of the sponsored captive insurance company, including records pertaining to protected cells, shall be made available for inspection or examination by the director or the director's designated agent;

(3) All contracts or sample contracts between the sponsored captive insurance company and any participants; and

(4) Evidence that expenses shall be allocated to each protected cell in a fair and equitable manner.

4. A sponsored captive insurance company formed or licensed under this chapter may establish and maintain one or more protected cells to insure risks of one or more participants, subject to the following conditions:

(1) The shareholders of a sponsored captive insurance company shall be limited to its participants and sponsors, provided that a sponsored captive insurance company may issue nonvoting securities to other persons on terms approved by the director;

(2) Each protected cell shall be accounted for separately on the books and records of the sponsored captive insurance company to reflect the financial condition and results of operations of such protected cell, net income or loss, dividends, or other distributions to participants, and such other factors as may be provided in the participant contract or required by the director;

(3) The assets of a protected cell shall not be chargeable with liabilities arising out of any other insurance business the sponsored captive insurance company may conduct;

(4) No sale, exchange, transfer of assets, dividend, or distribution may be made by such sponsored captive insurance company between or among any of its protected cells without the consent of such protected cells;

(5) No sale, exchange, transfer of assets, dividend, or distribution may be made from a protected cell to a sponsor or participant without the director's approval and in no event shall such approval be given if the sale, exchange, transfer, dividend, or distribution would result in insolvency or impairment with respect to a protected cell;

(6) All attributions of assets and liabilities to the protected cells and the general account shall be in accordance with the plan of operation approved by the director. No other attribution of assets or liabilities may be made by a sponsored captive insurance company between its general account and any protected cell or between any protected cells. The sponsored captive insurance company shall attribute all insurance obligations, assets, and liabilities relating to a reinsurance contract entered into with respect to a protected cell to such protected cell. The performance under such reinsurance contract and any tax benefits, losses, refunds, or credits allocated under a tax allocation agreement to which the sponsored captive insurance company is a party, including any payments made by or due to be made to the sponsored captive insurance company under the terms of such agreement, shall reflect the insurance obligations, assets, and liabilities relating to the reinsurance contract that are attributed to such protected cell;

(7) In connection with the conservation, rehabilitation, or liquidation of a sponsored captive insurance company, the assets and liabilities of a protected cell shall, to the extent the director determines they are separable, at all times be kept separate from and shall not be commingled with those of other protected cells and the sponsored captive insurance company;

(8) The "general account" of a sponsored captive insurance company means all assets and liabilities of the sponsored captive insurance company not attributable to a protected cell;

(9) Each sponsored captive insurance company shall annually file with the director such financial reports as the director shall require, which shall include, without limitation, accounting statements detailing the financial experience of each protected cell. Each sponsored captive insurance company shall be subject to the provisions of section 374.190 and sections 374.202 to 374.207, and to the extent applicable, sections 375.930 to 375.948 and sections 375.1000 to 375.1018;

(10) Each sponsored captive insurance company shall notify the director in writing within ten business days of any protected cell that is insolvent or otherwise unable to meet its claim or expense obligations;

(11) No participant contract shall take effect without the director's prior written approval, and the addition of each new protected cell and withdrawal of a participant or termination of any existing protected cell shall constitute a change in the business plan requiring the director's prior written approval. Each participant contract shall state that under section 379.1324 no benefit shall be paid to the participant or any other party from any state guaranty fund based on a claim against the assets of the participant's protected cell in which such assets are insufficient to satisfy the claim;

(12) At the discretion of the director, the business written by a sponsored captive, with respect to each cell, shall be:

(a) Fronted by an insurance company licensed under the laws of any state;

(b) Reinsured by reinsurer authorized or approved by the state of Missouri; or

(c) Secured by a trust fund in the United States for the benefit of policyholders and claimants or funded by an irrevocable letter of credit or other arrangement that is acceptable to the director. The director may require the sponsored captive to increase the funding of any security arrangement established under this subdivision. If the form of security is a letter of credit, the letter of credit shall be issued or confirmed by a bank approved by the director. A trust maintained under this subdivision shall be established in a form and upon such terms approved by the director;

(13) Notwithstanding the provisions of sections 375.1150 to 375.1246 or other laws of this state, and in addition to the provisions of subsection 9 of this section, in the event of an insolvency of a sponsored captive insurance company where the director determines that one or more protected cells remain solvent, the director may separate such cells from the sponsored captive insurance company, and may allow, on application of the sponsor for the conversion of such protected cells into one or more new or existing sponsored captive insurance companies with a sponsor or sponsors, or one or more other captive insurance companies, under such plan or plans of operation as the director deems acceptable.

5. A protected cell of a sponsored captive insurance company may be formed as an incorporated protected cell, as described in subdivision (1) of subsection 4 of this section. The articles of incorporation or articles of organization of an incorporated protected cell shall refer to the sponsored captive insurance company for which it is a protected cell and shall state that the protected cell is incorporated or organized for the limited purposes authorized by the sponsored captive insurance company's license. A copy of the prior written approval of the director to add the incorporated protected cell, required by subdivision (11) of subsection 4 of this section, shall be attached to and filed with the articles of incorporation or articles of organization. It is the intent of the general assembly under this subsection to provide sponsored captive insurance companies with the option to establish one or more protected cells as a separate corporation formed under chapter 351 or limited liability company formed under chapter 347. This section shall not be construed to limit any rights or protections applicable to protected cells not established as corporations or limited liability companies.

6. A sponsor of a sponsored captive insurance company may be any person approved by the director in the exercise of the director's discretion, based on a determination that the approval of such person as sponsor is consistent with the purposes of sections 379.1300 to 379.1351. In evaluating the qualifications of a proposed sponsor, the director shall consider the type and structure of the proposed sponsor entity, its experience in financial operations, financial stability, and strength of business reputation and such other facts deemed relevant by the director. A risk retention group shall not be either a sponsor or a participant of a sponsored captive insurance company.

7. Associations, corporations, limited liability companies, partnerships, trusts, and other business entities may be participants in any sponsored captive insurance company formed or licensed under this chapter. A sponsor may be a participant in a sponsored captive insurance company. A participant need not be a shareholder of the sponsored captive insurance company or an affiliate thereof. A participant shall insure only its own risks through a sponsored captive insurance company.

8. Notwithstanding the provisions of subsection 4 of this section, the assets of two or more protected cells may be combined for purposes of investment and such combination shall not be construed as defeating the segregation of such assets for accounting or other purposes. Sponsored captive insurance companies shall comply with the investment requirements contained in sections 379.080 and 379.082, as applicable; provided, however, that compliance with such investment requirements shall be waived

for sponsored captive insurance companies to the extent that credit for reinsurance ceded to reinsurers is allowed under section 379.1320 or to the extent otherwise deemed reasonable and appropriate by the director. The director shall exercise his or her discretion in approving the accounting standards in use by the company. Notwithstanding any other provision of this chapter, the director may approve the use of alternative reliable methods of valuation and rating.

9. Except as otherwise provided in this section, the provisions of sections 375.1150 to 375.1246 shall apply in full to a sponsored captive insurance company. Upon any order of supervision, rehabilitation, or liquidation of a sponsored captive insurance company, the receiver shall manage the assets and liabilities of the sponsored captive insurance company under this section. Notwithstanding the provisions of sections 375.1150 to 375.1246:

(1) The assets of a protected cell shall not be used to pay any expense or claims other than those attributable to such protected cell; and

(2) A sponsored captive insurance company's capital and surplus shall at all times be available to pay any expenses of or claims against the sponsored captive insurance company.

Approved May 16, 2013

SB 306 [SB 306]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Allows the Board of Pharmacy to test the drugs possessed by licensees

AN ACT to repeal section 338.150, RSMo, and to enact in lieu thereof one new section relating to pharmaceutical testing by the board of pharmacy.

SECTION

A. Enacting clause.
338.150. Inspections by authorized representatives of board, where — testing program authorized — rulemaking authority.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Section 338.150, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 338.150, to read as follows:

338.150. INSPECTIONS BY AUTHORIZED REPRESENTATIVES OF BOARD, WHERE — TESTING PROGRAM AUTHORIZED — RULEMAKING AUTHORITY. — **1.** Any person authorized by the board of pharmacy is hereby given the right of entry and inspection upon all open premises purporting or appearing to be drug or chemical stores, apothecary shops, pharmacies or places of business for exposing for sale, or the dispensing or selling of drugs, pharmaceuticals, medicines, chemicals or poisons or for the compounding of physicians' or veterinarians' prescriptions.

2. The board may establish and implement a program for testing drugs or drug products maintained, compounded, filled, or dispensed by licensees, registrants, or permit holders of the board. The board shall pay all testing costs and shall reimburse the licensee, registrant, or permit holder for the reasonable, usual, and customary cost of the drug or drug product requested for testing.

3. The board shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

Approved May 16, 2013

SB 324 [SCS SB 324]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Regulates the sale of travel insurance and establishes a limited lines travel insurance producer licensure system

AN ACT to amend chapter 375, RSMo, by adding thereto one new section relating to limited lines travel insurance producer licensing.

SECTION
A. Enacting clause.
375.159. Limited lines travel insurance producer — definitions — authorized activities, limitations — rulemaking authority.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Chapter 375, RSMo, is amended by adding thereto one new section, to be known as section 375.159, to read as follows:

375.159. LIMITED LINES TRAVEL INSURANCE PRODUCER — DEFINITIONS — AUTHORIZED ACTIVITIES, LIMITATIONS — RULEMAKING AUTHORITY. — 1. As used in this section, the following terms shall mean:

(1) "Limited lines travel insurance producer", a:

(a) Licensed managing general agent as provided by sections 375.147 to 375.153; or

(b) Licensed insurance producer as provided by chapter 375; designated by the insurer as the travel insurance supervising entity as set forth in subsection 5 of this section below;

(2) "Offer and disseminate", provide general information, including a description of the coverage and price, as well as process the application, collect premiums, and perform other non-licensable activities permitted by the state;

(3) "Travel insurance", insurance coverage for personal risks incident to planned travel, including, but not limited to:

(a) Interruption or cancellation of trip or event;

(b) Loss of baggage or personal effects;

(c) Damages to accommodations or rental vehicles; or

(d) Sickness, accident, disability, or death occurring during travel.

Travel insurance does not include major medical plans, which provide comprehensive medical protection for travelers with trips lasting six months or longer, including, for

example, those persons working overseas as expatriates or military personnel being deployed;

(4) "Travel retailer", a business entity that makes, arranges, or offers travel services and may offer and disseminate travel insurance as a service to its customers on behalf of and under the direction of a limited lines travel insurance producer.

2. Notwithstanding any other provision of law:

(1) A travel retailer may offer and disseminate travel insurance on behalf of and under the control of a limited lines travel insurance producer only if the following conditions are met:

(a) The limited lines travel insurance producer or travel retailer provides to purchasers of travel insurance:

a. A description of the material terms or the actual material terms of the insurance coverage;

b. A description of the process for filing a claim;

c. A description of the review or cancellation process for the travel insurance policy; and

d. The identity and contact information of the insurer and limited lines travel insurance producer;

(b) At the time of licensure, the limited lines travel insurance producer shall establish and maintain a register on a form prescribed by the director of each travel retailer that offers travel insurance on the limited lines travel insurance producer's behalf. The register shall be maintained and updated annually by the limited lines travel insurance producer and shall include the name, address, and contact information of the travel retailer and an officer or person who directs or controls the travel retailer's operations, and the travel retailer's federal tax identification number. The limited lines travel insurance producer shall submit such register within thirty days upon request by the department. The limited lines travel insurance producer shall also certify that the travel retailer register complies with 18 U.S.C. 1033;

(c) The limited lines travel insurance producer has designated one of its employees who is a licensed individual producer as a person responsible for the business entity's compliance with the travel insurance laws, rules, and regulations of this state;

(d) The designated person under paragraph (c) of this subdivision, president, secretary, treasurer, and any other officer or person who directs or controls the limited lines travel insurance producer's insurance operations complies with the fingerprinting requirements applicable to insurance producers in the resident state of the business entity;

(e) The limited lines travel insurance producer has paid all applicable insurance producer licensing fees as set forth in applicable state law;

(f) The limited lines travel insurance producer requires each employee and authorized representative of the travel retailer whose duties include offering and disseminating travel insurance to receive a program of instruction or training, which may be subject to review by the director. The training material shall, at a minimum, contain instructions on the types of insurance offered, ethical sales practices, and required disclosures to prospective customers;

(2) Any travel retailer offering or disseminating travel insurance shall make available to prospective purchasers brochures or other written materials that:

(a) Provide the identity and contact information of the insurer and the limited lines travel insurance producer;

(b) Explain that the purchase of travel insurance is not required to purchase any other product or service from the travel retailer; and

(c) Explain that an unlicensed travel retailer is permitted to provide general information about the insurance offered by the travel retailer, including a description of the coverage and price, but is not qualified or authorized to answer technical questions

about the terms and conditions of the insurance offered by the travel retailer or to evaluate the adequacy of the customer's existing insurance coverage;

(3) A travel retailer's employee or authorized representative, who is not licensed as an insurance producer, may not:

(a) Evaluate or interpret the technical terms, benefits, and conditions of the offered travel insurance coverage;

(b) Evaluate or provide advice concerning a prospective purchaser's existing insurance coverage; or

(c) Hold themselves or itself out as a licensed insurer, licensed producer, or insurance expert.

3. Notwithstanding any other provision of law, a travel retailer whose insurance-related activities, and those of its employees and authorized representatives, are limited to offering and disseminating travel insurance on behalf of and under the direction of a limited lines travel insurance producer meeting the conditions stated in this section, is authorized to do so and receive related compensation, upon registration by the limited lines travel insurance producer as described in paragraph (b) of subdivision (1) of subsection 2 of this section.

4. Travel insurance may be provided under an individual policy or under a group or master policy.

5. As the insurer designee, the limited lines travel insurance producer is responsible for the acts of the travel retailer and shall use reasonable means to ensure compliance by the travel retailer with this section.

6. The limited lines travel insurance producer and any travel retailer offering and disseminating travel insurance under the limited lines travel insurance producer license shall be subject to the provisions of chapters 374 and 375, except as provided for in this section.

7. The director may promulgate rules to effectuate this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

Approved May 16, 2013

SB 327 [CCS SB 327]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Modifies provisions relating to electronic monitoring of criminal defendants and DWI courts

AN ACT to repeal sections 478.007, 544.455, and 557.011, RSMo, and to enact in lieu thereof three new sections relating to the supervision of criminal offenders, with existing penalty provisions.

SECTION

A. Enacting clause.

478.007. DWI, alternative disposition of cases, docket or court may be established — private probation services, when (Jackson County).
544.455. Release of person charged, when — conditions which may be imposed.
557.011. Authorized dispositions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 478.007, 544.455, and 557.011, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 478.007, 544.455, and 557.011, to read as follows:

478.007. DWI, ALTERNATIVE DISPOSITION OF CASES, DOCKET OR COURT MAY BE ESTABLISHED — PRIVATE PROBATION SERVICES, WHEN (JACKSON COUNTY). — 1. Any circuit court, or any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants with a county municipal court established under section 66.010, may establish a docket or court to provide an alternative for the judicial system to dispose of cases in which a person has pleaded guilty to driving while intoxicated or driving with excessive blood alcohol content and:

(1) The person was operating a motor vehicle with at least fifteen-hundredths of one percent or more by weight of alcohol in such person's blood; or

(2) The person has previously pleaded guilty to or has been found guilty of one or more intoxication-related traffic offenses as defined by section 577.023; or

(3) The person has two or more previous alcohol-related enforcement contacts as defined in section 302.525.

2. This docket or court shall combine judicial supervision, drug testing, continuous alcohol monitoring, substance abuse traffic offender program compliance, and treatment of DWI court participants. The court may assess any and all necessary costs for participation in DWI court against the participant. Any money received from such assessed costs by a court from a defendant shall not be considered court costs, charges, or fines. This docket or court may operate in conjunction with a drug court established pursuant to sections 478.001 to 478.006.

3. If the division of probation and parole is otherwise unavailable to assist in the judicial supervision of any person who wishes to enter a DWI court, a court-approved private probation service may be utilized by the DWI court to fill the division's role. In such case, any and all necessary additional costs may be assessed against the participant. No person shall be rejected from participating in DWI court solely for the reason that the person does not reside in the city or county where the applicable DWI court is located but the DWI court can base acceptance into a treatment court program on its ability to adequately provide services for the person or handle the additional caseload.

544.455. RELEASE OF PERSON CHARGED, WHEN — CONDITIONS WHICH MAY BE IMPOSED. — 1. Any person charged with a bailable offense, at his or her appearance before an associate circuit judge or judge may be ordered released pending trial, appeal, or other stage of the proceedings against him on his personal recognizance, unless the associate circuit judge or judge determines, in the exercise of his discretion, that such a release will not reasonably assure the appearance of the person as required. When such a determination is made, the associate circuit judge or judge may either in lieu of or in addition to the above methods of release, impose any or any combination of the following conditions of release which will reasonably assure the appearance of the person for trial:

(1) Place the person in the custody of a designated person or organization agreeing to supervise him;

(2) Place restriction on the travel, association, or place of abode of the person during the period of release;

(3) Require the execution of a bail bond with sufficient solvent sureties, or the deposit of cash in lieu thereof;

(4) Require the person to report regularly to some officer of the court, or peace officer, in such manner as the associate circuit judge or judge directs;

(5) Require the execution of a bond in a given sum and the deposit in the registry of the court of ten percent, or such lesser percent as the judge directs, of the sum in cash or negotiable bonds of the United States or of the state of Missouri or any political subdivision thereof;

(6) Place the person on house arrest with electronic monitoring**[**,**];** except that all costs associated with the electronic monitoring shall be charged to the person on house arrest. If the judge finds the person unable to afford the costs associated with electronic monitoring, **[**then**]** the judge **[**shall not**] may** order that the person be placed on house arrest with electronic monitoring **if the county commission agrees to pay from the general revenue of the county the costs of such monitoring. If the person on house arrest is unable to afford the costs associated with electronic monitoring and the county commission does not agree to pay the costs of such electronic monitoring, the judge shall not order that the person be placed on house arrest with electronic monitoring**;

(7) Impose any other condition deemed reasonably necessary to assure appearance as required, including a condition requiring that the person return to custody after specified hours.

2. In determining which conditions of release will reasonably assure appearance, the associate circuit judge or judge shall, on the basis of available information, take into account the nature and circumstances of the offense charged, the weight of the evidence against the accused, the accused's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and his record of appearance at court proceedings or flight to avoid prosecution or failure to appear at court proceedings.

3. An associate circuit judge or judge authorizing the release of a person under this section shall issue an appropriate order containing a statement of the conditions imposed, if any, shall inform such person of the penalties applicable to violations of the conditions of his release and shall advise him that a warrant for his arrest will be issued immediately upon any such violation.

4. A person for whom conditions of release are imposed and who after twenty-four hours from the time of the release hearing continues to be detained as a result of his inability to meet the conditions of release, shall, upon application, be entitled to have the condition reviewed by the associate circuit judge or judge who imposed them. The motion shall be determined promptly.

5. An associate circuit judge or judge ordering the release of a person on any condition specified in this section may at any time amend his order to impose additional or different conditions of release; except that, if the imposition of such additional or different conditions results in the detention of the person as a result of his inability to meet such conditions or in the release of the person on a condition requiring him to return to custody after specified hours, the provisions of subsection 4 **of this section** shall apply.

6. Information stated in, or offered in connection with, any order entered pursuant to this section need not conform to the rules pertaining to the admissibility of evidence in a court of law.

7. Nothing contained in this section shall be construed to prevent the disposition of any case or class of cases by forfeiture of collateral security where such disposition is authorized by the court.

8. Persons charged with violations of municipal ordinances may be released by a municipal judge or other judge who hears and determines municipal ordinance violation cases of the municipality involved under the same conditions and in the same manner as provided in this section for release by an associate circuit judge.

9. A circuit court may adopt a local rule authorizing the pretrial release on electronic monitoring pursuant to subdivision (6) of subsection 1 of this section in lieu of incarceration of individuals charged with offenses specifically identified therein.

557.011. AUTHORIZED DISPOSITIONS. — 1. Every person found guilty of an offense shall be dealt with by the court in accordance with the provisions of this chapter, except that for offenses defined outside this code and not repealed, the term of imprisonment or the fine that may be imposed is that provided in the statute defining the offense; however, the conditional release term of any sentence of a term of years shall be determined as provided in subsection 4 of section 558.011.

2. Whenever any person has been found guilty of a felony or a misdemeanor the court shall make one or more of the following dispositions of the offender in any appropriate combination. The court may:

(1) Sentence the person to a term of imprisonment as authorized by chapter 558;

(2) Sentence the person to pay a fine as authorized by chapter 560;

(3) Suspend the imposition of sentence, with or without placing the person on probation;

(4) Pronounce sentence and suspend its execution, placing the person on probation;

(5) Impose a period of detention as a condition of probation, as authorized by section 559.026.

3. Whenever any person has been found guilty of an infraction, the court shall make one or more of the following dispositions of the offender in any appropriate combination. The court may:

(1) Sentence the person to pay a fine as authorized by chapter 560;

(2) Suspend the imposition of sentence, with or without placing the person on probation;

(3) Pronounce sentence and suspend its execution, placing the person on probation.

4. Whenever any organization has been found guilty of an offense, the court shall make one or more of the following dispositions of the organization in any appropriate combination. The court may:

(1) Sentence the organization to pay a fine as authorized by chapter 560;

(2) Suspend the imposition of sentence, with or without placing the organization on probation;

(3) Pronounce sentence and suspend its execution, placing the organization on probation;

(4) Impose any special sentence or sanction authorized by law.

5. This chapter shall not be construed to deprive the court of any authority conferred by law to decree a forfeiture of property, suspend or cancel a license, remove a person from office, or impose any other civil penalty. An appropriate order exercising such authority may be included as part of any sentence.

6. In the event a sentence of confinement is ordered executed, a court may order that an individual serve all or any portion of such sentence on electronic monitoring**[**,**];** except that all costs associated with the electronic monitoring shall be charged to the person on house arrest. If the judge finds the person unable to afford the costs associated with electronic monitoring, **[**then**]** the judge **[**shall not**] may** order that the person be placed on house arrest with electronic monitoring **if the county commission agrees to pay the costs of such monitoring. If the person on house arrest is unable to afford the costs associated with electronic monitoring and the county commission does not agree to pay from the general revenue of the county the costs of such electronic monitoring, the judge shall not order that the person be placed on house arrest with electronic monitoring**.

Approved July 3, 2013

SB 329 [SB 329]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Modifies the definition of eggs

AN ACT to repeal section 196.311, RSMo, and to enact in lieu thereof one new section relating to eggs.

SECTION
A. Enacting clause.
196.311. Definitions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Section 196.311, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 196.311, to read as follows:

196.311. DEFINITIONS. — Unless otherwise indicated by the context, when used in sections 196.311 to 196.361:

(1) "Consumer" means any person who purchases eggs for his or her own family use or consumption; or any restaurant, hotel, boardinghouse, bakery, or other institution or concern which purchases eggs for serving to guests or patrons thereof, or for its own use in cooking, baking, or manufacturing their products;

(2) "Container" means any box, case, basket, carton, sack, bag, or other receptacle. "Subcontainer" means any container when being used within another container;

(3) "Dealer" means any person who purchases eggs from the producers thereof, or another dealer, for the purpose of selling such eggs to another dealer, a processor, or retailer;

(4) "Denatured" means eggs (a) made unfit for human food by treatment or the addition of a foreign substance, or (b) with one-half or more of the shell's surface covered by a permanent black, dark purple or dark blue dye;

(5) "Director" means the director of the department of agriculture;

(6) "Eggs" means **[**eggs in the shell from chickens**] the shell eggs of a domesticated chicken, turkey, duck, goose, or guinea that are intended for human consumption**;

(7) "Inedible eggs" means eggs which are defined as such in the rules and regulations of the director adopted under sections 196.311 to 196.361, which definition shall conform to the specifications adopted therefor by the United States Department of Agriculture;

(8) "Person" means and includes any individual, firm, partnership, exchange, association, trustee, receiver, corporation or any other business organization, and any member, officer or employee thereof;

(9) "Processor" means any person engaged in breaking eggs or manufacturing or processing egg liquids, whole egg meats, yolks, whites, or any mixture of yolks and whites, with or without the addition of other ingredients, whether chilled, frozen, condensed, concentrated, dried, powdered or desiccated;

(10) "Retailer" means any person who sells eggs to a consumer;

(11) "Sell" means offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade.

Approved May 10, 2013

SB 330 [CCS#2 HCS SB 330]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Modifies provisions relating to professional licenses

AN ACT to repeal sections 331.100, 332.093, 334.104, 346.050, 346.055, 346.085, and 453.070, RSMo, and to enact in lieu thereof six new sections relating to professional licenses.

SECTION

A. Enacting clause.
331.100. Organization of board — duty of officers — compensation, powers — meetings — liability for official acts.
332.093. Practice as a dental assistant defined.
334.104. Collaborative practice arrangements, form, contents, delegation of authority — rules, approval, restrictions — disciplinary actions — notice of collaborative practice or physician assistant agreements to board, when — certain nurses may provide anesthesia services, when — contract limitations.
346.055. Requirements for license by examination.
346.085. Examination — standards to be promulgated.
453.070. Investigations precondition for adoption — contents of investigation report — how conducted — assessments of adoptive parents, contents — waiving of investigation, when — fees — preference to foster parents, when.
346.050. Licensing of persons meeting equivalent or stricter requirements of other states, authorized.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 331.100, 332.093, 334.104, 346.050, 346.055, 346.085, and 453.070, RSMo, are repealed and six new sections, to be known as sections 331.100, 332.093, 334.104, 346.055, 346.085, and 453.070, to read as follows:

331.100. ORGANIZATION OF BOARD — DUTY OF OFFICERS — COMPENSATION, POWERS — MEETINGS — LIABILITY FOR OFFICIAL ACTS. — 1. The board shall elect a president and secretary at the first regular meeting held after January first of each year. Each member of the board shall receive as compensation for his services the sum of fifty dollars per day while discharging the actual duties of the board, and each member shall receive necessary traveling expenses while actually engaged in the performance of his duties as a member of the board.

2. The board shall have a common seal, and shall adopt rules and regulations for the application and enforcement of this chapter. The president and secretary shall have power to administer oaths. Four members shall constitute a quorum. They shall publish the dates and places for examinations at least thirty days prior to the meeting. The board shall create no expenses exceeding the sums received from time to time as herein provided.

3. The board shall employ such board personnel as may be necessary to carry out the provisions of this chapter. Board personnel shall include an executive secretary or comparable position, inspectors, investigators, attorneys, and secretarial support staff for these positions.

4. Board personnel shall have their duties and compensation prescribed by the board within appropriations for that purpose, except that compensation for board personnel shall not exceed that established for comparable positions, as determined by the board, under the job and pay plan of the department of insurance, financial institutions and professional registration.

5. Members of the board shall not be personally liable either jointly or separately for any act or acts committed in the performance of their official duties as board members **[**except gross negligence**]**.

332.093. PRACTICE AS A DENTAL ASSISTANT DEFINED. — Any person "practices as a dental assistant" within the meaning of this chapter who provides patient services in cooperation with and under the direct supervision of a currently registered and licensed dentist in Missouri. A currently registered and licensed dentist may delegate to a dental assistant, certified dental assistant or expanded functions dental assistant, under their direct supervision, such reversible acts that would be considered the practice of dentistry as defined in section 332.071 provided such delegation is done pursuant to the terms and conditions of a rule adopted by the Missouri dental board pursuant to section 332.031; except that, no such rule may allow delegation of acts that conflict with the practice of dental hygiene as defined in section 332.091, with the exception that polishing of teeth**, placement of pit or fissure sealants, and application of topical fluoride** may be delegated to a dental assistant, certified dental assistant or expanded-functions dental assistant.

334.104. COLLABORATIVE PRACTICE ARRANGEMENTS, FORM, CONTENTS, DELEGATION OF AUTHORITY — RULES, APPROVAL, RESTRICTIONS — DISCIPLINARY ACTIONS — NOTICE OF COLLABORATIVE PRACTICE OR PHYSICIAN ASSISTANT AGREEMENTS TO BOARD, WHEN — CERTAIN NURSES MAY PROVIDE ANESTHESIA SERVICES, WHEN — CONTRACT LIMITATIONS. — 1. A physician may enter into collaborative practice arrangements with registered professional nurses. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the registered professional nurse and is consistent with that nurse's skill, training and competence.

2. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer, dispense or prescribe drugs and provide treatment if the registered professional nurse is an advanced practice **registered** nurse as defined in subdivision (2) of section 335.016. Collaborative practice arrangements may delegate to an advanced practice registered nurse, as defined in section 335.016, the authority to administer, dispense, or prescribe controlled substances listed in Schedules III, IV, and V of section 195.017; except that, the collaborative practice arrangement shall not delegate the authority to administer any controlled substances listed in schedules III, IV, and V of section 195.017 for the purpose of inducing sedation or general anesthesia for therapeutic, diagnostic, or surgical procedures. Schedule III narcotic controlled substance prescriptions shall be limited to a one hundred twenty-hour supply without refill. Such collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols or standing orders for the delivery of health care services.

3. The written collaborative practice arrangement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the advanced practice registered nurse;

(2) A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the advanced practice registered nurse to prescribe;

(3) A requirement that there shall be posted at every office where the advanced practice registered nurse is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an advanced practice registered nurse and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the advanced practice registered nurse;

(5) The manner of collaboration between the collaborating physician and the advanced practice registered nurse, including how the collaborating physician and the advanced practice registered nurse will:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(b) Maintain geographic proximity**, except the collaborative practice arrangement may allow for geographic proximity to be waived for a maximum of twenty-eight days per calendar year for rural health clinics as defined by P.L. 95-210, as long as the collaborative practice arrangement includes alternative plans as required in paragraph (c) of this subdivision. This exception to geographic proximity shall apply only to independent rural health clinics, provider-based rural health clinics where the provider is a critical access hospital as provided in 42 U.S.C. 1395i-4, and provider-based rural health clinics where the main location of the hospital sponsor is greater than fifty miles from the clinic. The collaborating physician is required to maintain documentation related to this requirement and to present it to the state board of registration for the healing arts when requested**; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;

(6) A description of the advanced practice registered nurse's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the nurse to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;

(7) A list of all other written practice agreements of the collaborating physician and the advanced practice registered nurse;

(8) The duration of the written practice agreement between the collaborating physician and the advanced practice registered nurse;

(9) A description of the time and manner of the collaborating physician's review of the advanced practice registered nurse's delivery of health care services. The description shall include provisions that the advanced practice registered nurse shall submit a minimum of ten percent of the charts documenting the advanced practice registered nurse's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every fourteen days; and

(10) The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in which the advanced practice registered nurse prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (9) of this subsection.

4. The state board of registration for the healing arts pursuant to section 334.125 and the board of nursing pursuant to section 335.036 may jointly promulgate rules regulating the use of collaborative practice arrangements. Such rules shall be limited to specifying geographic areas to be covered, the methods of treatment that may be covered by collaborative practice arrangements and the requirements for review of services provided pursuant to collaborative practice arrangements including delegating authority to prescribe controlled substances. Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither the state board of registration for the healing arts nor the board of nursing may separately promulgate rules relating to collaborative practice arrangements. Such jointly promulgated rules shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection

shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined pursuant to chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

5. The state board of registration for the healing arts shall not deny, revoke, suspend or otherwise take disciplinary action against a physician for health care services delegated to a registered professional nurse provided the provisions of this section and the rules promulgated thereunder are satisfied. Upon the written request of a physician subject to a disciplinary action imposed as a result of an agreement between a physician and a registered professional nurse or registered physician assistant, whether written or not, prior to August 28, 1993, all records of such disciplinary licensure action and all records pertaining to the filing, investigation or review of an alleged violation of this chapter incurred as a result of such an agreement shall be removed from the records of the state board of registration for the healing arts and the division of professional registration and shall not be disclosed to any public or private entity seeking such information from the board or the division. The state board of registration for the healing arts shall take action to correct reports of alleged violations and disciplinary actions as described in this section which have been submitted to the National Practitioner Data Bank. In subsequent applications or representations relating to his medical practice, a physician completing forms or documents shall not be required to report any actions of the state board of registration for the healing arts for which the records are subject to removal under this section.

6. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice agreement, including collaborative practice agreements delegating the authority to prescribe controlled substances, or physician assistant agreement and also report to the board the name of each licensed professional with whom the physician has entered into such agreement. The board may make this information available to the public. The board shall track the reported information and may routinely conduct random reviews of such agreements to ensure that agreements are carried out for compliance under this chapter.

7. Notwithstanding any law to the contrary, a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 shall be permitted to provide anesthesia services without a collaborative practice arrangement provided that he or she is under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed. Nothing in this subsection shall be construed to prohibit or prevent a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 from entering into a collaborative practice arrangement under this section, except that the collaborative practice arrangement may not delegate the authority to prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017.

8. A collaborating physician shall not enter into a collaborative practice arrangement with more than three full-time equivalent advanced practice registered nurses. This limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

9. It is the responsibility of the collaborating physician to determine and document the completion of at least a one-month period of time during which the advanced practice registered nurse shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present. This limitation shall not apply to collaborative arrangements of providers of population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

10. No agreement made under this section shall supersede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020 if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

11. No contract or other agreement shall require a physician to act as a collaborating physician for an advanced practice registered nurse against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular advanced practice registered nurse. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any advanced practice registered nurse, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by hospital's medical staff.

12. No contract or other agreement shall require any advanced practice registered nurse to serve as a collaborating advanced practice registered nurse for any collaborating physician against the advanced practice registered nurse's will. An advanced practice registered nurse shall have the right to refuse to collaborate, without penalty, with a particular physician.

346.055. REQUIREMENTS FOR LICENSE BY EXAMINATION. — 1. An applicant may obtain a license by successfully passing a qualifying examination of the type described in sections 346.010 to 346.250, provided the applicant:

(1) Is at least **[**twenty-one**]** **eighteen** years of age; **and**

(2) Is of good moral character; and

(3) **[**Until December 31, 2008, has an education equivalent to at least a high school diploma from an accredited high school.

2. Beginning January 1, 2009, an applicant for a hearing instrument specialist license or a hearing instrument specialist-in-training permit shall demonstrate successful completion of a minimum of sixty semester hours, or its equivalent, at a state or regionally accredited institution of higher education.

3. Beginning January 1, 2011, an applicant for a hearing instrument specialist license or a hearing instrument specialist-in-training permit shall hold an associate's level degree or higher from a state or regionally accredited institution of higher education.

4. Beginning January 1, 2013, or any date thereafter when an associate degree program in hearing instrument sciences is available from a state or regionally accredited institution within Missouri, an applicant for a hearing instrument specialist license or a hearing instrument specialist-in-training permit shall hold:

(1) An associate's degree or higher in hearing instrument sciences; or

(2) A master's or doctoral degree in audiology from a state or regionally accredited institution**] (a) Holds an associate's degree or higher, from a state or regionally accredited institution of higher education, in hearing instrument sciences; or**

(b) Holds an associate's level degree or higher, from a state or regionally accredited institution of higher education, and submits proof of completion of the International Hearing Society's Distance Learning for Professionals in Hearing Health Sciences course, and submits proof of completion of the Hearing Instrument Specialists in Training program as established by the Board of Examiners for Hearing Instrument Specialists; or

(c) Holds a master's or doctoral degree in audiology from a state or regionally accredited institution; or

(d) Holds a current, unsuspended, unrevoked license from another jurisdiction if the standards for licensing in such other jurisdiction, as determined by the board, are substantially equivalent to or exceed those required in paragraphs (a) or (b) of subdivision (3) of this subsection; or

(e) Holds a current, unsuspended, unrevoked license from another jurisdiction, has been actively practicing as a licensed hearing aid fitter or dispenser in another jurisdiction for no less than forty-eight of the last seventy-two months, and submits proof of completion of advance certification from either the International Hearing Society of the National Board for Certification in Hearing Instrument Sciences.

[5.**]** **2.** The provisions of **[**subsections 2, 3, and 4**]** **subsection 1** of this section shall not apply to any person holding a valid Missouri hearing instrument specialist license under this chapter when applying for the renewal of that license. These provisions shall apply to any person holding a hearing instrument specialist-in-training permit at the time of their application for licensure or renewal of said permit.

3. (1) The board shall promulgate reasonable standards and rules for the evaluation of applicants for purposes of determining the course of instruction and training required of each applicant for a hearing instrument specialist license under the requirement of subdivision (3) of subsection 1 of this section.

(2) Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective ate, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

346.085. EXAMINATION — STANDARDS TO BE PROMULGATED. — 1. The qualifying examination provided in section 346.060 shall be designed to demonstrate the applicant's adequate technical qualifications in the practice of fitting hearing instruments as defined by the board.

2. The board shall promulgate reasonable standards and rules that identify and describe the required technical knowledge and skill of fitting hearing instruments necessary to prepare each applicant for licensure by testing. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

453.070. INVESTIGATIONS PRECONDITION FOR ADOPTION — CONTENTS OF INVESTIGATION REPORT — HOW CONDUCTED — ASSESSMENTS OF ADOPTIVE PARENTS, CONTENTS — WAIVING OF INVESTIGATION, WHEN — FEES — PREFERENCE TO FOSTER PARENTS, WHEN. — 1. Except as provided in subsection 5 of this section, no decree for the adoption of a child under eighteen years of age shall be entered for the petitioner or petitioners in such adoption as ordered by the juvenile court having jurisdiction, until a full investigation, which includes an assessment of the adoptive parents, an appropriate postplacement assessment and a summary of written reports as provided for in section 453.026, and any other pertinent information relevant to whether the child is suitable for adoption by the petitioner and whether the petitioner is suitable as a parent for the child, has been made. The report shall also include a statement to the effect that the child has been considered as a potential subsidy recipient.

2. Such investigation shall be made, as directed by the court having jurisdiction, either by the division of family services of the **[**state**]** department of social services, a juvenile court officer, a licensed child-placement agency, a social worker **[**licensed pursuant to chapter 337**]**, **a professional counselor, or a psychologist licensed under chapter 337 and associated with a licensed child-placement agency,** or other suitable person appointed by the court. The results of such investigation shall be embodied in a written report that shall be submitted to the court within ninety days of the request for the investigation.

3. The department of social services, division of family services, shall develop rules and regulations regarding the content of the assessment of the petitioner or petitioners. The content of the assessment shall include but not be limited to, a report on the condition of the petitioner's home and information on the petitioner's education, financial, marital, medical and psychological status and criminal background check. If an assessment is conducted after August 28, 1997, but prior to the promulgation of rules and regulations by the department concerning the contents of such assessment, any discrepancy between the contents of the actual assessment and the contents of the assessment required by department rule shall not be used as the sole basis for invalidating an adoption. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

4. The assessment of petitioner or petitioners shall be submitted to the petitioner and to the court prior to the scheduled hearing of the adoptive petition.

5. In cases where the adoption or custody involves a child under eighteen years of age that is the natural child of one of the petitioners and where all of the parents required by this chapter to give consent to the adoption or transfer of custody have given such consent, the juvenile court may waive the investigation and report, except the criminal background check, and enter the decree for the adoption or order the transfer of custody without such investigation and report.

6. In the case of an investigation and report made by the division of family services by order of the court, the court may order the payment of a reasonable fee by the petitioner to cover the costs of the investigation and report.

7. Any adult person or persons over the age of eighteen, who, as foster parent or parents, have cared for a foster child continuously for a period of nine months or more and bonding has occurred as evidenced by the positive emotional and physical interaction between the foster parent and child, may apply to such authorized agency for the placement of such child with them for the purpose of adoption if the child is eligible for adoption. The agency and court shall give preference and first consideration for adoptive placements to foster parents. However, the final determination of the propriety of the adoption of such foster child shall be within the sole discretion of the court.

8. (1) Nothing in this section shall be construed to permit discrimination on the basis of disability or disease of a prospective adoptive parent.

(2) The disability or disease of a prospective adoptive parent shall not constitute a basis for a determination that the petitioner is unfit or not suitable to be an adoptive parent without a specific showing that there is a causal relationship between the disability or disease and a substantial and significant risk of harm to a child.

[346.050. LICENSING OF PERSONS MEETING EQUIVALENT OR STRICTER REQUIREMENTS OF OTHER STATES, AUTHORIZED. — Whenever the board determines that another state or jurisdiction has requirements equivalent to or higher than those in effect pursuant to sections 346.010 to 346.250 and that such state or jurisdiction has a program equivalent to or stricter than the program for determining whether an applicant, pursuant to sections 346.010 to 346.250 is qualified to engage in the practice of fitting hearing instruments, the board shall issue a license to applicants who hold current, unsuspended and unrevoked certificates or licenses to fit hearing instruments in such other state or jurisdiction provided that such jurisdiction extends like privileges for reciprocal licensing or certification to persons licensed by this state with similar qualifications. No such applicant for licensure shall be required to submit to or undergo a qualifying examination other than the payment of fees pursuant to sections 346.045 and 346.095. Such applicant shall be registered in the same manner as licensees in this state. The fee for an initial license issued pursuant to this section shall be the same as the fee for an initial license issued pursuant to section 346.045. Fees, grounds for renewal, and procedures for the suspension and revocation of licenses

granted pursuant to this section shall be the same as for renewal, suspension and revocation of an initial license issued pursuant to section 346.045.**]**

Approved July 8, 2013

SB 357 [SS SB 357]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Modifies the law relating to mechanics' liens for rental machinery and equipment

AN ACT to repeal section 429.010, RSMo, and to enact in lieu thereof one new section relating to statutory liens against real estate.

SECTION
A. Enacting clause.
429.010. Mechanics' and materialmen's lien, who may assert — extent of lien.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Section 429.010, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 429.010, to read as follows:

429.010. MECHANICS' AND MATERIALMEN'S LIEN, WHO MAY ASSERT — EXTENT OF LIEN. — 1. Any person who shall do or perform any work or labor upon land, rent any machinery or equipment, or use any rental machinery or equipment, or furnish any material, fixtures, engine, boiler or machinery for any building, erection or improvements upon land, or for repairing, grading, excavating, or filling of the same, or furnish and plant trees, shrubs, bushes or other plants or provides any type of landscaping goods or services or who installs outdoor irrigation systems under or by virtue of any contract with the owner or proprietor thereof, or his or her agent, trustee, contractor or subcontractor, or without a contract if ordered by a city, town, village or county having a charter form of government to abate the conditions that caused a structure on that property to be deemed a dangerous building under local ordinances pursuant to section 67.410, upon complying with the provisions of sections 429.010 to 429.340, shall have for his or her work or labor done, machinery or equipment rented or materials, fixtures, engine, boiler, machinery, trees, shrubs, bushes or other plants furnished, or any type of landscaping goods or services provided, a lien upon such building, erection or improvements, and upon the land belonging to such owner or proprietor on which the same are situated, to the extent of three acres; or if such building, erection or improvements be upon any lot of land in any town, city or village, or if such building, erection or improvements be for manufacturing, industrial or commercial purposes and not within any city, town or village, then such lien shall be upon such building, erection or improvements, and the lot, tract or parcel of land upon which the same are situated, and not limited to the extent of three acres, to secure the payment of such work or labor done, machinery or equipment rented, or materials, fixtures, engine, boiler, machinery, trees, shrubs, bushes or other plants or any type of landscaping goods or services furnished, or outdoor irrigation systems installed; except that if such building, erection or improvements be not within the limits of any city, town or village, then such lien shall be also upon the land to the extent necessary to provide a roadway for ingress to and egress from the lot, tract or parcel of land upon which such building, erection or improvements are situated, not to exceed forty feet in width, to the nearest public road or highway. Such lien shall be enforceable only against the property of the original purchaser of such plants unless the lien is filed against the property prior to the

conveyance of such property to a third person. For claims involving the rental of machinery or equipment **[**to others who use the rental machinery or equipment**]**, the lien shall be for the reasonable rental value of the machinery or equipment during the period of actual use and any periods of nonuse taken into account in the rental contract, while the machinery or equipment is on the property in question.

2. There shall be no lien involving the rental of machinery or equipment unless:

(1) The improvements are made on commercial property;

(2) The amount of the claim exceeds five thousand dollars; and

(3) The party claiming the lien provides written notice within **[**five**]** **fifteen** business days of the commencement of the use of the rental machinery or equipment to the property owner that rental machinery or equipment is being used upon their property. Such notice shall identify the name of the entity that rented the machinery or equipment**[**,**]** **and** the machinery or equipment being rented**[**, and the rental rate**]**.

Nothing contained in this subsection shall apply to persons who use rented machinery or equipment in performing the work or labor described in subsection 1 of this section.

Approved June 28, 2013

SB 376 [SCS SB 376]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Allows hospital districts to permit higher education institutions to use space for health care education or training

AN ACT to repeal section 206.110, RSMo, and to enact in lieu thereof one new section relating to the powers of hospital districts.

SECTION

A. Enacting clause.

206.110. Powers of hospital district.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Section 206.110, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 206.110, to read as follows:

206.110. POWERS OF HOSPITAL DISTRICT. — 1. A hospital district, both within and outside such district, except in counties of the third or fourth classification (other than within the district boundaries) where there already exists a hospital organized pursuant to chapters 96, 205 or this chapter; provided, however, that this exception shall not prohibit the continuation or expansion of existing activities otherwise allowed by law, shall have and exercise the following governmental powers, and all other powers incidental, necessary, convenient or desirable to carry out and effectuate the express powers:

(1) To establish and maintain a hospital or hospitals and hospital facilities, and to construct, acquire, develop, expand, extend and improve any such hospital or hospital facility including medical office buildings to provide offices for rental to physicians and dentists on the district hospital's medical or dental staff, and the providing of sites therefor, including offstreet parking space for motor vehicles;

(2) To acquire land in fee simple, rights in land and easements upon, over or across land and leasehold interest in land and tangible and intangible personal property used or useful for the

location, establishment, maintenance, development, expansion, extension or improvement of any hospital or hospital facility. The acquisition may be by dedication, purchase, gift, agreement, lease, use or adverse possession or by condemnation;

(3) To operate, maintain and manage a hospital and hospital facilities, and to make and enter into contracts, for the use, operation or management of a hospital or hospital facilities; to engage in health care activities; and to make and enter into leases of equipment and real property, a hospital or hospital facilities, as lessor or lessee, regardless of the duration of such lease; and to provide rules and regulations for the operation, management or use of a hospital or hospital facilities. Any agreement entered into pursuant to this subsection pertaining to the lease of the hospital shall have a definite termination date as negotiated by the parties, but this shall not preclude the trustees from entering into a renewal of the agreement with the same or other parties pertaining to the same or other subjects upon such terms and conditions as the parties may agree;

(4) To fix, charge and collect reasonable fees and compensation for the use or occupancy of the hospital or any part thereof, or any hospital facility, and for nursing care, medicine, attendance, or other services furnished by the hospital or hospital facilities, according to the rules and regulations prescribed by the board from time to time;

(5) To borrow money and to issue bonds, notes, certificates, or other evidences of indebtedness for the purpose of accomplishing any of its corporate purposes, subject to compliance with any condition or limitation set forth in this chapter or otherwise provided by the Constitution of the state of Missouri;

(6) To employ or enter into contracts for the employment of any person, firm, or corporation, and for professional services, necessary or desirable for the accomplishment of the corporate objects of the district or the proper administration, management, protection or control of its property;

(7) To maintain the hospital for the benefit of the inhabitants of the area comprising the district who are sick, injured, or maimed regardless of race, creed or color, and to adopt such reasonable rules and regulations as may be necessary to render the use of the hospital of the greatest benefit to the greatest number; to exclude from the use of the hospital all persons who willfully disregard any of the rules and regulations so established; to extend the privileges and use of the hospital to persons residing outside the area of the district upon such terms and conditions as the board of directors prescribes by its rules and regulations;

(8) To police its property and to exercise police powers in respect thereto or in respect to the enforcement of any rule or regulation provided by the ordinances of the district and to employ and commission police officers and other qualified persons to enforce the same**;**

(9) To lease to or allow for any institution of higher education to use or occupy the hospital, any real estate or facility owned or leased by the district or any part thereof for the purpose of health care related and general education or training.

2. The use of any hospital or hospital facility of a district shall be subject to the reasonable regulation and control of the district and upon such reasonable terms and conditions as shall be established by its board of directors.

3. A regulatory ordinance of a district adopted under any provision of this section may provide for a suspension or revocation of any rights or privileges within the control of the district for a violation of any such regulatory ordinance.

4. Nothing in this section or in other provisions of this chapter shall be construed to authorize the district or board to establish or enforce any regulation or rule in respect to hospitalization or the operation or maintenance of such hospital or any hospital facilities within its jurisdiction which is in conflict with any federal or state law or regulation applicable to the same subject matter.

Approved May 16, 2013

SB 381 [SCS SB 381]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Creates the Innovation Education Campus Fund and recognizes the University of Central Missouri's Missouri Innovation Campus

AN ACT to amend chapter 178, RSMo, by adding thereto one new section relating to the innovation education campus fund.

SECTION
A. Enacting clause.
178.1100. Definitions — fund created, use of moneys — review by coordinating board — rulemaking authority.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Chapter 178, RSMo, is amended by adding thereto one new section, to be known as section 178.1100, to read as follows:

178.1100. DEFINITIONS — FUND CREATED, USE OF MONEYS — REVIEW BY COORDINATING BOARD — RULEMAKING AUTHORITY. — 1. As used in this section, except in those instances where the context states otherwise, the following words and phrases shall mean:

(1) "Innovation education campus" or "innovation campus", an educational partnership consisting of at least one of each of the following entities:

(a) A local Missouri high school or K-12 school district;

(b) A Missouri four-year public or private higher education institution;

(c) A Missouri-based business or businesses; and

(d) A Missouri two-year public higher education institution or Linn State Technical College;

(2) "Innovation education campus fund" or "fund", the fund to be administered by the commissioner of higher education and in the custody of the state treasurer created under this section to fund the instruction of an innovation campus.

2. There is hereby created in the state treasury the "Innovation Education Campus Fund". The commissioner of higher education shall administer the fund. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the administration of this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

3. The general assembly may appropriate moneys to the fund that shall be used to fund the program of instruction at any innovation education campus.

4. Participating institutions, as provided in this section, may receive moneys from the fund when the following criteria are satisfied:

(1) The innovation education campus demonstrates it is actively working to lower the cost for students to complete a college degree;

(2) The program at the innovation education campus decreases the general amount of time required for a student to earn a college degree;

(3) The innovation education campus provides applied and project-based learning experiences for students and leverages curriculum developed in consultation with partner Missouri business and industry representatives;

(4) Students graduate from the innovation education campus with direct access to internship, apprentice, part-time or full-time career opportunities with Missouri-based businesses that are in partnership with the innovation education campus; and

(5) The innovation education campus engages and partners with industry stakeholders in ongoing program development and program outcomes review.

5. The existing Missouri innovation campus, consisting of the University of Central Missouri, a school district with a student enrollment between seventeen thousand and nineteen thousand students that is located in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, a community college located in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, and private enterprises, has satisfied these criteria and is eligible for funding under this section.

6. The coordinating board for higher education shall conduct a review every five years of any innovation education campus to verify ongoing compliance with the requirements of subsection 4 of this section, including the Missouri innovation campus identified in subsection 5 of this section. As part of its review, the coordinating board shall consult with and take input from each entity that is a partner to an innovation education campus. Business and industry involved in an innovation education campus, either financially or through in-kind support, may provide feedback regarding the curriculum, courses, and investment quality of the innovation education campus to the coordinating board.

7. Any innovation education campus shall annually verify to the coordinating board for higher education that it has satisfied the criteria established in subsection 4 of this section. Upon verification that the criteria are satisfied, moneys from the fund shall be disbursed.

8. If the general assembly appropriates moneys to the fund, the allocation of moneys between entities partnered in an innovation education campus for purposes of operating the innovation education campus shall be determined through the appropriations process. Moneys appropriated to the fund shall not be considered part of the annual appropriation to any institution of higher education or any school district. If an innovation education campus, or any entity that has partnered to create and operate an innovation education campus, receives private funds, such private funds shall not be placed in the fund created in this section.

9. The coordinating board for higher education shall promulgate rules and regulations to implement the provisions of this section. Nothing in this section is intended to conflict with or supercede rules or regulations promulgated by the coordinating board for higher education. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

Approved July 11, 2013

HB 110 [SCS HCS HB 110]

Changes the laws regarding the selection of public officials

AN ACT to repeal sections 115.027, 115.607, 473.730, 473.733, and 473.737, RSMo, and to enact in lieu thereof six new sections relating to the selection of public officials.

Vetoed July 12, 2013

HB 253 [SS HB 253]

Changes the laws regarding the streamlined sales and use tax agreement, tax amnesty, the community development district tax, income tax, sales and use tax, use tax nexus, and the transportation development tax.

AN ACT to repeal sections 32.087, 66.601, 66.620, 67.395, 67.525, 67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305, 67.1545, 67.1712, 67.1713, 67.1775, 67.1959, 67.1971, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 143.011, 143.021, 143.071, 143.151, 143.221, 144.010, 144.014, 144.030, 144.032, 144.043, 144.049, 144.054, 144.069, 144.070, 144.080, 144.083, 144.100, 144.140, 144.210, 144.285, 144.517, 144.526, 144.605, 144.655, 144.710, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, 144.1015, 221.407, 238.235, 238.410, 644.032, RSMo, and to enact in lieu thereof seventy-nine new sections relating to taxation, with penalty provisions, effective dates for certain sections, and an emergency clause.

Vetoed June 5, 2013

HB 278 [HB 278]

Prohibits any state or local governmental entity; public building, park, or school; or public setting or place from banning or restricting the practice, mention, celebration, or discussion of any federal holidays

AN ACT to amend chapter 9, RSMo, by adding thereto one new section relating to federal holidays.

Vetoed July 1, 2013

HB 301 [SCS HB 301]

Changes the laws regarding certain sexual offenses and sexually violent offenders and establishes a prisoner re-entry program for certain offenders

AN ACT to repeal sections 43.650, 160.261, 167.115, 167.171, 168.071, 188.023, 211.071, 211.447, 217.010, 339.100, 556.036, 556.037, 556.061, 558.018, 558.026, 559.115, 559.117, 566.020, 566.030, 566.031, 566.040, 566.060, 566.061, 566.070, 566.090, 566.093, 566.095, 566.100, 566.101, 566.224, 566.226, 589.015, 589.400, 589.402, 590.700, 632.480, 632.498 and 632.505, RSMo, and to enact in lieu thereof thirty-seven new sections relating to sex offenders, with penalty provisions for certain sections and with an emergency clause for certain sections.

Vetoed July 3, 2013

HB 329 [SCS HB 329]

Changes the laws regarding financial institutions

AN ACT to repeal sections 208.010, 361.160, 408.140, 408.590, 408.592, 408.600, and 513.430, RSMo, and to enact in lieu thereof six new sections relating to financial institutions.

Vetoed July 2, 2013

HB 339 [HB 339]

Requires an uninsured motorist to forfeit recovery of noneconomic loss under specified circumstances

AN ACT to amend chapter 303, RSMo, by adding thereto one new section relating to the forfeiture of collecting noneconomic damages for failing to comply with the motor vehicle financial responsibility law.

Vetoed July 3, 2013

HB 436 [SCS HCS HB 436]

Establishes the Second Amendment Preservation Act which rejects all federal acts that infringe on a Missouri citizens' rights under the Second Amendment of the United States Constitution

AN ACT to repeal sections 21.750, 571.030, 571.101, 571.107, 571.117, and 590.010, RSMo, and to enact in lieu thereof fourteen new sections relating to firearms, with a penalty provision.

Vetoed July 5, 2013

HB 611 [SCS HCS HB 611]

Changes the laws regarding employment

AN ACT to repeal sections 285.300, 288.030, 288.040, 288.050, 288.100, and 288.380, RSMo, and to enact in lieu thereof six new sections relating to employment, with penalty provisions.

Vetoed July 2, 2013

HB 650 [SS SCS HB 650]

Changes the laws regarding the Department of Natural Resources

AN ACT to repeal sections 43.543, 60.185, 60.195, 60.301, 60.321, 60.451, 60.510, 60.530, 60.540, 60.550, 60.560, 60.570, 60.580, 60.590, 60.595, 60.600, 60.610, 60.620, 60.653, 60.670, 236.410, 253.090, 253.180, 253.185, 256.117, 258.010, 258.020, 258.030, 258.060, 258.070, 258.080, 260.200, 260.205, 260.235, 260.249, 260.262, 260.365, 260.379, 260.380, 260.390, 260.395, 260.434, 260.475, 261.023, 444.772, 621.250, 640.010, 640.012, 640.017, 640.075, 640.715, 640.725, 643.079, 644.051, 644.052, and 644.054, RSMo, and to enact in lieu thereof sixty-three new sections relating to the department of natural resources, with penalty provisions and an emergency clause for certain sections.

Vetoed July 12, 2013

HB 1035 [CCS#2 SCS HCS HB 1035]

Changes the laws regarding political subdivisions

AN ACT to repeal sections 33.080, 67.457, 67.463, 67.469, 71.011, 99.845, 137.073, 137.090, 137.095, 137.115, 137.720, 138.431, 238.272, 360.045, and 374.150, RSMo, and to enact in lieu thereof seventeen new sections relating to political subdivisions, with an emergency clause for certain sections and an existing penalty provision.

Vetoed July 12, 2013

SB 9 [CCS#2 HCS SCS SB 9]

Modifies provisions relating to agriculture

AN ACT to repeal sections 178.550, 267.655, 442.571, 442.576, 570.030, 578.009, and 578.012, RSMo, and to enact in lieu thereof nine new sections relating to agriculture, with penalty provisions.

Vetoed July 2, 2013

SB 28 [SS SB 28]

Redefines "misconduct" and "good cause" for the purposes of disqualification from unemployment benefits

AN ACT to repeal sections 288.030 and 288.050, RSMo, and to enact in lieu thereof two new sections relating to disqualification from unemployment benefits.

Vetoed July 2, 2013

SB 29 [SS SCS SB 29]

Requires authorization for certain labor unions to use dues and fees to make political contributions and requires consent for withholding earnings from paychecks

AN ACT to amend chapter 105, RSMo, by adding thereto one new section relating to labor organizations.

Vetoed June 25, 2013

SB 34 [CCS HCS SS SB 34]

Requires the Division of Workers' Compensation to develop and maintain a workers' compensation claims database and modifies provisions relating to experience ratings for workers' compensation insurance

AN ACT to repeal sections 287.957 and 287.975, RSMo, and to enact in lieu thereof three new sections relating to workers' compensation.

Vetoed July 2, 2013

SB 43 [CCS HCS SB 43]

Increases the weight allowance for vehicles equipped with idle reduction technology from 400 pounds to 550 pounds to reflect change in federal law

AN ACT to repeal sections 302.302, 302.700, 302.720, 302.735, 302.740, 302.755, 304.180, 304.820, 476.385, 577.041, RSMo, section 302.060 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, merged with conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety- sixth general assembly, second regular session, section 302.060 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, section 302.304 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, section 302.304 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session, section 302.309 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, section 302.309 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, section 302.525 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 302.525 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session, and to enact in lieu thereof nineteen new sections relating to transportation, with penalty provisions, an emergency clause for certain sections and an effective date for certain sections.

Vetoed July 11, 2013

SB 51 [CCR HCS SB 51]

Modifies provisions of law relating to the regulation of motor vehicles

AN ACT to repeal sections 34.040, 64.196, 135.710, 136.055, 137.010, section 301.140 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402 merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 470 merged with conference committee substitute for house committee substitute for senate bill no. 568 merged with conference committee substitute for senate bill no. 611, ninety- sixth general assembly, second regular session, section 301.140 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, 301.301, 301.449, 302.132, 302.700, as enacted by conference committee substitute for senate substitute for senate committee

substitute for house committee substitute for house bill no. 1402, merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 470, merged with conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, merged with conference committee substitute for house committee substitute for senate bill no. 568, ninety-sixth general assembly, second regular session, 302.720, 302.735, 302.740, 302.755, 304.154, 304.180, 304.820, and 307.400, RSMo, and to enact in lieu thereof twenty new sections relating to regulation of motor vehicles, with existing penalty provisions.

Vetoed June 26, 2013

SB 60 [SB 60]

Modifies the law regarding the accreditation requirements for reinsurance companies and specifies when insurers can take credit or reduce liability due to reinsurance

AN ACT to repeal section 375.246, RSMo, and to enact in lieu thereof one new section relating to reinsurance, with an effective date.

Vetoed May 17, 2013

SB 73 [HCS SB 73]

Modifies provisions relating to the judicial process, including provisions relating to motorcycle brake lights

AN ACT to repeal sections 307.075, 478.007, and 488.2250, RSMo, and to enact in lieu thereof four new sections relating to judicial procedures.

Vetoed July 3, 2013

SB 77 [SB 77]

Allows for certain neighborhood youth development programs to be exempt from child care licensing requirements

AN ACT to repeal section 210.278, RSMo, and to enact in lieu thereof one new section relating to neighborhood youth development programs.

Vetoed July 3, 2013

SB 110 [HCS SB 110]

Establishes procedures to follow in child custody and visitation cases for military personnel

AN ACT to repeal sections 210.482 and 210.487, RSMo, and to enact in lieu thereof three new sections relating to custody and visitation for military personnel.

Vetoed July 3, 2013

SB 129 [SS SCS SB 129]

Establishes the Volunteer Health Services Act to allow for licensed health care professionals to provide volunteer services for a sponsoring organization

AN ACT to amend chapter 191, RSMo, by adding thereto six new sections relating to volunteer health services.

Vetoed July 3, 2013

SB 170 [SB 170]

Allows members of public governmental bodies to cast roll call votes in a meeting if the member is participating via videoconferencing

AN ACT to repeal section 610.015, RSMo, and to enact in lieu thereof one new section relating to participation by members of public governmental bodies in roll call votes.

Vetoed July 2, 2013

SB 182 [HCS SCS SB 182]

Changes the laws regarding local sales and use taxes on the sale of motor vehicles, trailers, boats, or outboard motors regardless of whether it was purchased in Missouri

AN ACT to repeal sections 32.087, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and 144.615, RSMo, and to enact in lieu thereof thirteen new sections relating to taxes on motor vehicle sales, with an emergency clause.

Vetoed April 19, 2013

SB 224 [CCS SCS SB 224]

Increases the salaries that may be paid to the Kansas City Police Department and repeals a provision that actions taken against the police chief are not subject to review

AN ACT to repeal sections 84.480, 84.490, 84.510, 86.200, 86.257, 86.263, 313.817, and 568.040, RSMo, and to enact in lieu thereof nine new sections relating to public safety.

Vetoed July 1, 2013

SB 240 [SCS SB 240]

Modifies provisions relating to ratemaking for gas corporations

AN ACT to repeal sections 393.150 and 393.1012, RSMo, and to enact in lieu thereof two new sections relating to ratemaking for gas corporations.

Vetoed July 10, 2013

SB 265 [SB 265]

Prohibits the state and political subdivisions from implementing policies affecting property rights and from entering into certain relationships with organizations

AN ACT to amend chapter 1, RSMo, by adding thereto one new section relating to prohibition on certain policies that infringe on private property rights.

Vetoed July 1, 2013

SB 267 [SS SB 267]

Specifies how courts may rule in contractual disputes involving the law of other countries

AN ACT to amend chapter 506, RSMo, by adding thereto one new section relating to the laws of other countries.

Vetoed June 3, 2013

SB 342 [CCS HCS SB 342]

Raises the loan amount available through the Missouri agricultural and small business development authority for livestock feed and crop input from forty thousand to one hundred thousand dollars

AN ACT to repeal sections 64.196, 135.305, 142.800, 348.521, 442.571, and 442.576, RSMo, and to enact in lieu thereof ten new sections relating to agriculture.

Vetoed July 2, 2013

SB 350 [SB 350]

Eliminates the renter's portion of the Senior Citizens Property Tax Credit and creates the Missouri Senior Services Protection Fund

AN ACT to repeal sections 135.010, 135.025, and 135.030, RSMo, and to enact in lieu thereof three new sections relating to funds for vulnerable persons.

Vetoed May 14, 2013

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HB 278 [HB 278]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Prohibits any state or local governmental entity; public building, park, or school; or public setting or place from banning or restricting t he practice, mention, celebration, or discussion of any federal holidays

AN ACT to amend chapter 9, RSMo, by adding thereto one new section relating to federal holidays.

SECTION
A. Enacting clause.
9.015. Federal holidays, no ban or restriction on, when.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Chapter 9, RSMo, is amended by adding thereto one new section, to be known as section 9.015, to read as follows:

9.015. FEDERAL HOLIDAYS, NO BAN OR RESTRICTION ON, WHEN. — No state or local governmental entity, public building, public park, public school, or public setting or place shall ban or otherwise restrict the practice, mention, celebration, or discussion of any federal holiday.

Vetoed July 1, 2013
Overridden September 11, 2013

HB 329 [SCS HB 329]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding financial institutions

AN ACT to repeal sections 208.010, 361.160, 408.140, 408.590, 408.592, 408.600, and 513.430, RSMo, and to enact in lieu thereof six new sections relating to financial institutions.

SECTION
A. Enacting clause.
208.010. Eligibility for public assistance, how determined — means test — certain medical assistance benefits to include payment of deductible and coinsurance — prevention of spousal impoverishments, division of assets, community spouse defined — burial lots defined — diversion of institutionalized spouse's income.
361.160. Examination of banks and trust companies.
408.140. Additional charges or fees prohibited, exceptions — no finance charges if purchases are paid for within certain time limit, exception.
408.590. Division directors, report to governor and department director, contents.
408.600. Division directors to enforce provisions of sections 408.570 to 408.600 — complaints, how handled — hearings — remedies.
513.430. Property exempt from attachment — benefits from certain employee plans, exception — bankruptcy proceeding, fraudulent transfers, exception — construction of section.
408.592. Nonsupervised financial institutions to report — contents of report — duties of director of division of finance.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 208.010, 361.160, 408.140, 408.590, 408.592, 408.600, and 513.430, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 208.010, 361.160, 408.140, 408.590, 408.600, and 513.430, to read as follows:

208.010. ELIGIBILITY FOR PUBLIC ASSISTANCE, HOW DETERMINED — MEANS TEST — CERTAIN MEDICAL ASSISTANCE BENEFITS TO INCLUDE PAYMENT OF DEDUCTIBLE AND COINSURANCE — PREVENTION OF SPOUSAL IMPOVERISHMENTS, DIVISION OF ASSETS, COMMUNITY SPOUSE DEFINED — BURIAL LOTS DEFINED — DIVERSION OF INSTITUTIONALIZED SPOUSE'S INCOME. — 1. In determining the eligibility of a claimant for public assistance pursuant to this law, it shall be the duty of the **family support** division **[**of family services**]** to consider and take into account all facts and circumstances surrounding the claimant, including his or her living conditions, earning capacity, income and resources, from whatever source received, and if from all the facts and circumstances the claimant is not found to be in need, assistance shall be denied. In determining the need of a claimant, the costs of providing medical treatment which may be furnished pursuant to sections 208.151 to 208.158 **[**and 208.162**]** shall be disregarded. The amount of benefits, when added to all other income, resources, support, and maintenance shall provide such persons with reasonable subsistence compatible with decency and health in accordance with the standards developed by the **family support** division **[**of family services**]**; provided, when a husband and wife are living together, the combined income and resources of both shall be considered in determining the eligibility of either or both. "Living together" for the purpose of this chapter is defined as including a husband and wife separated for the purpose of obtaining medical care or nursing home care, except that the income of a husband or wife separated for such purpose shall be considered in determining the eligibility of his or her spouse, only to the extent that such income exceeds the amount necessary to meet the needs (as defined by rule or regulation of the division) of such husband or wife living separately. In determining the need of a claimant in federally aided programs there shall be disregarded such amounts per month of earned income in making such determination as shall be required for federal participation by the provisions of the federal Social Security Act (42 U.S.C.A. 301 et seq.), or any amendments thereto. When federal law or regulations require the exemption of other income or resources, the **family support** division **[**of family services**]** may provide by rule or regulation the amount of income or resources to be disregarded.

2. Benefits shall not be payable to any claimant who:

(1) Has or whose spouse with whom he or she is living has, prior to July 1, 1989, given away or sold a resource within the time and in the manner specified in this subdivision. In determining the resources of an individual, unless prohibited by federal statutes or regulations, there shall be included (but subject to the exclusions pursuant to subdivisions (4) and (5) of this subsection, and subsection 5 of this section) any resource or interest therein owned by such individual or spouse within the twenty-four months preceding the initial investigation, or at any time during which benefits are being drawn, if such individual or spouse gave away or sold such resource or interest within such period of time at less than fair market value of such resource or interest for the purpose of establishing eligibility for benefits, including but not limited to benefits based on December, 1973, eligibility requirements, as follows:

(a) Any transaction described in this subdivision shall be presumed to have been for the purpose of establishing eligibility for benefits or assistance pursuant to this chapter unless such individual furnishes convincing evidence to establish that the transaction was exclusively for some other purpose;

(b) The resource shall be considered in determining eligibility from the date of the transfer for the number of months the uncompensated value of the disposed of resource is divisible by the average monthly grant paid or average Medicaid payment in the state at the time of the

investigation to an individual or on his or her behalf under the program for which benefits are claimed, provided that:

a. When the uncompensated value is twelve thousand dollars or less, the resource shall not be used in determining eligibility for more than twenty-four months; or

b. When the uncompensated value exceeds twelve thousand dollars, the resource shall not be used in determining eligibility for more than sixty months;

(2) The provisions of subdivision (1) of this subsection shall not apply to a transfer, other than a transfer to claimant's spouse, made prior to March 26, 1981, when the claimant furnishes convincing evidence that the uncompensated value of the disposed of resource or any part thereof is no longer possessed or owned by the person to whom the resource was transferred;

(3) Has received, or whose spouse with whom he or she is living has received, benefits to which he or she was not entitled through misrepresentation or nondisclosure of material facts or failure to report any change in status or correct information with respect to property or income as required by section 208.210. A claimant ineligible pursuant to this subsection shall be ineligible for such period of time from the date of discovery as the **family support** division **[**of family services**]** may deem proper; or in the case of overpayment of benefits, future benefits may be decreased, suspended or entirely withdrawn for such period of time as the division may deem proper;

(4) Owns or possesses resources in the sum of one thousand dollars or more; provided, however, that if such person is married and living with spouse, he or she, or they, individually or jointly, may own resources not to exceed two thousand dollars; and provided further, that in the case of a temporary assistance for needy families claimant, the provision of this subsection shall not apply;

(5) Prior to October 1, 1989, owns or possesses property of any kind or character, excluding amounts placed in an irrevocable prearranged funeral or burial contract under chapter 436, or has an interest in property, of which he or she is the record or beneficial owner, the value of such property, as determined by the **family support** division **[**of family services**]**, less encumbrances of record, exceeds twenty-nine thousand dollars, or if married and actually living together with husband or wife, if the value of his or her property, or the value of his or her interest in property, together with that of such husband and wife, exceeds such amount;

(6) In the case of temporary assistance for needy families, if the parent, stepparent, and child or children in the home owns or possesses property of any kind or character, or has an interest in property for which he or she is a record or beneficial owner, the value of such property, as determined by the **family support** division **[**of family services**]** and as allowed by federal law or regulation, less encumbrances of record, exceeds one thousand dollars, excluding the home occupied by the claimant, amounts placed in an irrevocable prearranged funeral or burial contract under chapter 436, one automobile which shall not exceed a value set forth by federal law or regulation and for a period not to exceed six months, such other real property which the family is making a good-faith effort to sell, if the family agrees in writing with the **family support** division **[**of family services**]** to sell such property and from the net proceeds of the sale repay the amount of assistance received during such period. If the property has not been sold within six months, or if eligibility terminates for any other reason, the entire amount of assistance paid during such period shall be a debt due the state;

(7) Is an inmate of a public institution, except as a patient in a public medical institution.

3. In determining eligibility and the amount of benefits to be granted pursuant to federally aided programs, the income and resources of a relative or other person living in the home shall be taken into account to the extent the income, resources, support and maintenance are allowed by federal law or regulation to be considered.

4. In determining eligibility and the amount of benefits to be granted pursuant to federally aided programs, the value of burial lots or any amounts placed in an irrevocable prearranged funeral or burial contract under chapter 436 shall not be taken into account or considered an asset of the burial lot owner or the beneficiary of an irrevocable prearranged funeral or funeral

contract. For purposes of this section, "burial lots" means any burial space as defined in section 214.270 and any memorial, monument, marker, tombstone or letter marking a burial space. If the beneficiary, as defined in chapter 436, of an irrevocable prearranged funeral or burial contract receives any public assistance benefits pursuant to this chapter and if the purchaser of such contract or his or her successors in interest transfer, amend, or take any other such actions regarding the contract so that any person will be entitled to a refund, such refund shall be paid to the state of Missouri with any amount in excess of the public assistance benefits provided under this chapter to be refunded by the state of Missouri to the purchaser or his or her successors. In determining eligibility and the amount of benefits to be granted under federally aided programs, the value of any life insurance policy where a seller or provider is made the beneficiary or where the life insurance policy is assigned to a seller or provider, either being in consideration for an irrevocable prearranged funeral contract under chapter 436, shall not be taken into account or considered an asset of the beneficiary of the irrevocable prearranged funeral contract. **In addition, the value of any funds, up to nine thousand nine hundred ninety-nine dollars, placed into an irrevocable personal funeral trust account, where the trustee of the irrevocable personal funeral trust account is a state or federally chartered financial institution authorized to exercise trust powers in the state of Missouri, shall not be taken into account or considered an asset of the person whose funds are so deposited if such funds are restricted to be used only for the burial, funeral, preparation of the body, or other final disposition of the person whose funds were deposited into said personal funeral trust account. No person or entity shall charge more than ten percent of the total amount deposited into a personal funeral trust in order to create or set up said personal funeral trust, and any fees charged for the maintenance of such a personal funeral trust shall not exceed three percent of the trust assets annually. Trustees may commingle funds from two or more such personal funeral trust accounts so long as accurate books and records are kept as to the value, deposits, and disbursements of each individual depositor's funds and trustees are to use the prudent investor standard as to the investment of any funds placed into a personal funeral trust. If the person whose funds are deposited into the personal funeral trust account receives any public assistance benefits pursuant to this chapter and any funds in the personal funeral trust account are, for any reason, not spent on the burial, funeral, preparation of the body, or other final disposition of the person whose funds were deposited into the trust account, such funds shall be paid to the state of Missouri with any amount in excess of the public assistance benefits provided under this chapter to be refunded by the state of Missouri to the person who received public assistance benefits or his or her successors. No contract with any cemetery, funeral establishment, or any provider or seller shall be required in regards to funds placed into a personal funeral trust account as set out in this subsection.**

5. In determining the total property owned pursuant to subdivision (5) of subsection 2 of this section, or resources, of any person claiming or for whom public assistance is claimed, there shall be disregarded any life insurance policy, or prearranged funeral or burial contract, or any two or more policies or contracts, or any combination of policies and contracts, which provides for the payment of one thousand five hundred dollars or less upon the death of any of the following:

(1) A claimant or person for whom benefits are claimed; or

(2) The spouse of a claimant or person for whom benefits are claimed with whom he or she is living. If the value of such policies exceeds one thousand five hundred dollars, then the total value of such policies may be considered in determining resources; except that, in the case of temporary assistance for needy families, there shall be disregarded any prearranged funeral or burial contract, or any two or more contracts, which provides for the payment of one thousand five hundred dollars or less per family member.

6. Beginning September 30, 1989, when determining the eligibility of institutionalized spouses, as defined in 42 U.S.C. Section 1396r-5, for medical assistance benefits as provided for

in section 208.151 and 42 U.S.C. Sections 1396a, et seq., the **family support** division **[**of family services**]** shall comply with the provisions of the federal statutes and regulations. As necessary, the division shall by rule or regulation implement the federal law and regulations which shall include but not be limited to the establishment of income and resource standards and limitations. The division shall require:

(1) That at the beginning of a period of continuous institutionalization that is expected to last for thirty days or more, the institutionalized spouse, or the community spouse, may request an assessment by the **family support** division **[**of family services**]** of total countable resources owned by either or both spouses;

(2) That the assessed resources of the institutionalized spouse and the community spouse may be allocated so that each receives an equal share;

(3) That upon an initial eligibility determination, if the community spouse's share does not equal at least twelve thousand dollars, the institutionalized spouse may transfer to the community spouse a resource allowance to increase the community spouse's share to twelve thousand dollars;

(4) That in the determination of initial eligibility of the institutionalized spouse, no resources attributed to the community spouse shall be used in determining the eligibility of the institutionalized spouse, except to the extent that the resources attributed to the community spouse do exceed the community spouse's resource allowance as defined in 42 U.S.C. Section 1396r-5;

(5) That beginning in January, 1990, the amount specified in subdivision (3) of this subsection shall be increased by the percentage increase in the Consumer Price Index for All Urban Consumers between September, 1988, and the September before the calendar year involved; and

(6) That beginning the month after initial eligibility for the institutionalized spouse is determined, the resources of the community spouse shall not be considered available to the institutionalized spouse during that continuous period of institutionalization.

7. Beginning July 1, 1989, institutionalized individuals shall be ineligible for the periods required and for the reasons specified in 42 U.S.C. Section 1396p.

8. The hearings required by 42 U.S.C. Section 1396r-5 shall be conducted pursuant to the provisions of section 208.080.

9. Beginning October 1, 1989, when determining eligibility for assistance pursuant to this chapter there shall be disregarded unless otherwise provided by federal or state statutes the home of the applicant or recipient when the home is providing shelter to the applicant or recipient, or his or her spouse or dependent child. The **family support** division **[**of family services**]** shall establish by rule or regulation in conformance with applicable federal statutes and regulations a definition of the home and when the home shall be considered a resource that shall be considered in determining eligibility.

10. Reimbursement for services provided by an enrolled Medicaid provider to a recipient who is duly entitled to Title XIX Medicaid and Title XVIII Medicare Part B, Supplementary Medical Insurance (SMI) shall include payment in full of deductible and coinsurance amounts as determined due pursuant to the applicable provisions of federal regulations pertaining to Title XVIII Medicare Part B, except for hospital outpatient services or the applicable Title XIX cost sharing.

11. A "community spouse" is defined as being the noninstitutionalized spouse.

12. An institutionalized spouse applying for Medicaid and having a spouse living in the community shall be required, to the maximum extent permitted by law, to divert income to such community spouse to raise the community spouse's income to the level of the minimum monthly needs allowance, as described in 42 U.S.C. Section 1396r-5. Such diversion of income shall occur before the community spouse is allowed to retain assets in excess of the community spouse protected amount described in 42 U.S.C. Section 1396r-5.

361.160. EXAMINATION OF BANKS AND TRUST COMPANIES. — 1. The director of finance at least once each year, either personally or by a deputy or examiner appointed by the director, shall visit and examine every bank and trust company organized and doing business under the laws of this state, and every other corporation which is by law required to report to the director; except, for banks or trust companies receiving a Camel/**MOECA** 1 or Camel/**MOECA** 2 rating from the division of finance, the director of finance at least once each eighteen calendar months, **or for a private trust company at least once each thirty-six months,** either personally or by a deputy or examiner appointed by the director, shall visit and examine such bank or trust company, and the director of finance, at the director's discretion, may conduct the director's examination, or any part thereof, on the basis of information contained in examination reports of other states, the Federal Deposit Insurance Corporation or the Federal Reserve Board or in audits performed by certified public accountants. **For purposes of this subsection, a private trust company is one that does not engage in trust company business with the general public or otherwise hold itself out as a trustee or fiduciary for hire by advertising, solicitation, or other means and instead operates for the primary benefit of a family, relative of same family, or single family lineage, regardless of whether compensation is received or anticipated.** The director shall be afforded prompt and free access to any workpapers upon which a certified public accountant bases an audit. A certified public accountant shall retain workpapers for a minimum of three years after the date of issuance of the certified public accountant's report to the bank or trust company. The director or the director's agent may concentrate the examinations on institutions which the director believes have safety or soundness concerns.

2. The director, or the deputy or examiners designated by the director for that purpose, shall have power to examine any such corporation whenever, in the director's judgment, it may be deemed necessary or expedient, and shall have power to examine every agency located in this state of any foreign banking corporation and every branch in this state of any out-of-state bank, for the purpose of ascertaining whether it has violated any law of this state, and for such other purposes and as to such other matters as the director may prescribe.

3. The director and the director's deputy and examiners shall have power to administer oaths to any person whose testimony may be required in such examination or investigation of any such corporation or agency, and to compel the appearance and attendance of any person for the purpose of any such examination or investigation.

4. On every such examination inquiry shall be made as to the condition and resources of such corporation, the mode of conducting and managing its affairs, the actions of its directors or trustees, the investment of its funds, the safety and prudence of its management, the security afforded to its creditors, and whether the requirements of its charter and of law have been complied with in the administration of its affairs, and as to such other matters as the director may prescribe.

5. The director may also make such special investigations as the director deems necessary to determine whether any individual or corporation has violated any of the provisions of this law.

6. Such examination may be made and such inquiry instituted or continued in the discretion of the director after the director has taken possession of the property and business of any such corporation, until it shall resume business or its affairs shall be finally liquidated in accordance with the provisions of this chapter.

7. The result of each examination shall be certified by the director or the examiner upon the records of the corporation examined and the result of all examinations during the biennial period shall be embodied in the report to be made by the director of the department of insurance, financial institutions and professional registration to the legislature.

8. The director may contract with regulators in other states to provide for the examination of Missouri branches of out-of-state banks and branches of banks whose home state is Missouri. The agreements may provide for the payment by the home state of the cost of examinations conducted by the host state at the request of the home state regulators.

408.140. ADDITIONAL CHARGES OR FEES PROHIBITED, EXCEPTIONS — NO FINANCE CHARGES IF PURCHASES ARE PAID FOR WITHIN CERTAIN TIME LIMIT, EXCEPTION. — 1. No further or other charge or amount whatsoever shall be directly or indirectly charged, contracted for or received for interest, service charges or other fees as an incident to any such extension of credit except as provided and regulated by sections 367.100 to 367.200 and except:

(1) On loans for thirty days or longer which are other than "open-end credit" as such term is defined in the federal Consumer Credit Protection Act and regulations thereunder, a fee, not to exceed **[**five**]** **ten** percent of the principal amount loaned not to exceed seventy-five dollars may be charged by the lender; however, no such fee shall be permitted on any extension, refinance, restructure or renewal of any such loan, unless any investigation is made on the application to extend, refinance, restructure or renew the loan;

(2) The lawful fees actually and necessarily paid out by the lender to any public officer for filing, recording, or releasing in any public office any instrument securing the loan, which fees may be collected when the loan is made or at any time thereafter; however, premiums for insurance in lieu of perfecting a security interest required by the lender may be charged if the premium does not exceed the fees which would otherwise be payable;

(3) If the contract so provides, a charge for late payment on each installment or minimum payment in default for a period of not less than fifteen days in an amount not to exceed five percent of each installment due or the minimum payment due or fifteen dollars, whichever is greater, not to exceed fifty dollars. If the contract so provides, a charge for late payment on each twenty-five dollars or less installment in default for a period of not less than fifteen days shall not exceed five dollars;

(4) If the contract so provides, a charge for late payment for a single payment note in default for a period of not less than fifteen days in an amount not to exceed five percent of the payment due; provided that, the late charge for a single payment note shall not exceed fifty dollars;

(5) Charges or premiums for insurance written in connection with any loan against loss of or damage to property or against liability arising out of ownership or use of property as provided in section 367.170; however, notwithstanding any other provision of law, with the consent of the borrower, such insurance may cover property all or part of which is pledged as security for the loan, and charges or premiums for insurance providing life, health, accident, or involuntary unemployment coverage;

(6) Reasonable towing costs and expenses of retaking, holding, preparing for sale, and selling any personal property in accordance with section 400.9;

(7) Charges assessed by any institution for processing a refused instrument plus a handling fee of not more than twenty-five dollars;

(8) If the contract or promissory note, signed by the borrower, provides for attorney fees, and if it is necessary to bring suit, such attorney fees may not exceed fifteen percent of the amount due and payable under such contract or promissory note, together with any court costs assessed. The attorney fees shall only be applicable where the contract or promissory note is referred for collection to an attorney, and is not handled by a salaried employee of the holder of the contract;

(9) Provided the debtor agrees in writing, the lender may collect a fee in advance for allowing the debtor to defer up to three monthly loan payments, so long as the fee is no more than the lesser of fifty dollars or ten percent of the loan payments deferred, no extensions are made until the first loan payment is collected and no more than one deferral in a twelve-month period is agreed to and collected on any one loan; this subdivision applies to nonprecomputed loans only and does not affect any other subdivision;

(10) If the open-end credit contract is tied to a transaction account in a depository institution, such account is in the institution's assets and such contract provides for loans of thirty-one days or longer which are "open-end credit", as such term is defined in the federal Consumer Credit Protection Act and regulations thereunder, the creditor may charge a credit advance fee

of **up to** the lesser of **[**twenty-five**]** **seventy-five** dollars or **[**five**]** **ten** percent of the credit advanced from time to time from the line of credit; such credit advance fee may be added to the open-end credit outstanding along with any interest, and shall not be considered the unlawful compounding of interest as that term is defined in section 408.120;

(11) A deficiency waiver addendum, guaranteed asset protection, or a similar product purchased as part of a loan transaction with collateral and at the borrower's consent, provided the cost of the product is disclosed in the loan contract, is reasonable, and the requirements of section 408.380 are met.

2. Other provisions of law to the contrary notwithstanding, an open-end credit contract under which a credit card is issued by a company, financial institution, savings and loan or other credit issuing company whose credit card operations are located in Missouri may charge an annual fee, provided that no finance charge shall be assessed on new purchases other than cash advances if such purchases are paid for within twenty-five days of the date of the periodic statement therefor.

3. Notwithstanding any other provision of law to the contrary, in addition to charges allowed pursuant to section 408.100, an open-end credit contract provided by a company, financial institution, savings and loan or other credit issuing company which is regulated pursuant to this chapter may charge an annual fee not to exceed fifty dollars.

408.590. DIVISION DIRECTORS, REPORT TO GOVERNOR AND DEPARTMENT DIRECTOR, CONTENTS. — 1. **[**Each division director shall cause each state financial institution which he supervises, licenses or charters and which has an office within a county or a city, such county or city having a population in excess of two hundred fifty thousand, to be examined periodically during which examination the following shall be determined:

(1) The number and total dollar amount of residential real estate loans originated, purchased, or foreclosed by the financial institution after January 1, 1980, in each of the following categories:

(a) Loans secured by residential real estate located outside the state of Missouri other than in counties contiguous to the state of Missouri;

(b) Loans secured by residential real estate located in the state of Missouri or in the counties of other states which counties are contiguous to the border of the state of Missouri, which number and dollar amount shall be further reported by the county in which the property is located;

(2) The number of residential real estate loan applications denied by the institution in which the real estate which was to secure the loan is situated in a county or city with a population in excess of two hundred and fifty thousand by such county or city;

(3) By a method to be determined by each division director, such facts as will enable the division director to conclude whether or not the institution has engaged or is engaged in any practice in violation of sections 408.570 to 408.600.

2. Each division director may issue such regulations as are necessary to require the maintenance of records from which the conclusions required by this section can be determined.

3. Each division director shall report annually to the governor and the director of the department his findings made in accordance with the provisions of this section and which shall include information reported under the provisions of the Federal Home Mortgage Disclosure Act (12 U.S.C. 2801 et seq.), which findings shall be made as to the total industry he regulates, and by each county or city with a population in excess of two hundred fifty thousand. This report shall be maintained by the division as a public document for a period of five years.

4. The annual reports of the division directors shall state the method or methods used by the division director to reach his conclusions both in examination and analysis; and shall contain such facts as he deems necessary to support those conclusions, including but not limited to:

(1) The information required to be obtained by the provisions of subsection 1 of this section;

(2)**] As to the state financial institutions under the supervision of the respective divisions, each division director shall report annually to the governor and the director of the department, with regard to each county or city with a population in excess of two hundred fifty thousand the following:**

(1) The number and type of violations of sections 408.570 to 408.600 which are found to have occurred, a statement of the action or actions taken to enforce the provisions of said sections, and the names of the financial institutions which have been found upon a hearing to have violated the provisions of said sections**[**.

(3)**]; and**

(2) The number and nature of all complaints received by the department or division regarding alleged violations of any provision of sections 408.570 to 408.600 and the action taken on each complaint by the division.

2. This report shall be maintained by each division as a public document for a period of five years.

408.600. DIVISION DIRECTORS TO ENFORCE PROVISIONS OF SECTIONS 408.570 TO 408.600 — COMPLAINTS, HOW HANDLED — HEARINGS — REMEDIES. — 1. Each division director shall enforce the provisions of sections 408.570 to 408.600. With respect to state financial institutions which he supervises, licenses or charters, each division director shall utilize the powers granted him under the general statutory authority by which he regulates, supervises, licenses, or charters such institutions, as well as the powers granted him by sections 408.570 to 408.600. The director of the division of finance shall enforce the provisions of sections 408.570 to 408.600 as they pertain to state financial institutions not supervised, licensed or chartered by a division director, and shall in that enforcement have such powers as are granted in said sections. The enforcement powers granted by subsections 2 through 5 of this section shall be utilized by the director of the division of finance concerning national banks, by the director of **[**savings and loan supervision**] the division of finance** concerning federal savings and loan associations, and by the director of credit unions concerning federal credit unions.

2. Any person who alleges to have been aggrieved as a result of a violation of section 408.575 or 408.580 may file a complaint with the appropriate division director. Within ninety days of the receipt of such complaint, the division director shall determine whether there is any reason to believe that a violation of section 408.575 or 408.580 has occurred. If the division director determines that there is such reason, then he shall undertake to resolve the complaint by negotiation or he shall conduct a hearing in accordance with the provisions of subsection 3 of this section, except that the hearing shall be held in the locality where the alleged violation occurred.

3. If the division director**[**, on the basis of an examination, an investigation of a complaint which has not been resolved by negotiation, a report required to be filed by section 408.592, or any public document or information,**]** has reason to believe that a violation of section 408.575 or 408.580 has occurred or does exist, the division director shall conduct a hearing in accordance with chapter 536. If the evidence establishes a violation of any provision of section 408.575 or 408.580, the division director may issue a cease and desist order stating specifically the unlawful practice to be discontinued, which order shall be served personally, or by certified mail. The decision of the division director shall be appealable directly to the circuit court pursuant to chapter 536.

4. If, after an order of the division director has become final, the director believes a violation of any provision of the order has occurred, he may seek an injunction to prohibit such violations in any court of competent jurisdiction. For each violation of such injunction, the court may assess a fine which may be recovered with costs by the state in any court of competent jurisdiction in an action to be prosecuted by the attorney general.

5. The remedies provided by this section shall not be interpreted as exclusive remedies but shall be in addition to remedies otherwise available to the director or to any individual damaged by a violation of sections 408.570 to 408.600.

513.430. PROPERTY EXEMPT FROM ATTACHMENT — BENEFITS FROM CERTAIN EMPLOYEE PLANS, EXCEPTION — BANKRUPTCY PROCEEDING, FRAUDULENT TRANSFERS, EXCEPTION — CONSTRUCTION OF SECTION. — 1. The following property shall be exempt from attachment and execution to the extent of any person's interest therein:

(1) Household furnishings, household goods, wearing apparel, appliances, books, animals, crops or musical instruments that are held primarily for personal, family or household use of such person or a dependent of such person, not to exceed three thousand dollars in value in the aggregate;

(2) A wedding ring not to exceed one thousand five hundred dollars in value and other jewelry held primarily for the personal, family or household use of such person or a dependent of such person, not to exceed five hundred dollars in value in the aggregate;

(3) Any other property of any kind, not to exceed in value six hundred dollars in the aggregate;

(4) Any implements or professional books or tools of the trade of such person or the trade of a dependent of such person not to exceed three thousand dollars in value in the aggregate;

(5) Any motor vehicles, not to exceed three thousand dollars in value in the aggregate;

(6) Any mobile home used as the principal residence but not attached to real property in which the debtor has a fee interest, not to exceed five thousand dollars in value;

(7) Any one or more unmatured life insurance contracts owned by such person, other than a credit life insurance contract;

(8) The amount of any accrued dividend or interest under, or loan value of, any one or more unmatured life insurance contracts owned by such person under which the insured is such person or an individual of whom such person is a dependent; provided, however, that if proceedings under Title 11 of the United States Code are commenced by or against such person, the amount exempt in such proceedings shall not exceed in value one hundred fifty thousand dollars in the aggregate less any amount of property of such person transferred by the life insurance company or fraternal benefit society to itself in good faith if such transfer is to pay a premium or to carry out a nonforfeiture insurance option and is required to be so transferred automatically under a life insurance contract with such company or society that was entered into before commencement of such proceedings. No amount of any accrued dividend or interest under, or loan value of, any such life insurance contracts shall be exempt from any claim for child support. Notwithstanding anything to the contrary, no such amount shall be exempt in such proceedings under any such insurance contract which was purchased by such person within one year prior to the commencement of such proceedings;

(9) Professionally prescribed health aids for such person or a dependent of such person;

(10) Such person's right to receive:

(a) A Social Security benefit, unemployment compensation or a public assistance benefit;

(b) A veteran's benefit;

(c) A disability, illness or unemployment benefit;

(d) Alimony, support or separate maintenance, not to exceed seven hundred fifty dollars a month;

(e) Any payment under a stock bonus plan, pension plan, disability or death benefit plan, profit-sharing plan, nonpublic retirement plan or any plan described, defined, or established pursuant to section 456.072, the person's right to a participant account in any deferred compensation program offered by the state of Missouri or any of its political subdivisions, or annuity or similar plan or contract on account of illness, disability, death, age or length of service, to the extent reasonably necessary for the support of such person and any dependent of such person unless:

a. Such plan or contract was established by or under the auspices of an insider that employed such person at the time such person's rights under such plan or contract arose;

b. Such payment is on account of age or length of service; and

c. Such plan or contract does not qualify under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, (26 U.S.C. 401(a), 403(a), 403(b), 408, 408A or 409); except that any such payment to any person shall be subject to attachment or execution pursuant to a qualified domestic relations order, as defined by Section 414(p) of the Internal Revenue Code of 1986, as amended, issued by a court in any proceeding for dissolution of marriage or legal separation or a proceeding for disposition of property following dissolution of marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of marital property at the time of the original judgment of dissolution;

(f) Any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan **[**or**] ,** profit-sharing plan**, health savings plan, or similar plan, including an inherited account or plan,** that is qualified under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, **whether such participant's or beneficiary's interest arises by inheritance, designation, appointment, or otherwise,** except as provided in this paragraph. Any plan or arrangement described in this paragraph shall not be exempt from the claim of an alternate payee under a qualified domestic relations order; however, the interest of any and all alternate payees under a qualified domestic relations order shall be exempt from any and all claims of any creditor, other than the state of Missouri through its division of family services. As used in this paragraph, the terms "alternate payee" and "qualified domestic relations order" have the meaning given to them in Section 414(p) of the Internal Revenue Code of 1986, as amended. If proceedings under Title 11 of the United States Code are commenced by or against such person, no amount of funds shall be exempt in such proceedings under any such plan, contract, or trust which is fraudulent as defined in subsection 2 of section 428.024 and for the period such person participated within three years prior to the commencement of such proceedings. For the purposes of this section, when the fraudulently conveyed funds are recovered and after, such funds shall be deducted and then treated as though the funds had never been contributed to the plan, contract, or trust;

(11) The debtor's right to receive, or property that is traceable to, a payment on account of the wrongful death of an individual of whom the debtor was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor.

2. Nothing in this section shall be interpreted to exempt from attachment or execution for a valid judicial or administrative order for the payment of child support or maintenance any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan which is qualified pursuant to Section 408A of the Internal Revenue Code of 1986, as amended.

[408.592. NONSUPERVISED FINANCIAL INSTITUTIONS TO REPORT — CONTENTS OF REPORT — DUTIES OF DIRECTOR OF DIVISION OF FINANCE. — 1. Each state financial institution which is not supervised, licensed or chartered by a division director, which operates or has a place of business within a county having a population in excess of two hundred fifty thousand or a city not within a county and which originated an aggregate of five hundred thousand dollars or more in residential real estate loans in Missouri during the last calendar year shall, on or before a date of ninety days after the end of the fiscal year of the institution, file with the director of the division of finance an annual statement for each such county or city showing separately the number and total dollar amount of residential real estate loans both within and outside of that county or city which were:

(1) Originated by that institution during the preceding fiscal year;

(2) Purchased by that institution during the preceding fiscal year; and

(3) Foreclosed by that institution during the preceding fiscal year.

2. The information required to be filed under subsection 1 of this section shall be further itemized in order to clearly and conspicuously disclose the following:

(1) The number and dollar amount of each item by census tracts for residential real estate loans on property located within that county or city;

(2) The number and dollar amount of each item for all residential real estate loans on property located outside that county or city.

3. The information required to be filed under subdivisions (1) and (2) of subsection 1 shall also be itemized in order to clearly and conspicuously disclose the following:

(1) The number and dollar amount of loans made for the purchase of residential real estate which are insured under Title II of the National Housing Act or under Title V of the Housing Act of 1949 or which are guaranteed under Chapter 37 of Title 38, United States Code;

(2) The number and dollar amount of loans made for the purchase of residential real estate, including loans insured under federal housing insurance programs;

(3) The number and dollar amount of loans made for the repair, rehabilitation or remodeling of residential real estate.

4. Each statement filed under the provisions of this section shall be filed on forms approved or furnished by the director of the division of finance and shall be verified by two officers of the institution. Wherever possible, the director of the division of finance shall make the forms consistent with the disclosure forms required under the Federal Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2801 et seq.).

5. The director of the division of finance shall maintain the statements filed under the provisions of this section for a period of not less than five years and shall make the statements available to the public for inspection during regular business hours and for copying at a cost not to exceed the actual cost to the division.**]**

Vetoed July 2, 2013
Overridden September 11, 2013

HB 339 [HB 339]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Requires an uninsured motorist to forfeit recovery of noneconomic loss under specified circumstances

AN ACT to amend chapter 303, RSMo, by adding thereto one new section relating to the forfeiture of collecting noneconomic damages for failing to comply with the motor vehicle financial responsibility law.

SECTION
A. Enacting clause.
303.390. Uninsured motorist, waiver of ability to collect noneconomic damages, when — inapplicability, when.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Chapter 303, RSMo, is amended by adding thereto one new section, to be known as section 303.390, to read as follows:

303.390. UNINSURED MOTORIST, WAIVER OF ABILITY TO COLLECT NONECONOMIC DAMAGES, WHEN — INAPPLICABILITY, WHEN. — 1. An uninsured motorist shall waive the ability to have a cause of action or otherwise collect for noneconomic loss against a person who is in compliance with the financial responsibility laws of this chapter due to a motor vehicle accident in which the insured driver is alleged to be at fault. For purposes of this section, the term "uninsured motorist" shall include:

(1) An uninsured driver who is the owner of the vehicle;

(2) An uninsured permissive driver of the vehicle; and

(3) Any uninsured nonpermissive driver. Such waiver shall not apply if it can be proven that the accident was caused, in whole or in part, by a tort-feasor who operated a motor vehicle under the influence of drugs or alcohol, or who is convicted of involuntary manslaughter under subdivision (2) of subsection 1 of section 565.024, or assault in the second degree under subdivision (4) of subsection 1 of section 565.060.

2. The provisions of this section shall not apply to an uninsured motorist whose immediately previous insurance policy meeting the requirements of section 303.190 was terminated or nonrenewed for failure to pay the premium, unless notice of termination or nonrenewal for failure to pay such premium was provided by such insurer at least six months prior to the time of the accident.

3. In an action against a person who is in compliance with the financial responsibility laws prescribed by this chapter by a person deemed to have waived recovery under subsection 1 of this section:

(1) Any award in favor of such person shall be reduced by an amount equal to the portion of the award representing compensation for noneconomic losses;

(2) The trier of fact shall not be informed, directly or indirectly, of such waiver or of its effect on the total amount of such person's recovery.

4. Nothing in this section shall be construed to preclude recovery against an alleged tort-feasor of benefits provided or economic loss coverage.

5. Passengers in the uninsured motor vehicle are not subject to such recovery limitation.

Vetoed July 3, 2013
Overridden September 11, 2013

HB 650 [SS SCS HB 650]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding the Department of Natural Resources

AN ACT to repeal sections 43.543, 60.185, 60.195, 60.301, 60.321, 60.451, 60.510, 60.530, 60.540, 60.550, 60.560, 60.570, 60.580, 60.590, 60.595, 60.600, 60.610, 60.620, 60.653, 60.670, 236.410, 253.090, 253.180, 253.185, 256.117, 258.010, 258.020, 258.030, 258.060, 258.070, 258.080, 260.200, 260.205, 260.235, 260.249, 260.262, 260.365, 260.379, 260.380, 260.390, 260.395, 260.434, 260.475, 261.023, 444.772, 621.250, 640.010, 640.012, 640.017, 640.075, 640.715, 640.725, 643.079, 644.051, 644.052, and 644.054, RSMo, and to enact in lieu thereof sixty-three new sections relating to the department of natural resources, with penalty provisions and an emergency clause for certain sections.

SECTION
A. Enacting clause.
43.543. Certain agencies to submit fingerprints, use of fingerprints for background search — procedure for submission.
60.185. County surveyors, duties.
60.195. United States field notes on survey of counties, how obtained and filed in office of county surveyor.
60.301. Definitions.
60.321. Lost corners, monumentation, procedure — violation deemed misconduct.
60.451. Missouri coordinate system zones precisely defined.
60.510. Powers and duties of department.
60.530. Surveyor, duties.
60.540. Department may acquire property, how.

60.550. Ownership of markers in department, unauthorized tampering prohibited, duty to prosecute.
60.560. Attorney general to advise commission or department.
60.570. Headquarters, where located — landsurvey building, name of.
60.580. Right of entry, immune to trespass arrest.
60.590. Records to be furnished department — department to furnish records at cost.
60.595. Department revolving services fund, purpose — unexpended balances.
60.600. Registered surveyors to be used — private employment prohibited.
60.610. Department may contract.
60.620. Land survey commission established — appointment — terms — qualifications — chairman, selection — meetings, quorum — expenses — duties — annual report, content to be public.
60.653. Recorder of deeds, duties — copies of plats to be evidence when certified.
60.670. Digital cadastral parcel mapping, minimum standards, rulemaking authority.
236.410. Council established — members, terms, qualifications, officers — meetings — quorum — compensation — report.
253.090. State park earnings fund created, how used.
253.180. Domestic animals prohibited from running at large.
253.185. Domestic animals, how controlled — prohibited in buildings, exception — dog park, designated area.
256.117. Funding for operation of map repository from document services fund — money from sales of maps or products deposited in fund.
256.438. Fund created, use of moneys.
258.010. Committees, councils and boards authorized — staffing by department.
258.060. Duties and functions of department.
258.070. Compensation, expenses of member agencies' representatives.
258.080. Fund created — moneys appropriated, for what purposes — funds not to revert.
260.200. Definitions.
260.205. Permit required to operate facility, and construction permit to construct facility, requirements, exceptions, fees — plans to be submitted — permits revoked or suspended, when — disclosure statement, requirements.
260.214. Preliminary site investigation approval, not required for certain counties — severability clause.
260.235. Appeal, judicial review, procedure — injunction based on seriousness of threat to environment — performance bond required, forfeited, when.
260.249. Administrative penalties — not to be assessed for minor violation, definition — amount set by rule, payment when — appeal effect — surcharge due when — unpaid penalty, collection — time limitation to assess violation — judicial appeal — civil action effect, exception.
260.262. Retailers of lead-acid batteries, duties — notice to purchaser, contents.
260.365. Hazardous waste management commission created — composition, qualifications — compensation — terms — meetings, notice required, quorum.
260.380. Duties of hazardous waste generators — fees to be collected, disposition — exemptions — expiration of fees.
260.390. Duties of hazardous waste facility owners and operators — tax to be collected, disposition — duties upon termination of use of facility — inspection fees, commercial facilities, requirements.
260.395. Transportation of hazardous waste, how permitted — fees, how determined — notice prior to issuance of permit — permit not required of whom — application for certification, when — permit maintained for postclosure care period — leachate collection system required — railroad hazardous waste transportation, fee.
260.475. Fees to be paid by hazardous waste generators — exceptions — deposit of moneys — violations, penalty — deposit — fee requirement, expiration — fee structure review.
261.023. Powers, duties, functions transferred to department of agriculture and certain other designated agencies.
444.772. Permit — application, contents, fees — amendment, how made — successor operator, duties of.
621.250. Appeals from decisions of certain environmental commissions to be heard by administrative hearing commission — procedure.
640.010. Department created — director, appointment, powers, duties — transfer of certain agencies.
640.012. Burden of proof in contested cases heard by administrative hearing commission, exceptions.
640.017. Unified permit schedule authorized for activities requiring multiple permits — director's duties — procedure — rulemaking authority.
640.026. Enforcement and penalties, list of documents produced for external dissemination — JCAR review, contents.
640.065. Revolving services fund created, use of moneys.
640.075. Brochures on Thomas Hart Benton murals and capitol art work, publication.
640.080. E. coli measuring standard — posting of signs when beaches exceed, language — -authority to close beaches.
640.236. Punitive and exemplary damages, exempt from, when.
640.715. Notification by owners or operators, information required — department to issue permit, when.
640.725. Inspection of facility, when, records retention period — automatic shutoff system required.
643.079. Fees, amount — deposit of moneys, where, subaccount to be maintained — civil action for failure to remit fees, effect upon permit — agencies, determination of fees — fee structure review.

644.029. New water quality requirements, grandfathering provision.
644.051. Prohibited acts — permits required, when, fee — bond required of permit holders, when — permit application procedures — rulemaking — limitation on use of permit fee moneys — permit shield provisions.
644.052. Permit types, fees, amounts — requests for permit modifications — requests for federal clean water certifications.
644.054. Fees, billing and collection — administration, generally — fees to become effective, when — fees to expire, when — variances granted, when — fee structure review.
644.057. Clean water fee structure review, requirements.
644.062. Provisional variances granted, when — procedure.
1. Annual stakeholder meeting in each park district — stakeholders may petition director, when — stakeholder.
2. Joint committee established, members, duties, report.
258.020. Agency heads to be on council.
258.030. Council officers — appointment — duties.
260.379. Permit not to be issued, when — notice to department of certain crimes, penalty for failure to notify — reinstatement, when.
260.434. Proposed sites, hazardous waste facilities — department to examine transportation routes — department to examine local government's capability to respond to emergency — interagency agreement.
B. Emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 43.543, 60.185, 60.195, 60.301, 60.321, 60.451, 60.510, 60.530, 60.540, 60.550, 60.560, 60.570, 60.580, 60.590, 60.595, 60.600, 60.610, 60.620, 60.653, 60.670, 236.410, 253.090, 253.180, 253.185, 256.117, 258.010, 258.020, 258.030, 258.060, 258.070, 258.080, 260.200, 260.205, 260.235, 260.249, 260.262, 260.365, 260.379, 260.380, 260.390, 260.395, 260.434, 260.475, 261.023, 444.772, 621.250, 640.010, 640.012, 640.017, 640.075, 640.715, 640.725, 643.079, 644.051, 644.052, and 644.054, RSMo, are repealed and sixty-three new sections enacted in lieu thereof, to be known as sections 43.543, 60.185, 60.195, 60.301, 60.321, 60.451, 60.510, 60.530, 60.540, 60.550, 60.560, 60.570, 60.580, 60.590, 60.595, 60.600, 60.610, 60.620, 60.653, 60.670, 236.410, 253.090, 253.180, 253.185, 256.117, 256.438, 258.010, 258.060, 258.070, 258.080, 260.200, 260.205, 260.214, 260.235, 260.249, 260.262, 260.365, 260.380, 260.390, 260.395, 260.475, 261.023, 444.772, 621.250, 640.010, 640.012, 640.017, 640.026, 640.065, 640.075, 640.080, 640.236, 640.715, 640.725, 643.079, 644.029, 644.051, 644.052, 644.054, 644.057, 644.062, 1, and 2, to read as follows:

43.543. CERTAIN AGENCIES TO SUBMIT FINGERPRINTS, USE OF FINGERPRINTS FOR BACKGROUND SEARCH — PROCEDURE FOR SUBMISSION. — Any state agency listed in section 621.045, the division of professional registration of the department of insurance, financial institutions and professional registration, the department of social services, the supreme court of Missouri, the state courts administrator, the department of elementary and secondary education, **the department of natural resources,** the Missouri lottery, the Missouri gaming commission, or any state, municipal, or county agency which screens persons seeking employment with such agencies or issuance or renewal of a license, permit, certificate, or registration of authority from such agencies; or any state, municipal, or county agency or committee, or state school of higher education which is authorized by state statute or executive order, or local or county ordinance to screen applicants or candidates seeking or considered for employment, assignment, contracting, or appointment to a position within state, municipal, or county government; or the Missouri peace officers standards and training, POST, commission which screens persons, not employed by a criminal justice agency, who seek enrollment or access into a certified POST training academy police school, or persons seeking a permit to purchase or possess a firearm for employment as a watchman, security personnel, or private investigator; or law enforcement agencies which screen persons seeking issuance or renewal of a license, permit, certificate, or registration to purchase or possess a firearm shall submit two sets of fingerprints to the Missouri state highway patrol, Missouri criminal records repository, for the purpose of checking the

person's criminal history. The first set of fingerprints shall be used to search the Missouri criminal records repository and the second set shall be submitted to the Federal Bureau of Investigation to be used for searching the federal criminal history files if necessary. The fingerprints shall be submitted on forms and in the manner prescribed by the Missouri state highway patrol. Fees assessed for the searches shall be paid by the applicant or in the manner prescribed by the Missouri state highway patrol. Notwithstanding the provisions of section 610.120, all records related to any criminal history information discovered shall be accessible and available to the state, municipal, or county agency making the record request.

60.185. COUNTY SURVEYORS, DUTIES. — The county surveyor of every county or city shall:

(1) Keep a fair and correct record of all surveys made by himself and his deputies, in a well-bound book, with a convenient index, to be procured at the expense of the county or city for that purpose, which books and indexes shall be the property of such county or city, and shall be known as the county surveyor's plat book, and every such surveyor shall record in such book a plat of all surveys executed by him or his deputies, within two weeks after the plat of survey has been certified to, and such books shall be kept at the county seat or city hall and subject to inspection by any person interested therein, under the supervision of the county surveyor for such county or city;

(2) Number his surveys progressively;

(3) Deliver a copy of any plat of survey to any person requiring such a copy, on payment of an amount equal to the fees allowed to the recorder of deeds for such a document, so long as such records shall remain in his possession, and after such record shall have been deposited in the office of the recorder of deeds, the recorder shall, on the request of anyone and on payment of his fees for such service, deliver to such person a duly certified copy of such records under the seal of his office, which shall be accepted as evidence, to all intents and purposes, as the originals themselves;

(4) Maintain a copy of corner restoration documents as required in section 60.321 when provided by the Missouri department of **[**natural resources**]** **agriculture**, and subject to inspection and copying by any person interested therein during the normal office hours of the county on payment of the fees allowed to the recorder for similar documents.

60.195. UNITED STATES FIELD NOTES ON SURVEY OF COUNTIES, HOW OBTAINED AND FILED IN OFFICE OF COUNTY SURVEYOR. — The several county commissions in this state are hereby authorized, in all cases wherein they shall consider it to be the interest of their counties, to obtain from the Missouri department of **[**natural resources**]** **agriculture** a certified copy of so much of the field notes of all surveys lying within their counties, respectively, which have been and may be made by the United States, as relates to the description of the township, section, fractional section, quarter section and legal subdivisional corners, the variation of the needle at which the east and west boundaries of township or range lines were run, the length of the north and south, as well as east and west sectional lines; also, the fallings of all east and west township and sectional lines the same to be filed in the office of the county surveyor of their counties, respectively.

60.301. DEFINITIONS. — Whenever the following words and terms are used in this chapter they shall have the following meaning unless the context clearly indicates that a different meaning is intended:

(1) "Corners of the United States public land survey", those points that determine the boundaries of the various subdivisions represented on the official plat such as the township corner, the section corner, the quarter-section corner, grant corner and meander corner;

(2) "Existent corner", a corner whose position can be identified by verifying the evidence of the original monument or its accessories, or by some physical evidence described in the field

notes, or located by an acceptable supplemental survey record or some physical evidence thereof, or by testimony. The physical evidence of a corner may have been entirely obliterated but the corner will be considered existent if its position can be recovered through the testimony of one or more witnesses who have a dependable knowledge of the original location. A legally reestablished corner shall have the same status as an existent corner;

(3) "Lost corner", a corner whose position cannot be determined, beyond reasonable doubt, either from traces of the original marks or from acceptable evidence or testimony that bears upon the original position;

(4) "Monument", the physical object which marks the corner point determined by the surveying process. The accessories, such as bearing trees, bearing objects, reference monuments, mounds of stone and other similar objects that aid in identifying the corner position, are also considered a part of a corner monument;

(5) "Obliterated, decayed or destroyed corner", an existent corner at whose point there are no remaining traces of the original monument or its accessories, but whose location has been perpetuated by subsequent surveys, or the point may be recovered beyond reasonable doubt by the acts and testimony of local residents, competent surveyors, other qualified local authorities or witnesses, or by some acceptable record evidence. A position that depends upon the use of collateral evidence can be accepted only if duly supported, generally through proper relation to known corners, and agreement with the field notes regarding distances to natural objects, stream crossings, line trees, etc., or unquestionable testimony;

(6) "Original government survey", that survey executed under the authority of the United States government as recorded on the official plats and field notes of the United States public land survey maintained by the Missouri department of **[**natural resources**]** **agriculture**;

(7) "Proportionate measurement", a measurement of a line that gives equal relative weight to all parts of the line. The excess or deficiency between two existent corners is so distributed that the amount of excess or deficiency given to each interval bears the same proportion to the whole difference as the record length of the interval bears to the whole record distance:

(a) "Single proportionate measurement", a measurement of a line applied to a new measurement made between known points on a line to determine one or more positions on that line;

(b) "Double proportionate measurement", a measurement applied to a new measurement made between four known corners, two each on intersecting meridional and latitudinal lines, for the purpose of relating the intersection to both. The procedure is described as follows: First, measurements will be made between the nearest existent corners north and south of the lost corner. A temporary point will be determined to locate the latitude of the lost corner on the straight line connecting the existent corners and at the proper proportionate distance. Second, measurements will be made between the nearest existent corners east and west of the lost corner. A temporary point will be determined to locate the longitude of the lost corner on the straight line connecting the existent corners and at the proportionate distance. Third, determine the location of the lost corner at the intersection of an east-west line through the point determining the latitude of the lost corner with a north-south line through the point determining the longitude of the lost corner. When the total length of the line between the nearest existing corners was not measured in the original government survey, the record distance from one existing corner to the lost corner will be used instead of the proportionate distance. This exception will apply to either or both of the east-west or north-south lines;

(8) "Record distance", the distance or length as shown on the original government survey. In determining record distances, consideration shall be given as to whether the distance was measured on a random or true line.

60.321. LOST CORNERS, MONUMENTATION, PROCEDURE — VIOLATION DEEMED MISCONDUCT. — For the purpose of perpetuating the corners of the United States public land survey, every surveyor who reestablishes a lost corner or restores an existent corner shall

monument the corner and shall file an instrument showing such reestablishment or restoration with the Missouri department of **[**natural resources**]** **agriculture**, in accordance with the specifications and procedures adopted by the Missouri department of **[**natural resources**]** **agriculture**. Any surveyor who willfully and knowingly fails to perpetuate corners in accordance with this section is guilty of misconduct in the practice of land surveying.

60.451. MISSOURI COORDINATE SYSTEM ZONES PRECISELY DEFINED. — 1. For the purpose of more precisely defining the Missouri coordinate system of 1927, the following definition by the United States Coast and Geodetic Survey is adopted:

(1) The Missouri coordinate system of 1927, east zone, is a transverse Mercator projection of the Clarke spheroid of 1866, having a central meridian 90 degrees — 30 minutes west of Greenwich, on which meridian the scale is set at one part in fifteen thousand too small. The origin of coordinates is at the intersection of the meridian 90 degrees — 30 minutes west of Greenwich and the parallel 35 degrees — 50 minutes north latitude. This origin is given the coordinates: x = 500,000 feet and y = 0 feet;

(2) The Missouri coordinate system of 1927, central zone, is a transverse Mercator projection of the Clarke spheroid of 1866, having a central meridian 92 degrees — 30 minutes west of Greenwich, on which meridian the scale is set at one part in fifteen thousand too small. The origin of coordinates is at the intersection of the meridian 92 degrees — 30 minutes west of Greenwich and the parallel of 35 degrees — 50 minutes north latitude. This origin is given the coordinates: x = 500,000 feet and y = 0 feet;

(3) The Missouri coordinate system of 1927, west zone, is a transverse Mercator projection of the Clarke spheroid of 1866, having a central meridian 94 degrees — 30 minutes west of Greenwich, on which meridian the scale is set at one part in seventeen thousand too small. The origin of coordinates is at the intersection of the meridian 94 degrees — 30 minutes west of Greenwich and the parallel 36 degrees — 10 minutes north latitude. This origin is given the coordinates: x = 500,000 feet and y = 0 feet.

2. For purposes of more precisely defining the Missouri coordinate system of 1983, the following definition by the National Ocean Survey/National Geodetic Survey is adopted:

(1) The Missouri coordinate system 1983, east zone, is a transverse Mercator projection of the North American Datum of 1983 having a central meridian 90 degrees — 30 minutes west of Greenwich, on which meridian the scale is set at one part in fifteen thousand too small. The origin of coordinates is at the intersection of the meridian 90 degrees — 30 minutes west of Greenwich and the parallel 35 degrees — 50 minutes north latitude. This origin is given the coordinates: x = 250,000 meters and y = 0 meters;

(2) The Missouri coordinate system 1983, central zone, is a transverse Mercator projection of the North American Datum of 1983 having a central meridian 92 degrees — 30 minutes west of Greenwich, on which meridian the scale is set at one part in fifteen thousand too small. The origin of coordinates is at the intersection of the meridian 92 degrees — 30 minutes west of Greenwich and the parallel of 35 degrees — 50 minutes north latitude. This origin is given the coordinates: x = 500,000 meters and y = 0 meters;

(3) The Missouri coordinate system 1983, west zone, is a transverse Mercator projection of the North American Datum of 1983 having a central meridian 94 degrees — 30 minutes west of Greenwich, on which meridian the scale is set at one part in seventeen thousand too small. The origin of coordinates is at the intersection of the meridian 94 degrees — 30 minutes west of Greenwich and the parallel 36 degrees — 10 minutes north latitude. This origin is given the coordinates: x = 850,000 meters and y = 0 meters.

3. The position of either Missouri coordinate system shall be as marked on the ground by horizontal control stations established in conformity with the standards adopted by the department of **[**natural resources**]** **agriculture** for first-order and second-order work, whose geodetic positions have been rigidly adjusted on the appropriate datum and whose coordinates

have been computed on the system defined in this section. Any such station may be used for establishing a survey connection with the Missouri coordinate system.

60.510. POWERS AND DUTIES OF DEPARTMENT. — The functions, duties and responsibilities of the department of **[**natural resources**]** **agriculture** shall be as follows:

(1) To restore, maintain, and preserve the land survey monuments, section corners, and quarter section corners established by the United States public land survey within Missouri, together with all pertinent field notes, plats and documents; and also to restore, establish, maintain, and preserve Missouri state and county boundary markers and other boundary markers considered by the department of **[**natural resources**]** **agriculture** to be of importance, or otherwise established by law;

(2) To design and cause to be placed at established public land survey corner sites, where practical, substantial monuments permanently indicating, with words and figures, the exact location involved, but if such monuments cannot be placed at the exact corner point, then witness corners of similar design shall be placed as near by as possible, with words and figures indicating the bearing and distance to the true corner;

(3) To establish, maintain, and provide safe storage facilities for a comprehensive system of recordation of information respecting all monuments established by the United States public land survey within this state, and such records as may be pertinent to the department of **[**natural resources'**]** **agriculture's** establishment or maintenance of other land corners, Missouri state coordinate system stations and accessories, and survey monuments in general;

(4) To provide the framework for all geodetic positioning activities in the state. The foundational elements include latitude, longitude, and elevation which contribute to informed decision making and impact on a wide range of important activities including mapping and geographic information systems, flood risk determination, transportation, land use and ecosystem management and use of the Missouri state coordinate system, as established by sections 60.401 to 60.491;

(5) To collect and preserve information obtained from surveys made by those authorized to establish land monuments or land boundaries, and to assist in the proper recording of the same by the duly constituted county officials, or otherwise;

(6) To furnish, upon reasonable request and tender of the required fees therefor, certified copies of records created or maintained by the department of **[**natural resources**]** **agriculture** which, when certified by the state land surveyor or a designated assistant, shall be admissible in evidence in any court in this state, as the original record; and

(7) To prescribe, and disseminate to those engaged in the business of land surveying, regulations designed to assist in uniform and professional surveying methods and standards in this state.

60.530. SURVEYOR, DUTIES. — The state land surveyor shall, under guidance of the department of **[**natural resources**]** **agriculture** and with the recommendation of the land survey commission, carry out the routine functions and duties of the department of **[**natural resources**]** **agriculture**, as prescribed in sections 60.510 to 60.620 and section 60.670. He or she shall, whenever practical, cause all land surveys, except geodetic surveys, to be executed, under his or her direction by the registered county surveyor or a local registered land surveyor when no registered county surveyor exists. He or she shall perform such other work and acts as shall, in the judgment of the department of **[**natural resources**]** **agriculture** and with the recommendation of the land survey commission, be necessary and proper to carry out the objectives of sections 60.510 to 60.620 and section 60.670 and, within the limits of appropriations made therefor and subject to the approval of the department of **[**natural resources and the state merit system**]** **agriculture**, employ and fix the compensation of such additional employees as may be necessary to carry out the provisions of sections 60.510 to 60.620 and section 60.670.

60.540. DEPARTMENT MAY ACQUIRE PROPERTY, HOW. — The department of **[**natural resources**]** **agriculture** may acquire, in the name of the state of Missouri, lands or interests therein, where necessary, to establish permanent control stations; and may lease or purchase or acquire by negotiation or condemnation, where necessary, land for the establishment of an office of the land survey program of the department of **[**natural resources**]** **agriculture**. If condemnation is necessary, the attorney general shall bring the suit in the name of the state in the same manner as authorized by law for the acquisition of lands by the state transportation department.

60.550. OWNERSHIP OF MARKERS IN DEPARTMENT, UNAUTHORIZED TAMPERING PROHIBITED, DUTY TO PROSECUTE. — The custody and ownership of the original United States public land survey corners and accessories, including all restoration and replacements thereof and all accessories, belonging to the state of Missouri is hereby transferred to the department of **[**natural resources**]** **agriculture**. The department of **[**natural resources**]** **agriculture** shall see that the markers are maintained, and the alteration, removal, disfiguration or destruction of any of the corners or accessories, without specific permission of the department of **[**natural resources**]** **agriculture**, is an act of destruction of state property and is a misdemeanor. Any person convicted thereof shall be punished as provided by law. Each of the several prosecuting attorneys is specifically directed to prosecute for the violation of this section for any act of destruction which occurs in his county.

60.560. ATTORNEY GENERAL TO ADVISE COMMISSION OR DEPARTMENT. — Upon their request, the state attorney general shall advise the land survey commission or the department of **[**natural resources**]** **agriculture** or the state land surveyor with respect to any legal matter, and shall represent the land survey commission or department of **[**natural resources**]** **agriculture** in any proceeding in any court of the state in which the land survey commission or land survey program shall be a party.

60.570. HEADQUARTERS, WHERE LOCATED — LANDSURVEY BUILDING, NAME OF. — **1.** The permanent headquarters of the land survey program shall be at or near to the principal office of the Missouri state geological survey. Until such time as other headquarters can be obtained by the land survey program, the state geologist shall **[**assign**]** **provide** such space in the state geological survey building as may be available. **No department shall charge any fee over or above the amount paid to the office of administration for utilization of the building.** The land survey program may also establish and maintain regional offices in the metropolitan areas of the state for the storage and distribution of local survey record information.

2. The building that occupies the permanent headquarters of the land survey program may be renamed and referred to as the "Robert E. Myers Building".

60.580. RIGHT OF ENTRY, IMMUNE TO TRESPASS ARREST. — The state land surveyor or any and all employees of the department of **[**natural resources**]** **agriculture** have the right to enter upon private property for the purpose of making surveys, or for searching for, locating, relocating, or remonumenting land monuments, leveling stations, or section corners. Should any of these persons necessarily damage property of the owner in making the surveys or searches or remonumentations, the department of **[**natural resources**]** **agriculture** may make reasonable payment for the damage from funds available for that purpose. However, department of **[**natural resources**]** **agriculture** employees are personally liable for any damage caused by their wantonness, willfulness or negligence. All department of **[**natural resources**]** **agriculture** employees are immune from arrest for trespass in performing their legal duties as stated in sections 60.510 to 60.620 and section 60.670.

60.590. RECORDS TO BE FURNISHED DEPARTMENT — DEPARTMENT TO FURNISH RECORDS AT COST. — 1. On request of the department of **[**natural resources**]** **agriculture** or the state land surveyor, all city and county recorders of deeds, together with all departments, boards or agencies of state government, county, or city government, shall furnish to the department of **[**natural resources**]** **agriculture** or the state land surveyor certified copies of desired records which are in their custody. This service shall be free of cost when possible; otherwise, it shall be at actual cost of reproduction of the records. On the same basis of cost, the department of **[**natural resources**]** **agriculture** shall furnish records within its custody to other agencies or departments of state, county or city, certifying them.

2. The department of **[**natural resources**]** **agriculture** may produce, reproduce and sell maps, plats, reports, studies, and records, and the commission shall recommend to the department of **[**natural resources**]** **agriculture** the charges therefor. All income received shall be promptly deposited in the state treasury to the credit of the department of **[**natural resources document**]** **agriculture land survey revolving** services fund.

60.595. DEPARTMENT REVOLVING SERVICES FUND, PURPOSE — UNEXPENDED BALANCES. — 1. The "Department of **[**Natural Resources**]** **Agriculture Land Survey** Revolving Services Fund" is hereby created. All funds received by the department of **[**natural resources**]** **agriculture** from the delivery of services and the sale or resale of maps, plats, reports, studies, records and other publications and documents and surveying information, on paper or in electronic format, by the department shall be credited to the fund. The director of the department shall administer the fund. The state treasurer is the custodian of the fund and shall approve disbursements from the fund requested by the director of the department. When appropriated, moneys in the fund shall be used to purchase goods, equipment, hardware and software, maintenance and licenses, software and database development and maintenance, personal services, and other services that will ultimately be used to provide copies of information maintained or provided by the land survey program, reprint maps, publications or other documents requested by governmental agencies or members of the general public; to publish the maps, publications or other documents or to purchase maps, publications or other documents for resale; and to pay shipping charges, **[**laboratory services, core library fees, workshop fees, conference fees, interdivisional cooperative agreements,**]** but for no other purpose.

2. **Effective August 28, 2013, a transfer of monies between the department of natural resources revolving services fund, created in section 640.065, and the department of agriculture land survey revolving services fund shall be made such that only the balance related to the reproduction and sale of land survey documents is transferred to the department of agriculture land survey revolving services fund.**

3. An unencumbered balance in the fund at the end of the fiscal year not exceeding one million dollars is exempt from the provisions of section 33.080 relating to the transfer of unexpended balances to the general revenue fund.

[3.**]** **4.** The department of **[**natural resources**]** **agriculture** shall report all income to and expenditures from such fund on a quarterly basis to the house budget committee and the senate appropriations committee.

60.600. REGISTERED SURVEYORS TO BE USED — PRIVATE EMPLOYMENT PROHIBITED. — Every employee of the department of **[**natural resources**]** **agriculture** who is engaged in work required by law to be done by a registered land surveyor will be so registered. No employee of the department of **[**natural resources**]** **agriculture** shall engage in private land surveying or consultation while employed by the department of **[**natural resources**]** **agriculture**.

60.610. DEPARTMENT MAY CONTRACT. — Whenever the department of **[**natural resources**]** **agriculture** deems it expedient, and when funds appropriated permit, the department of **[**natural resources**]** **agriculture** may enter into any contract with agencies of the United States,

with agencies of other states, or with private persons, registered land surveyors or professional engineers, in order to plan and execute desired land surveys or geodetic surveys, or to plan and execute other projects which are within the scope and purpose of sections 60.510 to 60.620 and section 60.670.

60.620. LAND SURVEY COMMISSION ESTABLISHED — APPOINTMENT — TERMS — QUALIFICATIONS — CHAIRMAN, SELECTION — MEETINGS, QUORUM — EXPENSES — DUTIES — ANNUAL REPORT, CONTENT TO BE PUBLIC. — 1. There is hereby created the "Land Survey Commission", within the department of **[**natural resources**]** **agriculture**. The commission shall consist of seven members, six of whom shall be appointed by the governor. Members shall reside in this state. Members of the commission shall hold office for terms of three years, but of the original appointments, two members shall serve for one year, two members shall serve for two years, and two members shall serve for three years. Members may serve only three consecutive terms on the commission.

2. The land survey commission shall consist of the following persons:

(1) Four members who shall be registered land surveyors, one of which shall be a county surveyor;

(2) One member who shall represent the real estate or land title industry;

(3) One member who shall represent the public and have an interest in and knowledge of land surveying; and

(4) The director of the department of **[**natural resources**]** **agriculture** or his or her designee.

The members in subdivisions (1) to (3) of this subsection shall be appointed by the governor with advice and consent of the senate and each shall serve until his or her successor is duly appointed.

3. The land survey commission shall elect a chairman annually. The commission shall meet semiannually and at other such times as called by the chairman of the commission and shall have a quorum when at least four members are present.

4. The land survey commission members shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

5. The land survey commission shall provide the director of the department of **[**natural resources**]** **agriculture** and the state land surveyor with recommendations on the operation and the planning and prioritization of the land survey program and the design of regulations needed to carry out the functions, duties, and responsibilities of the department of **[**natural resources**]** **agriculture** in sections 60.510 to 60.620 and section 60.670.

6. The land survey commission shall recommend to the department of **[**natural resources**]** **agriculture**:

(1) A person to be selected and appointed state land surveyor, who shall be the chief administrative officer of the land survey program. The state land surveyor shall be selected **[**under the state merit system**]** on the basis of professional experience and registration;

(2) Prioritization and execution of projects which are within the scope and purpose of sections 60.510 to 60.620 and section 60.670;

(3) Prioritization and selection of public land survey corner monuments to be reestablished through the county cooperative contracts in accordance with sections 8.285 to 8.291; and

(4) Approval of all other contracts for the planning and execution of projects which are within the scope and purpose of sections 60.510 to 60.620 and section 60.670 and in accordance with sections 8.285 to 8.291.

7. The commission shall, at least annually, prepare a report, which shall be available to the general public, of the review by the commission of the land survey program, stating its findings, conclusions, and recommendations to the director.

8. By December 1, 2013, the commission shall provide a report to the department of **[**natural resources**]** **agriculture** and general assembly that recommends the appropriate administrative or overhead cost rate that will be charged to the program, where such cost rate

shall include all indirect services provided by the **[**division of geology and land survey,**]** department of **[**natural resources,**]** **agriculture** and office of administration.

60.653. RECORDER OF DEEDS, DUTIES — COPIES OF PLATS TO BE EVIDENCE WHEN CERTIFIED. — 1. It shall be the duty of the recorder of deeds to maintain a copy of all survey plats delivered to his custody in an appropriate file medium capable of reproduction.

2. Survey plats shall be placed in the plat books or such other record books as have been previously established.

3. A duplicate of the recorded survey plat shall be provided to the land survey **[**division**]** **program** of the department of **[**natural resources**]** **agriculture** at an amount not to exceed the actual cost of the duplicate.

4. The recorder shall maintain an index of all survey plats, subdivision plats, and condominium plats by section, township, and range and by subdivision or condominium name.

5. Copies of survey plats shall be evidence in all courts of justice when properly certified under the hand and official seal of the recorder.

60.670. DIGITAL CADASTRAL PARCEL MAPPING, MINIMUM STANDARDS, RULEMAKING AUTHORITY. — 1. As used in this section, the following terms shall mean:

(1) "Cadastral parcel mapping", an accurately delineated identification of all real property parcels. The cadastral map is based upon the USPLSS. For cadastral parcel maps the position of the legal framework is derived from the USPLSS, existing tax maps, and tax database legal descriptions, recorded deeds, recorded surveys, and recorded subdivision plats;

(2) "Digital cadastral parcel mapping", encompasses the concepts of automated mapping, graphic display and output, data analysis, and database management as pertains to cadastral parcel mapping. Digital cadastral parcel mapping systems consist of hardware, software, data, people, organizations, and institutional arrangements for collecting, storing, analyzing, and disseminating information about the location and areas of parcels and the USPLSS;

(3) "USPLSS" or "United States Public Land Survey System", a survey executed under the authority of the United States government as recorded on the official plats and field notes of the United States public land survey maintained by the land survey program of the department of **[**natural resources**]** **agriculture**;

(4) "Tax map", a document or map for taxation purposes representing the location, dimensions, and other relevant information pertaining to a parcel of land subject to property taxes.

2. The office of the state land surveyor established within the department of **[**natural resources**]** **agriculture** shall promulgate rules and regulations establishing minimum standards for digital cadastral parcel mapping. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

3. Any map designed and used to reflect legal property descriptions or boundaries for use in a digital cadastral mapping system shall comply with the rules promulgated under this section, unless the party requesting the map specifies otherwise in writing, the map was designed and in use prior to the promulgation of the rules, or the parties requesting and designing the map have already agreed to the terms of their contract on the effective date of the rules promulgation.

236.410. COUNCIL ESTABLISHED — MEMBERS, TERMS, QUALIFICATIONS, OFFICERS — MEETINGS — QUORUM — COMPENSATION — REPORT. — 1. There is hereby created a "Dam

and Reservoir Safety Council", whose domicile for the purposes of sections 236.400 to 236.500 shall be the department of natural resources of the state of Missouri, for the regulation of dam and reservoir safety. The council shall consist of seven members, no more than four of whom shall be members of the same political party, appointed by the governor with the advice and consent of the senate.

2. The members of the council shall have a background of academic training or professional experience directly related to the design of dams and reservoirs. At least two members of the council shall be professional engineers registered in the state of Missouri, one of whom shall represent the general public; at least one member shall be an engineering geologist; at least one member, in addition to the professional engineer, shall be a representative of the general public; two members shall be from industry, one of whom shall be earthmoving contractors; and one member shall be the owner of a dam or reservoir. **Of the seven members, three shall be from each of the three United States congressional districts in this state with the highest number of dams.** The members shall serve for a term of two years; except, of the first appointments three shall be appointed for one year. The governor shall fill any vacancy on the council and may remove any appointed member for cause. The council shall annually elect a chairman and vice chairman from among its members. The council shall meet regularly but not less than quarterly. Special meetings and hearings may be called upon delivery of written notice to each member of the council signed by the director, the chief engineer, the council chairman or four of the council members. Four members of the council shall constitute a quorum to transact the business of the council. The council shall decide all questions by a majority vote of those present and constituting a quorum. The members of this council shall not receive any compensations other than for actual travel and subsistence when acting officially as members of the council. **The council shall prepare and present an annual report to the general assembly by December thirty-first of each year.**

253.090. STATE PARK EARNINGS FUND CREATED, HOW USED. — 1. All revenue derived from privileges, conveniences, contracts or otherwise, all moneys received by gifts, bequests or contributions or from county or municipal sources and all moneys received from the operation of concessions, projects or facilities and from resale items shall be paid into the state treasury to the credit of the "State Park Earnings Fund", which is hereby created. **The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. All interest and moneys earned on such investments shall be credited to the fund.** In the event any state park or any part thereof is taken under the power of eminent domain by the federal government the moneys paid for the taking shall be deposited in the state park earnings fund. The fund shall be used solely for the payment of the expenditures of the department of natural resources in the administration of this law, except that in any fiscal year the department may expend a sum not to exceed fifty percent of the preceding fiscal year's deposits to the state park earnings fund for the purpose of:

(1) Paying the principal and interest of revenue bonds issued;

(2) Providing an interest and sinking fund;

(3) Providing a reasonable reserve fund;

(4) Providing a reasonable fund for depreciation; and

(5) Paying for feasibility reports necessary for the issuing of revenue bonds.

2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

3. A good and sufficient bond conditioned upon the faithful performance of the contract and compliance with this law shall be required of all contractors.

4. Any person who contracts pursuant to this section with the state shall keep true and accurate records of his or her receipts and disbursements arising out of the performance of the contract and shall permit the department of natural resources and the state auditor to audit such records.

253.180. DOMESTIC ANIMALS PROHIBITED FROM RUNNING AT LARGE. — No person shall allow any domestic or other animal under his control or ownership to range within any state park at any time**, unless as authorized under section 253.185**.

253.185. DOMESTIC ANIMALS, HOW CONTROLLED — PROHIBITED IN BUILDINGS, EXCEPTION — DOG PARK, DESIGNATED AREA. — **1. Except for the provisions of subsection 2 of this section,** domestic household animals shall not be allowed in any state park unless restrained by a leash not longer than ten feet held by some person or firmly affixed to some stationary object so as to prevent the animal from ranging at large. No domestic household or other animal shall be allowed inside any state park building under the control of either the department of natural resources or a concessionaire licensed by the department of natural resources unless permission is granted by the department of natural resources.

2. The department of natural resources may designate a specified area within any state park to serve as a dog park or an off-leash area for domestic household animals.

256.117. FUNDING FOR OPERATION OF MAP REPOSITORY FROM DOCUMENT SERVICES FUND — MONEY FROM SALES OF MAPS OR PRODUCTS DEPOSITED IN FUND. — 1. Funds from department of natural resources **[**document**]** **revolving** services fund created in section **[**60.595**]** **640.065** may be used to purchase, acquire and copy maps described in sections 256.112 to 256.117, as well as all services necessary for the operation of the map repository.

2. All funds from the sale of maps and products from the mine map repository shall be deposited in the department of natural resources **[**document**]** **revolving** services fund created in section **[**60.595**]** **640.065**.

256.438. FUND CREATED, USE OF MONEYS. — 1. There is hereby established in the state treasury a fund to be known as the "Multi-Purpose Water Resource Program Renewable Water Program Fund", which shall consist of all money deposited in such fund from whatever source, whether public or private. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and other moneys earned on such investments shall be credited to the fund. Any unexpended balance in such fund at the end of any appropriation period shall not be transferred to the general revenue fund and, accordingly, shall be exempt from the provisions of section 33.080 relating to the transfer of funds to the general revenue funds of the state by the state treasurer.

2. Upon appropriation, the department of natural resources shall use money in the fund created by this section for the purposes of carrying out the provisions of sections 256.435 to 256.445, including, but not limited to, the provision of grants or other financial assistance, and, if such limitations or conditions are imposed, only upon such other limitations or conditions specified in the instrument that appropriates, grants, bequeaths, or otherwise authorizes the transmission of money to the fund.

258.010. COMMITTEES, COUNCILS AND BOARDS AUTHORIZED — STAFFING BY DEPARTMENT. — 1. **[**There shall be a "State Interagency Council for Outdoor Recreation" composed of the following state agencies:

(1) Department of agriculture;
(2) Office of administration;
(3) Department of social services;
(4) Department of economic development;
(5) Department of conservation;
(6) Department of natural resources;

(7) Department of transportation;

(8) University of Missouri**] The department of natural resources shall be responsible for convening any committee, council, or board the department deems necessary or advisable in order for the department to perform any functions or duties related to state parks or historic sites, recreational trails, outdoor recreation, any federal grant program pursuant to chapters 253 and 258, any federal land and water conservation fund act, 28 U.S.C. 206, or any other law**.

2. The department of natural resources shall provide all staff support and office space for **[**the council**] any such bodies**.

258.060. DUTIES AND FUNCTIONS OF DEPARTMENT. — The **[**state inter-agency council for outdoor recreation**] department of natural resources** shall be:

(1) The official state agency for liaison with the federal bureau of outdoor recreation;

(2) The official state agency to receive and disburse federal funds available to this state for overall outdoor recreation planning **and any recreational trails planning or programs**;

(3) The official state agency to receive and allocate to the appropriate agency, or political subdivision, federal funds available for outdoor recreation **or recreational trails** programs; and

(4) Shall provide a forum for consideration of outdoor recreation problems affecting member agencies and as an advisory and planning agency for overall outdoor recreational programs. The **[**council**] department** may provide information and advisory services for any political subdivision requesting its services.

258.070. COMPENSATION, EXPENSES OF MEMBER AGENCIES' REPRESENTATIVES. — Representatives of **[**the member agencies**] any committee, council, or board convened by the department pursuant to section 258.010** shall not receive any additional compensation for their services **[**as representatives on the council**] ,** and all expenses of **any** agency representatives shall be paid by their respective agency.

258.080. FUND CREATED — MONEYS APPROPRIATED, FOR WHAT PURPOSES — FUNDS NOT TO REVERT. — 1. There is hereby created in the state treasury for the use of the **[**state inter-agency council for outdoor recreation**] department of natural resources** a fund to be known as "The Inter-Agency Council Fund". All federal moneys received by the state of Missouri from the Land and Water Conservation Fund Act of 1965, Public Law 88-578, shall be deposited in the fund.

2. Moneys deposited in the fund shall, upon appropriation by the general assembly to the **[**state inter-agency council for outdoor recreation**] department**, be received and expended or allocated by the **[**state inter-agency council**] department** for outdoor recreation for outdoor recreation planning, acquisition and development and for no other purposes; provided, however, that not less than fifty percent of the moneys appropriated shall be allocated by **[**said council**] the department** to political subdivisions of the state of Missouri, none of which moneys so allocated shall be expended for the improvement or operation of projects under the supervision or control of any state agency.

3. Any unexpended balance in **[**the inter-agency council**] such** fund at the end of any appropriation period shall not be transferred to the general revenue fund of the state treasury and, accordingly, shall be exempt from the provisions of section 33.080 relating to transfer of funds to the general revenue funds of the state by the state treasurer.

260.200. DEFINITIONS. — 1. The following words and phrases when used in sections 260.200 to 260.345 shall mean:

(1) "Alkaline-manganese battery" or "alkaline battery", a battery having a manganese dioxide positive electrode, a zinc negative electrode, an alkaline electrolyte, including alkaline-

manganese button cell batteries intended for use in watches, calculators, and other electronic products, and larger-sized alkaline-manganese batteries in general household use;

(2) **"Applicant", a person or persons seeking or holding a facility permit;**

(3) "Bioreactor", a municipal solid waste disposal area or portion of a municipal solid waste disposal area where the controlled addition of liquid waste or water accelerates both the decomposition of waste and landfill gas generation;

[(3)**] (4)** "Button cell battery" or "button cell", any small alkaline-manganese or mercuric-oxide battery having the size and shape of a button;

[(4)**] (5)** "City", any incorporated city, town, or village;

[(5)**] (6)** "Clean fill", uncontaminated soil, rock, sand, gravel, concrete, asphaltic concrete, cinderblocks, brick, minimal amounts of wood and metal, and inert solids as approved by rule or policy of the department for fill, reclamation or other beneficial use;

[(6)**] (7)** "Closure", the permanent cessation of active disposal operations, abandonment of the disposal area, revocation of the permit or filling with waste of all areas and volumes specified in the permit and preparing the area for long-term care;

[(7)**] (8)** "Closure plan", plans, designs and relevant data which specify the methods and schedule by which the operator will complete or cease disposal operations, prepare the area for long-term care, and make the area suitable for other uses, to achieve the purposes of sections 260.200 to 260.345 and the regulations promulgated thereunder;

[(8)**] (9)** "Conference, conciliation and persuasion", a process of verbal or written communications consisting of meetings, reports, correspondence or telephone conferences between authorized representatives of the department and the alleged violator. The process shall, at a minimum, consist of one offer to meet with the alleged violator tendered by the department. During any such meeting, the department and the alleged violator shall negotiate in good faith to eliminate the alleged violation and shall attempt to agree upon a plan to achieve compliance;

[(9)**] (10)** "Construction and demolition waste", waste materials from the construction and demolition of residential, industrial, or commercial structures, but shall not include materials defined as clean fill under this section;

[(10)**] (11)** "Demolition landfill", a solid waste disposal area used for the controlled disposal of demolition wastes, construction materials, brush, wood wastes, soil, rock, concrete and inert solids insoluble in water;

[(11)**] (12)** "Department", the department of natural resources;

[(12)**] (13)** "Director", the director of the department of natural resources;

[(13)**] (14) "Disclosure statement", a sworn statement or affirmation, in such form as may be required by the director of the department of natural resources, which includes:**

(a) The full names and business address of key personnel;

(b) The full name and business address of any entity, other than a natural person, that collects, transfers, processes, treats, stores, or disposes of solid waste in which all key personnel holds an equity interest of seven percent or more;

(c) A description of the business experience of all key personnel listed in the disclosure statement;

(d) For the five year period ending on the date the sworn disclosure statement or affirmation is signed by key personnel:

a. A listing organized by issuing federal, state, or county or county equivalent regulatory body of all environmental permits or licenses for the collection, transfer, treatment, processing, storage, or disposal of solid waste issued to or held by any key personnel;

b. A listing and explanation of notices of violation which shall by rule be defined, prosecutions, or other administrative enforcement actions resulting in an adjudication or conviction;

c. A listing of license or permit suspensions, revocations, or denials issued by any state, the federal government or a county or county equivalent, which are pending or have concluded with a finding of violation or entry of a consent agreement regarding an allegation of civil or criminal violation of law, regulation or requirement relating to the collection, transfer, treatment, processing, storage, or disposal of solid waste or violation of the environmental statutes of other states or federal statutes;

d. An itemized list of all felony convictions under the laws of the state of Missouri or the equivalent thereof under the laws of any other jurisdiction; and a listing of any findings of guilt for any crimes or criminal acts an element of which involves restraint of trade, price-fixing, intimidation of the customers of another person or for engaging in any other acts which may have the effect of restraining or limiting competition concerning activities regulated pursuant to this chapter or similar laws of other states or the federal government including, but not limited to, racketeering or violation of antitrust laws of any key personnel;

(15) "District", a solid waste management district established under section 260.305;

[(14)**] (16)** "Financial assurance instrument", an instrument or instruments, including, but not limited to, cash or surety bond, letters of credit, corporate guarantee or secured trust fund, submitted by the applicant to ensure proper closure and postclosure care and corrective action of a solid waste disposal area in the event that the operator fails to correctly perform closure and postclosure care and corrective action requirements, except that the financial test for the corporate guarantee shall not exceed one and one-half times the estimated cost of closure and postclosure. The form and content of the financial assurance instrument shall meet or exceed the requirements of the department. The instrument shall be reviewed and approved or disapproved by the attorney general;

[(15)**] (17)** "Flood area", any area inundated by the one hundred year flood event, or the flood event with a one percent chance of occurring in any given year;

[(16)**] (18)** "Household consumer", an individual who generates used motor oil through the maintenance of the individual's personal motor vehicle, vessel, airplane, or other machinery powered by an internal combustion engine;

[(17)**] (19)** "Household consumer used motor oil collection center", any site or facility that accepts or aggregates and stores used motor oil collected only from household consumers or farmers who generate an average of twenty-five gallons per month or less of used motor oil in a calendar year. This section shall not preclude a commercial generator from operating a household consumer used motor oil collection center;

[(18)**] (20)** "Household consumer used motor oil collection system", any used motor oil collection center at publicly owned facilities or private locations, any curbside collection of household consumer used motor oil, or any other household consumer used motor oil collection program determined by the department to further the purposes of sections 260.200 to 260.345;

[(19)**] (21)** "Infectious waste", waste in quantities and characteristics as determined by the department by rule, including isolation wastes, cultures and stocks of etiologic agents, blood and blood products, pathological wastes, other wastes from surgery and autopsy, contaminated laboratory wastes, sharps, dialysis unit wastes, discarded biologicals known or suspected to be infectious; provided, however, that infectious waste does not mean waste treated to department specifications;

(22) "Key personnel", the applicant itself and any person employed by the applicant in a managerial capacity, or empowered to make discretionary decisions with respect to the solid waste operations of the applicant in Missouri, but shall not include employees exclusively engaged in the physical or mechanical collection, transfer, transportation, treatment, processing, storage, or disposal of solid waste and such other employees as the director of the department of natural resources may designate by regulation. If the applicant has not previously conducted solid waste operations in Missouri, the term also includes any officer, director, partner of the applicant, or any holder of seven percent or

more of the equity or debt of the applicant. If any holder of seven percent or more of the equity or debt of the applicant or of any key personnel is not a natural person, the term includes all key personnel of that entity, provided that where such entity is a chartered lending institution or a reporting company under the federal Securities Exchange Act of 1934, the term does not include key personnel of such entity. Provided further that the term means the chief executive officer of any agency of the United States or of any agency or political subdivision of the state of Missouri, and all key personnel of any person, other than a natural person, that operates a landfill or other facility for the collection, transfer, treatment, processing, storage, or disposal of nonhazardous solid waste under contract with or for one of those governmental entities;

[(20)**] (23)** "Lead-acid battery", a battery designed to contain lead and sulfuric acid with a nominal voltage of at least six volts and of the type intended for use in motor vehicles and watercraft;

[(21)**] (24)** "Major appliance", clothes washers and dryers, water heaters, trash compactors, dishwashers, conventional ovens, ranges, stoves, woodstoves, air conditioners, refrigerators and freezers;

[(22)**] (25)** "Mercuric-oxide battery" or "mercury battery", a battery having a mercuric-oxide positive electrode, a zinc negative electrode, and an alkaline electrolyte, including mercuric-oxide button cell batteries generally intended for use in hearing aids and larger size mercuric-oxide batteries used primarily in medical equipment;

[(23)**] (26)** "Minor violation", a violation which possesses a small potential to harm the environment or human health or cause pollution, was not knowingly committed, and is not defined by the United States Environmental Protection Agency as other than minor;

[(24)**] (27)** "Motor oil", any oil intended for use in a motor vehicle, as defined in section 301.010, train, vessel, airplane, heavy equipment, or other machinery powered by an internal combustion engine;

[(25)**] (28)** "Motor vehicle", as defined in section 301.010;

[(26)**] (29)** "Operator" and "permittee", anyone so designated, and shall include cities, counties, other political subdivisions, authority, state agency or institution, or federal agency or institution;

[(27)**] (30)** "Permit modification", any permit issued by the department which alters or modifies the provisions of an existing permit previously issued by the department;

[(28)**] (31)** "Person", any individual, partnership, **limited liability company,** corporation, association, **trust,** institution, city, county, other political subdivision, authority, state agency or institution, or federal agency or institution**, or any other legal entity**;

[(29)**] (32)** "Plasma arc technology", a process that converts electrical energy into thermal energy. This electric arc is created when an ionized gas transfers electric power between two or more electrodes;

[(30)**] (33)** "Postclosure plan", plans, designs and relevant data which specify the methods and schedule by which the operator shall perform necessary monitoring and care for the area after closure to achieve the purposes of sections 260.200 to 260.345 and the regulations promulgated thereunder;

[(31)**] (34)** "Recovered materials", those materials which have been diverted or removed from the solid waste stream for sale, use, reuse or recycling, whether or not they require subsequent separation and processing;

[(32)**] (35)** "Recycled content", the proportion of fiber in a newspaper which is derived from postconsumer waste;

[(33)**] (36)** "Recycling", the separation and reuse of materials which might otherwise be disposed of as solid waste;

[(34)**] (37)** "Resource recovery", a process by which recyclable and recoverable material is removed from the waste stream to the greatest extent possible, as determined by the department and pursuant to department standards, for reuse or remanufacture;

[(35)**]** **(38)** "Resource recovery facility", a facility in which recyclable and recoverable material is removed from the waste stream to the greatest extent possible, as determined by the department and pursuant to department standards, for reuse or remanufacture;

[(36)**]** **(39)** "Sanitary landfill", a solid waste disposal area which accepts commercial and residential solid waste;

[(37)**]** **(40)** "Scrap tire", a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect;

[(38)**]** **(41)** "Scrap tire collection center", a site where scrap tires are collected prior to being offered for recycling or processing and where fewer than five hundred tires are kept on site on any given day;

[(39)**]** **(42)** "Scrap tire end-user facility", a site where scrap tires are used as a fuel or fuel supplement or converted into a useable product. Baled or compressed tires used in structures, or used at recreational facilities, or used for flood or erosion control shall be considered an end use;

[(40)**]** **(43)** "Scrap tire generator", a person who sells tires at retail or any other person, firm, corporation, or government entity that generates scrap tires;

[(41)**]** **(44)** "Scrap tire processing facility", a site where tires are reduced in volume by shredding, cutting, or chipping or otherwise altered to facilitate recycling, resource recovery, or disposal;

[(42)**]** **(45)** "Scrap tire site", a site at which five hundred or more scrap tires are accumulated, but not including a site owned or operated by a scrap tire end-user that burns scrap tires for the generation of energy or converts scrap tires to a useful product;

[(43)**]** **(46)** "Solid waste", garbage, refuse and other discarded materials including, but not limited to, solid and semisolid waste materials resulting from industrial, commercial, agricultural, governmental and domestic activities, but does not include hazardous waste as defined in sections 260.360 to 260.432, recovered materials, overburden, rock, tailings, matte, slag or other waste material resulting from mining, milling or smelting;

[(44)**]** **(47)** "Solid waste disposal area", any area used for the disposal of solid waste from more than one residential premises, or one or more commercial, industrial, manufacturing, recreational, or governmental operations;

[(45)**]** **(48)** "Solid waste fee", a fee imposed pursuant to sections 260.200 to 260.345 and may be:

(a) A solid waste collection fee imposed at the point of waste collection; or

(b) A solid waste disposal fee imposed at the disposal site;

[(46)**]** **(49)** "Solid waste management area", a solid waste disposal area which also includes one or more of the functions contained in the definitions of recycling, resource recovery facility, waste tire collection center, waste tire processing facility, waste tire site or solid waste processing facility, excluding incineration;

[(47)**]** **(50)** "Solid waste management system", the entire process of managing solid waste in a manner which minimizes the generation and subsequent disposal of solid waste, including waste reduction, source separation, collection, storage, transportation, recycling, resource recovery, volume minimization, processing, market development, and disposal of solid wastes;

[(48)**]** **(51)** "Solid waste processing facility", any facility where solid wastes are salvaged and processed, including:

(a) A transfer station; or

(b) An incinerator which operates with or without energy recovery but excluding waste tire end-user facilities; or

(c) A material recovery facility which operates with or without composting;

(d) A plasma arc technology facility;

[(49)**]** **(52)** "Solid waste technician", an individual who has successfully completed training in the practical aspects of the design, operation and maintenance of a permitted solid waste processing facility or solid waste disposal area in accordance with sections 260.200 to 260.345;

[(50)**] (53)** "Tire", a continuous solid or pneumatic rubber covering encircling the wheel of any self-propelled vehicle not operated exclusively upon tracks, or a trailer as defined in chapter 301, except farm tractors and farm implements owned and operated by a family farm or family farm corporation as defined in section 350.010;

[(51)**] (54)** "Used motor oil", any motor oil which, as a result of use, becomes unsuitable for its original purpose due to loss of original properties or the presence of impurities, but used motor oil shall not include ethylene glycol, oils used for solvent purposes, oil filters that have been drained of free flowing used oil, oily waste, oil recovered from oil tank cleaning operations, oil spilled to land or water, or industrial nonlube oils such as hydraulic oils, transmission oils, quenching oils, and transformer oils;

[(52)**] (55)** "Utility waste landfill", a solid waste disposal area used for fly ash waste, bottom ash waste, slag waste and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels;

[(53)**] (56)** "Yard waste", leaves, grass clippings, yard and garden vegetation and Christmas trees. The term does not include stumps, roots or shrubs with intact root balls.

2. For the purposes of this section and sections 260.270 to 260.279 and any rules in place as of August 28, 2005, or promulgated under said sections, the term "scrap" shall be used synonymously with and in place of waste, as it applies only to scrap tires.

260.205. PERMIT REQUIRED TO OPERATE FACILITY, AND CONSTRUCTION PERMIT TO CONSTRUCT FACILITY, REQUIREMENTS, EXCEPTIONS, FEES — PLANS TO BE SUBMITTED — PERMITS REVOKED OR SUSPENDED, WHEN — DISCLOSURE STATEMENT, REQUIREMENTS. — 1. It shall be unlawful for any person to operate a solid waste processing facility or solid waste disposal area of a solid waste management system without first obtaining an operating permit from the department. It shall be unlawful for any person to construct a solid waste processing facility or solid waste disposal area without first obtaining a construction permit from the department pursuant to this section. A current authorization to operate issued by the department pursuant to sections 260.200 to 260.345 shall be considered to be a permit to operate for purposes of this section for all solid waste disposal areas and processing facilities existing on August 28, 1995. A permit shall not be issued for a sanitary landfill to be located in a flood area, as determined by the department, where flood waters are likely to significantly erode final cover. A permit shall not be required to operate a waste stabilization lagoon, settling pond or other water treatment facility which has a valid permit from the Missouri clean water commission even though the facility may receive solid or semisolid waste materials.

2. No person or operator may apply for or obtain a permit to construct a solid waste disposal area unless the person has requested the department to conduct a preliminary site investigation and obtained preliminary approval from the department. The department shall, within sixty days of such request, conduct a preliminary investigation and approve or disapprove the site.

3. All proposed solid waste disposal areas for which a preliminary site investigation request pursuant to subsection 2 of this section is received by the department on or after August 28, 1999, shall be subject to a public involvement activity as part of the permit application process. The activity shall consist of the following:

(1) The applicant shall notify the public of the preliminary site investigation approval within thirty days after the receipt of such approval. Such public notification shall be by certified mail to the governing body of the county or city in which the proposed disposal area is to be located and by certified mail to the solid waste management district in which the proposed disposal area is to be located;

(2) Within ninety days after the preliminary site investigation approval, the department shall conduct a public awareness session in the county in which the proposed disposal area is to be located. The department shall provide public notice of such session by both printed and broadcast media at least thirty days prior to such session. Printed notification shall include

publication in at least one newspaper having general circulation within the county in which the proposed disposal area is to be located. Broadcast notification shall include public service announcements on radio stations that have broadcast coverage within the county in which the proposed disposal area is to be located. The intent of such public awareness session shall be to provide general information to interested citizens on the design and operation of solid waste disposal areas;

(3) At least sixty days prior to the submission to the department of a report on the results of a detailed site investigation pursuant to subsection 4 of this section, the applicant shall conduct a community involvement session in the county in which the proposed disposal area is to be located. Department staff shall attend any such session. The applicant shall provide public notice of such session by both printed and broadcast media at least thirty days prior to such session. Printed notification shall include publication in at least one newspaper having general circulation within the county in which the proposed disposal area is to be located. Broadcast notification shall include public service announcements on radio stations that have broadcast coverage within the county in which the proposed disposal area is to be located. Such public notices shall include the addresses of the applicant and the department and information on a public comment period. Such public comment period shall begin on the day of the community involvement session and continue for at least thirty days after such session. The applicant shall respond to all persons submitting comments during the public comment period no more than thirty days after the receipt of such comments;

(4) If a proposed solid waste disposal area is to be located in a county or city that has local planning and zoning requirements, the applicant shall not be required to conduct a community involvement session if the following conditions are met:

(a) The local planning and zoning requirements include a public meeting;

(b) The applicant notifies the department of intent to utilize such meeting in lieu of the community involvement session at least thirty days prior to such meeting;

(c) The requirements of such meeting include providing public notice by printed or broadcast media at least thirty days prior to such meeting;

(d) Such meeting is held at least thirty days prior to the submission to the department of a report on the results of a detailed site investigation pursuant to subsection 4 of this section;

(e) The applicant submits to the department a record of such meeting;

(f) A public comment period begins on the day of such meeting and continues for at least fourteen days after such meeting, and the applicant responds to all persons submitting comments during such public comment period no more than fourteen days after the receipt of such comments.

4. No person may apply for or obtain a permit to construct a solid waste disposal area unless the person has submitted to the department a plan for conducting a detailed surface and subsurface geologic and hydrologic investigation and has obtained geologic and hydrologic site approval from the department. The department shall approve or disapprove the plan within thirty days of receipt. The applicant shall conduct the investigation pursuant to the plan and submit the results to the department. The department shall provide approval or disapproval within sixty days of receipt of the investigation results.

5. (1) Every person desiring to construct a solid waste processing facility or solid waste disposal area shall make application for a permit on forms provided for this purpose by the department. Every applicant shall submit evidence of financial responsibility with the application. Any applicant who relies in part upon a parent corporation for this demonstration shall also submit evidence of financial responsibility for that corporation and any other subsidiary thereof.

(2) Every applicant shall provide a financial assurance instrument or instruments to the department prior to the granting of a construction permit for a solid waste disposal area. The financial assurance instrument or instruments shall be irrevocable, meet all requirements established by the department and shall not be cancelled, revoked, disbursed, released or allowed

to terminate without the approval of the department. After the cessation of active operation of a sanitary landfill, or other solid waste disposal area as designed by the department, neither the guarantor nor the operator shall cancel, revoke or disburse the financial assurance instrument or allow the instrument to terminate until the operator is released from postclosure monitoring and care responsibilities pursuant to section 260.227.

(3) The applicant for a permit to construct a solid waste disposal area shall provide the department with plans, specifications, and such other data as may be necessary to comply with the purpose of sections 260.200 to 260.345. The application shall demonstrate compliance with all applicable local planning and zoning requirements. The department shall make an investigation of the solid waste disposal area and determine whether it complies with the provisions of sections 260.200 to 260.345 and the rules and regulations adopted pursuant to sections 260.200 to 260.345. Within twelve consecutive months of the receipt of an application for a construction permit the department shall approve or deny the application. The department shall issue rules and regulations establishing time limits for permit modifications and renewal of a permit for a solid waste disposal area. The time limit shall be consistent with this chapter.

(4) The applicant for a permit to construct a solid waste processing facility shall provide the department with plans, specifications and such other data as may be necessary to comply with the purpose of sections 260.200 to 260.345. Within one hundred eighty days of receipt of the application, the department shall determine whether it complies with the provisions of sections 260.200 to 260.345. Within twelve consecutive months of the receipt of an application for a permit to construct an incinerator as defined in section 260.200 or a material recovery facility as defined in section 260.200, and within six months for permit modifications, the department shall approve or deny the application. Permits issued for solid waste facilities shall be for the anticipated life of the facility.

(5) If the department fails to approve or deny an application for a permit or a permit modification within the time limits specified in subdivisions (3) and (4) of this subsection, the applicant may maintain an action in the circuit court of Cole County or that of the county in which the facility is located or is to be sited. The court shall order the department to show cause why it has not acted on the permit and the court may, upon the presentation of evidence satisfactory to the court, order the department to issue or deny such permit or permit modification. Permits for solid waste disposal areas, whether issued by the department or ordered to be issued by a court, shall be for the anticipated life of the facility.

(6) The applicant for a permit to construct a solid waste processing facility shall pay an application fee of one thousand dollars. Upon completion of the department's evaluation of the application, but before receiving a permit, the applicant shall reimburse the department for all reasonable costs incurred by the department up to a maximum of four thousand dollars. The applicant for a permit to construct a solid waste disposal area shall pay an application fee of two thousand dollars. Upon completion of the department's evaluations of the application, but before receiving a permit, the applicant shall reimburse the department for all reasonable costs incurred by the department up to a maximum of eight thousand dollars. Applicants who withdraw their application before the department completes its evaluation shall be required to reimburse the department for costs incurred in the evaluation. The department shall not collect the fees authorized in this subdivision unless it complies with the time limits established in this section.

(7) When the review reveals that the facility or area does conform with the provisions of sections 260.200 to 260.345 and the rules and regulations adopted pursuant to sections 260.200 to 260.345, the department shall approve the application and shall issue a permit for the construction of each solid waste processing facility or solid waste disposal area as set forth in the application and with any permit terms and conditions which the department deems appropriate. In the event that the facility or area fails to meet the rules and regulations adopted pursuant to sections 260.200 to 260.345, the department shall issue a report to the applicant stating the reason for denial of a permit.

6. Plans, designs, and relevant data for the construction of solid waste processing facilities and solid waste disposal areas shall be submitted to the department by a registered professional engineer licensed by the state of Missouri for approval prior to the construction, alteration or operation of such a facility or area.

7. Any person or operator as defined in section 260.200 who intends to obtain a construction permit in a solid waste management district with an approved solid waste management plan shall request a recommendation in support of the application from the executive board created in section 260.315. The executive board shall consider the impact of the proposal on, and the extent to which the proposal conforms to, the approved district solid waste management plan prepared pursuant to section 260.325. The executive board shall act upon the request for a recommendation within sixty days of receipt and shall submit a resolution to the department specifying its position and its recommendation regarding conformity of the application to the solid waste plan. The board's failure to submit a resolution constitutes recommendation of the application. The department may consider the application, regardless of the board's action thereon and may deny the construction permit if the application fails to meet the requirements of sections 260.200 to 260.345, or if the application is inconsistent with the district's solid waste management plan.

8. If the site proposed for a solid waste disposal area is not owned by the applicant, the owner or owners of the site shall acknowledge that an application pursuant to sections 260.200 to 260.345 is to be submitted by signature or signatures thereon. The department shall provide the owner with copies of all communication with the operator, including inspection reports and orders issued pursuant to section 260.230.

9. The department shall not issue a permit for the operation of a solid waste disposal area designed to serve a city with a population of greater than four hundred thousand located in more than one county, if the site is located within one-half mile of an adjoining municipality, without the approval of the governing body of such municipality. The governing body shall conduct a public hearing within fifteen days of notice, shall publicize the hearing in at least one newspaper having general circulation in the municipality, and shall vote to approve or disapprove the land disposal facility within thirty days after the close of the hearing.

10. Upon receipt of an application for a permit to construct a solid waste processing facility or disposal area, the department shall notify the public of such receipt:

(1) By legal notice published in a newspaper of general circulation in the area of the proposed disposal area or processing facility;

(2) By certified mail to the governing body of the county or city in which the proposed disposal area or processing facility is to be located; and

(3) By mail to the last known address of all record owners of contiguous real property or real property located within one thousand feet of the proposed disposal area and, for a proposed processing facility, notice as provided in section 64.875 or section 89.060, whichever is applicable.

(4) If an application for a construction permit meets all statutory and regulatory requirements for issuance, a public hearing on the draft permit shall be held by the department in the county in which the proposed solid waste disposal area is to be located prior to the issuance of the permit. The department shall provide public notice of such hearing by both printed and broadcast media at least thirty days prior to such hearing. Printed notification shall include publication in at least one newspaper having general circulation within the county in which the proposed disposal area is to be located. Broadcast notification shall include public service announcements on radio stations that have broadcast coverage within the county in which the proposed disposal area is to be located.

11. After the issuance of a construction permit for a solid waste disposal area, but prior to the beginning of disposal operations, the owner and the department shall execute an easement to allow the department, its agents or its contractors to enter the premises to complete work specified in the closure plan, or to monitor or maintain the site or to take remedial action during

the postclosure period. After issuance of a construction permit for a solid waste disposal area, but prior to the beginning of disposal operations, the owner shall submit evidence that he or she has recorded, in the office of the recorder of deeds in the county where the disposal area is located, a notice and covenant running with the land that the property has been permitted as a solid waste disposal area and prohibits use of the land in any manner which interferes with the closure and, where appropriate, postclosure plans filed with the department.

12. Every person desiring to obtain a permit to operate a solid waste disposal area or processing facility shall submit applicable information and apply for an operating permit from the department. The department shall review the information and determine, within sixty days of receipt, whether it complies with the provisions of sections 260.200 to 260.345 and the rules and regulations adopted pursuant to sections 260.200 to 260.345. When the review reveals that the facility or area does conform with the provisions of sections 260.200 to 260.345 and the rules and regulations adopted pursuant to sections 260.200 to 260.345, the department shall issue a permit for the operation of each solid waste processing facility or solid waste disposal area and with any permit terms and conditions which the department deems appropriate. In the event that the facility or area fails to meet the rules and regulations adopted pursuant to sections 260.200 to 260.345, the department shall issue a report to the applicant stating the reason for denial of a permit.

13. Each solid waste disposal area, except utility waste landfills unless otherwise and to the extent required by the department, and those solid waste processing facilities designated by rule, shall be operated under the direction of a certified solid waste technician in accordance with sections 260.200 to 260.345 and the rules and regulations promulgated pursuant to sections 260.200 to 260.345.

14. Base data for the quality and quantity of groundwater in the solid waste disposal area shall be collected and submitted to the department prior to the operation of a new or expansion of an existing solid waste disposal area. Base data shall include a chemical analysis of groundwater drawn from the proposed solid waste disposal area.

15. Leachate collection and removal systems shall be incorporated into new or expanded sanitary landfills which are permitted after August 13, 1986. The department shall assess the need for a leachate collection system for all types of solid waste disposal areas, other than sanitary landfills, and the need for monitoring wells when it evaluates the application for all new or expanded solid waste disposal areas. The department may require an operator of a solid waste disposal area to install a leachate collection system before the beginning of disposal operations, at any time during disposal operations for unfilled portions of the area, or for any portion of the disposal area as a part of a remedial plan. The department may require the operator to install monitoring wells before the beginning of disposal operations or at any time during the operational life or postclosure care period if it concludes that conditions at the area warrant such monitoring. The operator of a demolition landfill or utility waste landfill shall not be required to install a leachate collection and removal system or monitoring wells unless otherwise and to the extent the department so requires based on hazardous waste characteristic criteria or site specific geohydrological characteristics or conditions.

16. Permits granted by the department, as provided in sections 260.200 to 260.345, shall be subject to suspension for a designated period of time, civil penalty or revocation whenever the department determines that the solid waste processing facility or solid waste disposal area is, or has been, operated in violation of sections 260.200 to 260.345 or the rules or regulations adopted pursuant to sections 260.200 to 260.345, or has been operated in violation of any permit terms and conditions, or is creating a public nuisance, health hazard, or environmental pollution. In the event a permit is suspended or revoked, the person named in the permit shall be fully informed as to the reasons for such action.

17. Each permit for operation of a facility or area shall be issued only to the person named in the application. Permits are transferable as a modification to the permit. An application to transfer ownership shall identify the proposed permittee. A disclosure statement for the proposed

permittee listing violations contained in **[**subsection 19 of this section**]** **the definition of disclosure statement found in section 260.200** shall be submitted to the department. The operation and design plans for the facility or area shall be updated to provide compliance with the currently applicable law and rules. A financial assurance instrument in such an amount and form as prescribed by the department shall be provided for solid waste disposal areas by the proposed permittee prior to transfer of the permit. The financial assurance instrument of the original permittee shall not be released until the new permittee's financial assurance instrument has been approved by the department and the transfer of ownership is complete.

18. Those solid waste disposal areas permitted on January 1, 1996, shall, upon submission of a request for permit modification, be granted a solid waste management area operating permit if the request meets reasonable requirements set out by the department.

19. In case a permit required pursuant to this section is denied or revoked, the person may request a hearing in accordance with section 260.235.

20. **[**Any person seeking a permit or renewal of a permit to operate a commercial solid waste processing facility, or a solid waste disposal area shall, concurrently with the filing of application for a permit, file a disclosure statement with the department of natural resources. The disclosure statement shall include, but not be limited to, a listing of any felony convictions by state or federal agencies, and a listing of other enforcement actions, sanctions, permit revocations or denials by any state or federal authority of every person seeking a permit, including officers, directors, partners and facility or location managers of each person seeking a permit, any violations of Missouri environmental statutes, violations of the environmental statutes of other states or federal statutes and a listing of convictions for any crimes or criminal acts, an element of which involves restraint of trade, price-fixing, intimidation of the customers of another person or for engaging in any other acts which may have the effect of restraining or limiting competition concerning activities regulated pursuant to this chapter or similar laws of other states or the federal government; except that convictions for violations by entities purchased or acquired by an applicant or permittee which occurred prior to the purchase or acquisition shall not be included. The department shall by rule, define those environmental violations which must be reported pursuant to this section. For purposes of this section, additional persons as required by rule shall be named in the statement and violations or convictions of such persons shall be listed. The department or its representative shall verify the information provided on the disclosure statement prior to permit issuance. The disclosure statement shall be used by the department in determining whether a permit should be granted or denied on the basis of the applicant's status as a habitual violator; however, the department has the authority to make a habitual violator determination independent of the information contained in the disclosure statement. After permit issuance, each facility shall annually file an updated disclosure statement with the department of natural resources on or before March thirty-first of each year. Any county, district, municipality, authority or other political subdivision of this state which owns and operates a sanitary landfill shall be exempt from the provisions of this subsection**]** **Every applicant for a permit shall file a disclosure statement with the information required by and on a form developed by the department of natural resources at the same time the application for a permit is filed with the department**.

21. **[**Any person seeking a permit to operate a solid waste disposal area, a solid waste processing facility or a resource recovery facility shall, concurrently with the filing of the application for a permit, disclose any convictions in this state of municipal or county public health or land use ordinances related to the management of solid waste. If the department finds that there has been a continuing pattern of serious adjudicated violations by the applicant, the department may deny the application**]** **Upon request of the director of the department of natural resources, the applicant for a permit, any person that could reasonably be expected to be involved in management activities of the solid waste disposal area or solid waste processing facility, or any person who has a controlling interest in any permittee shall be required to submit to a criminal background check under section 43.543**.

22. **All persons required to file a disclosure statement shall provide any assistance or information requested by the director or by the Missouri state highway patrol and shall cooperate in any inquiry or investigation conducted by the department and any inquiry, investigation or hearing conducted by the director. If, upon issuance of a formal request to answer any inquiry or produce information, evidence or testimony, any person required to file a disclosure statement refuses to comply, the application of an applicant or the permit of a permittee may be denied or revoked by the director.**

23. If any of the information required to be included in the disclosure statement changes, or if any additional information should be added after the filing of the statement, the person required to file it shall provide that information to the director in writing, within thirty days after the change or addition. The failure to provide such information within thirty days may constitute the basis for the revocation of or denial of an application for any permit issued or applied for in accordance with this section, but only if, prior to any such denial or revocation, the director notifies the applicant or permittee of the director's intention to do so and gives the applicant or permittee fourteen days from the date of the notice to explain why the information was not provided within the required thirty-day period. The director shall consider this information when determining whether to revoke, deny or conditionally grant the permit.

24. No person shall be required to submit the disclosure statement required by this section if the person is a corporation or an officer, director or shareholder of that corporation or any subsidiary thereof, and that corporation:

(1) Has on file and in effect with the federal Securities and Exchange Commission a registration statement required under Section 5, Chapter 38, Title 1 of the Securities Act of 1933, as amended, 15 U.S.C. Section 77e(c);

(2) Submits to the director with the application for a permit evidence of the registration described in subdivision (1) of this subsection and a copy of the corporation's most recent annual form 10-K or an equivalent report; and

(3) Submits to the director on the anniversary date of the issuance of any permit it holds under the Missouri solid waste management law evidence of registration described in subdivision (1) of this subsection and a copy of the corporation's most recent annual form 10-K or an equivalent report.

25. After permit issuance, each facility shall annually file an update to the disclosure statement with the department of natural resources on or before March thirty-first of each year. Failure to provide such update may result in penalties as provided for under section 260.240.

26. Any county, district, municipality, authority, or other political subdivision of this state which owns and operates a sanitary landfill shall be exempt from the requirement for the filing of the disclosure statement and annual update to the disclosure statement.

27. Any person seeking a permit to operate a solid waste disposal area, a solid waste processing facility, or a resource recovery facility shall, concurrently with the filing of the application for a permit, disclose any convictions in this state, county or county equivalent public health or land use ordinances related to the management of solid waste. If the department finds that there has been a continuing pattern of adjudicated violations by the applicant, the department may deny the application.

28. No permit to construct or permit to operate shall be required pursuant to this section for any utility waste landfill located in a county of the third classification with a township form of government which has a population of at least eleven thousand inhabitants and no more than twelve thousand five hundred inhabitants according to the most recent decennial census, if such utility waste landfill complies with all design and operating standards and closure requirements applicable to utility waste landfills pursuant to sections 260.200 to 260.345 and provided that no waste disposed of at such utility waste landfill is considered hazardous waste pursuant to the Missouri hazardous waste law.

260.214. PRELIMINARY SITE INVESTIGATION APPROVAL, NOT REQUIRED FOR CERTAIN COUNTIES — SEVERABILITY CLAUSE. — 1. Preliminary site investigation approval shall not be required for any municipal utility located in a county of the first classification with more than two hundred sixty but fewer than three hundred thousand inhabitants to proceed with a utility waste landfill detailed site investigation. Nothing in this section shall preclude the department from exercising its existing authority to approve or disapprove the site upon completion of the detailed site investigation. Solely for purposes of conducting the public involvement activity described in subsection 3 of section 260.205, the effective date of this section shall be considered the date of approval of the preliminary site investigation.

2. If any provision of this section or the application thereof to anyone or to any circumstance is held invalid, the remainder of this act and the application of such provisions to others or other circumstances shall not be affected thereby.

260.235. APPEAL, JUDICIAL REVIEW, PROCEDURE — INJUNCTION BASED ON SERIOUSNESS OF THREAT TO ENVIRONMENT — PERFORMANCE BOND REQUIRED, FORFEITED, WHEN. — **[**1.**]** Any person aggrieved by a forfeiture of any financial assurance instrument, civil or administrative penalty or denial, suspension or revocation of a permit required by section 260.205 or a modification to a permit issued under section 260.205 or any disapproval of the plan required by section 260.220, may **[**within thirty days of notice of such action request a hearing**]** **appeal such decision as provided in section 621.250, subject to judicial review as provided by law**. The notice of the department shall be effected by certified mail and shall set forth the reasons for such forfeiture, disapproval, denial, suspension, civil penalty or revocation. The department may seek an injunction in the circuit court in which the facility is located requiring the facility for which the transfer of ownership has been denied, or the permit or modification of the permit has been denied, suspended or revoked, to cease operations from the date ordered by the court until such time as the appeal is resolved or obtain a performance bond in the amount and manner as prescribed by rule. The department's action seeking an injunction shall be based on the seriousness of the threat to the environment which continued operation of the facility poses. **[**The**]** **A** bond **may be required in order to stay the effect of the department's action until the appeal is resolved, in which case such bond** shall remain in place until the appeal is resolved. If the department's decision is upheld, the bond shall be forfeited and placed in a separate subaccount of the solid waste management fund.

[2. The hearing shall be conducted by the director or his designated representative in accordance with the procedures set forth in sections 536.070, 536.073, 536.077, 536.080, and 536.090. The decision of the department shall become final thirty days after delivery or certified mailing of a copy of it to the person. Such decisions may be appealed to the administrative hearing commission pursuant to sections 536.063 to 536.095 and shall be subject to judicial review of a final decision as provided in sections 536.100 to 536.140.**]**

260.249. ADMINISTRATIVE PENALTIES — NOT TO BE ASSESSED FOR MINOR VIOLATION, DEFINITION — AMOUNT SET BY RULE, PAYMENT WHEN — APPEAL EFFECT — SURCHARGE DUE WHEN — UNPAID PENALTY, COLLECTION — TIME LIMITATION TO ASSESS VIOLATION — JUDICIAL APPEAL — CIVIL ACTION EFFECT, EXCEPTION. — 1. In addition to any other remedy provided by law, upon a determination by the director that a provision of sections 260.200 to 260.281, or a standard, limitation, order, rule or regulation promulgated pursuant thereto, or a term or condition of any permit has been violated, the director may issue an order assessing an administrative penalty upon the violator under this section. An administrative penalty shall not be imposed until the director has sought to resolve the violations through conference, conciliation and persuasion and shall not be imposed for minor violations of sections 260.200 to 260.281 or minor violation of any standard, limitation, order, rule or regulation promulgated pursuant to sections 260.200 to 260.281 or minor violations of any term or

condition of a permit issued pursuant to sections 260.200 to 260.281 or any violations of sections 260.200 to 260.281 by any person resulting from mismanagement of solid waste generated and managed on the property of the place of residence of the person. If the violation is resolved through conference, conciliation and persuasion, no administrative penalty shall be assessed unless the violation has caused, or has the potential to cause, a risk to human health or to the environment, or has caused or has potential to cause pollution, or was knowingly committed, or is defined by the United States Environmental Protection Agency as other than minor. Any order assessing an administrative penalty shall state that an administrative penalty is being assessed under this section and that the person subject to the penalty may appeal as provided by section 260.235 **and section 621.250**. Any such order that fails to state the statute under which the penalty is being sought, the manner of collection or rights of appeal shall result in the state's waiving any right to collection of the penalty.

2. The department shall promulgate rules and regulations for the assessment of administrative penalties. The amount of the administrative penalty assessed per day of violation for each violation under this section shall not exceed the amount of the civil penalty specified in section 260.240. Such rules shall reflect the criteria used for the administrative penalty matrix as provided for in the Resource Conservation and Recovery Act, 42 U.S.C. 6928(a), Section 3008(a), and the harm or potential harm which the violation causes, or may cause, the violator's previous compliance record, and any other factors which the department may reasonably deem relevant. An administrative penalty shall be paid within sixty days from the date of issuance of the order assessing the penalty. Any person subject to an administrative penalty may appeal as provided in section 260.235 **and section 621.250**. Any appeal will stay the due date of such administrative penalty until the appeal is resolved. Any person who fails to pay an administrative penalty by the final due date shall be liable to the state for a surcharge of fifteen percent of the penalty plus ten percent per annum on any amounts owed. Any administrative penalty paid pursuant to this section shall be handled in accordance with section 7 of article IX of the state constitution. An action may be brought in the appropriate circuit court to collect any unpaid administrative penalty, and for attorney's fees and costs incurred directly in the collection thereof.

3. An administrative penalty shall not be increased in those instances where department action, or failure to act, has caused a continuation of the violation that was a basis for the penalty. Any administrative penalty must be assessed within two years following the department's initial discovery of such alleged violation, or from the date the department in the exercise of ordinary diligence should have discovered such alleged violation.

4. The state may elect to assess an administrative penalty, or, in lieu thereof, to request that the attorney general or prosecutor file an appropriate legal action seeking a civil penalty in the appropriate circuit court.

5. Any final order imposing an administrative penalty **[**is subject to judicial review upon the filing of a petition pursuant to section 536.100**] may be appealed** by any person subject to the administrative penalty **as provided in section 260.235 and section 621.250, subject to judicial review as provided by law. No judicial review shall be available until all administrative remedies are exhausted**.

260.262. RETAILERS OF LEAD-ACID BATTERIES, DUTIES — NOTICE TO PURCHASER, CONTENTS. — A person selling lead-acid batteries at retail or offering lead-acid batteries for retail sale in the state shall:

(1) Accept, at the point of transfer, in a quantity at least equal to the number of new lead-acid batteries purchased, used lead-acid batteries from customers, if offered by customers;

(2) Post written notice which must be at least four inches by six inches in size and must contain the universal recycling symbol and the following language:

(a) It is illegal to discard a motor vehicle battery or other lead-acid battery;

(b) Recycle your used batteries; and

(c) State law requires us to accept used motor vehicle batteries, or other lead-acid batteries for recycling, in exchange for new batteries purchased; and

(3) Manage used lead-acid batteries in a manner consistent with the requirements of the state hazardous waste law;

(4) Collect at the time of sale a fee of fifty cents for each lead-acid battery sold. Such fee shall be added to the total cost to the purchaser at retail after all applicable sales taxes on the battery have been computed. The fee imposed, less six percent of fees collected, which shall be retained by the seller as collection costs, shall be paid to the department of revenue in the form and manner required by the department and shall include the total number of batteries sold during the preceding month. The department of revenue shall promulgate rules and regulations necessary to administer the fee collection and enforcement. The terms "sold at retail" and "retail sales" do not include the sale of batteries to a person solely for the purpose of resale, if the subsequent retail sale in this state is to the ultimate consumer and is subject to the fee. However, this fee shall not be paid on batteries sold for use in agricultural operations upon written certification by the purchaser; and

(5) The department of revenue shall administer, collect, and enforce the fee authorized pursuant to this section pursuant to the same procedures used in the administration, collection, and enforcement of the general state sales and use tax imposed pursuant to chapter 144 except as provided in this section. The proceeds of the battery fee, less four percent of the proceeds, which shall be retained by the department of revenue as collection costs, shall be transferred by the department of revenue into the hazardous waste fund, created pursuant to section 260.391. The fee created in subdivision (4) and this subdivision shall be effective October 1, 2005. The provisions of subdivision (4) and this subdivision shall terminate December 31, **[**2013**]** **2018**.

260.365. HAZARDOUS WASTE MANAGEMENT COMMISSION CREATED — COMPOSITION, QUALIFICATIONS — COMPENSATION — TERMS — MEETINGS, NOTICE REQUIRED, QUORUM. — 1. There is hereby created a hazardous waste management agency to be known as the "Hazardous Waste Management Commission of the State of Missouri", whose domicile for the purpose of sections 260.350 to 260.430 shall be deemed to be that of the department of natural resources of the state of Missouri. The commission shall consist of seven members appointed by the governor with the advice and consent of the senate. No more than four members shall belong to the same political party. All members shall be representative of the general interest of the public and shall have an interest in and knowledge of waste management and the effects of improper waste management on health and the environment and shall serve in a manner consistent with the purposes of sections 260.350 to 260.430. **[**Three**]** **Four** of the members, but no more than **[**three**]** **four**, one for each interest, shall be knowledgeable of and may be employed in agriculture, **the retail petroleum industry,** the waste generating industry and the waste management industry. Except for the industry members, no member shall receive, or have received during the previous two years, a significant portion of income directly or indirectly from any license or permit holder or applicant for license or permit under any waste management act. At the first meeting of the commission and annually thereafter, the members shall select from among themselves a chairman and a vice chairman. Prior to any vote on any variance, appeal or order, they shall adopt a voting rule to exclude from such vote any member with a conflict of interest with respect to the matter at issue.

2. The members' terms of office shall be four years and until their successors are selected and qualified, except that, of those first appointed, three shall have a term of three years, two shall have a term of two years and two shall have a term of one year as designated by the governor at the time of appointment. There is no limitation on the number of terms any appointed member may serve. If a vacancy occurs the governor may appoint a member for the remaining portion of the unexpired term created by the vacancy. The governor may remove any appointed member for cause. The members of the commission shall be reimbursed for actual and necessary expenses incurred in the performance of their duties, and shall receive fifty dollars per

day for each day spent in the performance of their official duties while in attendance at regular commission meetings.

3. The commission shall hold at least four regular meetings each year and such additional meetings as the chairman deems desirable at a place and time to be fixed by the chairman. Special meetings may be called by three members of the commission upon delivery of written notice to each member of the commission. Reasonable written notice of all meetings shall be given by the department to all members of the commission. Four members of the commission shall constitute a quorum. All powers and duties conferred upon members of the commission shall be exercised personally by the members and not by alternates or representatives. All actions of the commission shall be taken at meetings open to the public. Any member absent from four consecutive regular commission meetings for any cause whatsoever shall be deemed to have resigned and the vacancy shall be filled immediately in accordance with this section.

260.380. DUTIES OF HAZARDOUS WASTE GENERATORS — FEES TO BE COLLECTED, DISPOSITION — EXEMPTIONS — EXPIRATION OF FEES. — 1. After six months from the effective date of the standards, rules and regulations adopted by the commission pursuant to section 260.370, hazardous waste generators located in Missouri shall:

(1) Promptly file and maintain with the department, on registration forms it provides for this purpose, information on hazardous waste generation and management as specified by rules and regulations. Hazardous waste generators shall pay a one hundred dollar registration fee upon initial registration, and a one hundred dollar registration renewal fee annually thereafter to maintain an active registration. Such fees shall be deposited in the hazardous waste fund created in section 260.391;

(2) Containerize and label all hazardous wastes as specified by standards, rules and regulations;

(3) Segregate all hazardous wastes from all nonhazardous wastes and from noncompatible wastes, materials and other potential hazards as specified by standards, rules and regulations;

(4) Provide safe storage and handling, including spill protection, as specified by standards, rules and regulations, for all hazardous wastes from the time of their generation to the time of their removal from the site of generation;

(5) Unless provided otherwise in the rules and regulations, utilize only a hazardous waste transporter holding a license pursuant to sections 260.350 to 260.430 for the removal of all hazardous wastes from the premises where they were generated;

(6) Unless provided otherwise in the rules and regulations, provide a separate manifest to the transporter for each load of hazardous waste transported from the premises where it was generated. The generator shall specify the destination of such load on the manifest. The manner in which the manifest shall be completed, signed and filed with the department shall be in accordance with rules and regulations;

(7) Utilize for treatment, resource recovery, disposal or storage of all hazardous wastes, only a hazardous waste facility authorized to operate pursuant to sections 260.350 to 260.430 or the federal Resource Conservation and Recovery Act, or a state hazardous waste management program authorized pursuant to the federal Resource Conservation and Recovery Act, or any facility exempted from the permit required pursuant to section 260.395;

(8) Collect and maintain such records, perform such monitoring or analyses, and submit such reports on any hazardous waste generated, its transportation and final disposition, as specified in sections 260.350 to 260.430 and rules and regulations adopted pursuant to sections 260.350 to 260.430;

(9) Make available to the department upon request samples of waste and all records relating to hazardous waste generation and management for inspection and copying and allow the department to make unhampered inspections at any reasonable time of hazardous waste generation and management facilities located on the generator's property and hazardous waste generation and management practices carried out on the generator's property;

(10) Pay annually, on or before January first of each year, effective January 1, 1982, a fee to the state of Missouri to be placed in the hazardous waste fund. The fee shall be five dollars per ton or portion thereof of hazardous waste registered with the department as specified in subdivision (1) of this subsection for the twelve-month period ending June thirtieth of the previous year. However, the fee shall not exceed fifty-two thousand dollars per generator site per year nor be less than one hundred fifty dollars per generator site per year;

(a) All moneys payable pursuant to the provisions of this subdivision shall be promptly transmitted to the department of revenue, which shall deposit the same in the state treasury to the credit of the hazardous waste fund created in section 260.391;

(b) The hazardous waste management commission shall establish and submit to the department of revenue procedures relating to the collection of the fees authorized by this subdivision. Such procedures shall include, but not be limited to, necessary records identifying the quantities of hazardous waste registered, the form and submission of reports to accompany the payment of fees, the time and manner of payment of fees, which shall not be more often than quarterly**;**

(c) The director of the department of natural resources may conduct a comprehensive review of the fee structure set forth in this section. The comprehensive review shall include stakeholder meetings in order to solicit stakeholder input from each of the following groups: cement kiln representatives, chemical companies, large and small hazardous waste generators, and any other interested parties. Upon completion of the comprehensive review, the department shall submit proposed changes to the fee structure with stakeholder agreement to the hazardous waste management commission. The commission shall, upon receiving the department's recommendations, review such recommendations at the forthcoming regular or special meeting. The commission shall not take a vote on the fee structure until the following regular meeting. If the commission approves, by vote of two-thirds majority, the hazardous waste fee structure recommendations, the commission shall promulgate by regulation and publish the recommended fee structure no later than October first of the same year. The commission shall file the order of rulemaking for such rule with the joint committee on administrative rules pursuant to sections 536.021 and 536.024 no later than December first of the same year. If such rules are not disapproved by the general assembly in the manner set out below, they shall take effect on January first of the next odd-numbered year and the fee structure set out in this section shall expire upon the effective date of the commission adopted fee structure, contrary to subsection 4 of this section. Any regulation promulgated under this subsection shall be deemed to be beyond the scope and authority provided in this subsection, or detrimental to permit applicants, if the general assembly, within the first sixty calendar days of the regular session immediately following the promulgation of such regulation, by concurrent resolution, shall disapprove the fee structure contained in such regulation. If the general assembly so disapproves any regulation promulgated under this subsection, the hazardous waste management commission shall continue to use the fee structure set forth in the most recent preceding regulation promulgated under this subsection. This subsection shall expire on August 28, 2023.

2. Missouri treatment, storage, or disposal facilities shall pay annually, on or before January first of each year, a fee to the department equal to two dollars per ton or portion thereof for all hazardous waste received from outside the state. This fee shall be based on the hazardous waste received for the twelve-month period ending June thirtieth of the previous year.

3. Exempted from the requirements of this section are individual householders and farmers who generate only small quantities of hazardous waste and any person the commission determines generates only small quantities of hazardous waste on an infrequent basis, except that:

(1) Householders, farmers and exempted persons shall manage all hazardous wastes they may generate in a manner so as not to adversely affect the health of humans, or pose a threat to the environment, or create a public nuisance; and

(2) The department may determine that a specific quantity of a specific hazardous waste requires special management. Upon such determination and after public notice by press release or advertisement thereof, including instructions for handling and delivery, generators exempted pursuant to this subsection shall deliver, but without a manifest or the requirement to use a licensed hazardous waste transporter, such waste to:

(a) Any storage, treatment or disposal site authorized to operate pursuant to sections 260.350 to 260.430 or the federal Resource Conservation and Recovery Act, or a state hazardous waste management program authorized pursuant to the federal Resource Conservation and Recovery Act which the department designates for this purpose; or

(b) A collection station or vehicle which the department may arrange for and designate for this purpose.

4. Failure to pay the fee, or any portion thereof, prescribed in this section by the due date shall result in the imposition of a penalty equal to fifteen percent of the original fee. The fee prescribed in this section shall expire December 31, **[**2013**]** **2018**, except that the department shall levy and collect this fee for any hazardous waste generated prior to such date and reported to the department.

260.390. DUTIES OF HAZARDOUS WASTE FACILITY OWNERS AND OPERATORS — TAX TO BE COLLECTED, DISPOSITION — DUTIES UPON TERMINATION OF USE OF FACILITY — INSPECTION FEES, COMMERCIAL FACILITIES, REQUIREMENTS. — 1. After six months from the effective date of the standards, rules and regulations adopted by the commission pursuant to section 260.370, hazardous waste facility owners or operators shall:

(1) Not construct, substantially alter or operate**[**, including all postclosure activities and operations specified in the rules and regulations,**]** a hazardous waste facility without first obtaining a hazardous waste facility permit from the department as specified in section 260.395;

(2) Operate the facility according to the standards, rules and regulations adopted under sections 260.350 to 260.430 and all terms and conditions of the permit;

(3) Unless otherwise provided in sections 260.350 to 260.430 or the rules and regulations adopted hereunder, accept delivery of hazardous waste only if delivery is by a hazardous waste transporter holding a license under sections 260.350 to 260.430, the shipment is accompanied by a manifest properly completed by both the generator and transporter and their facility is the destination indicated by the generator on the manifest. Exempted from the requirements of this subsection are deliveries, when directed by the department, from householders, farmers and other persons exempted from generator responsibilities under provisions of section 260.380 and deliveries made in emergency situations as specified in sections 260.350 to 260.550 or the rules and regulations adopted hereunder. For such exempted deliveries they shall make a record of any waste accepted, its type, quantity, origin and the identity of the person making the delivery and promptly report this information to the department;

(4) Complete, sign and file the facility operator portion of the manifest as specified in rules and regulations adopted under sections 260.350 to 260.430;

(5) Whenever final disposition is to be achieved at another hazardous waste or exempted facility, initiate a new manifest and comply with the other responsibilities of generators specified in sections 260.350 to 260.430 and in rules and regulations and terms and conditions of their permit adopted or issued hereunder;

(6) Collect and maintain such records, submit such reports and perform such monitoring as specified in sections 260.350 to 260.430 and in rules and regulations and terms and conditions of their permit adopted or issued hereunder;

(7) Make available to the department, upon request, samples of wastes received and all records, for inspection and copying, relating to hazardous waste management and allow the

department to make unhampered inspections at any reasonable time of all facilities and equipment.

2. All hazardous waste landfills shall collect, on behalf of the state from each hazardous waste generator or transporter, a tax equal to two percent of the gross charges and fees charged such generator for disposal at the landfill site to be placed in the hazardous waste fund to be used solely for the administration of sections 260.350 to 260.430. The tax shall be accounted for separately on the statement of charges and fees made to the hazardous waste generator and shall be collected at the time of the collection of such charges and fees. All moneys payable under the provisions of this subsection shall be promptly transmitted to the department of revenue, which shall daily deposit the same in the state treasury to the credit of the hazardous waste fund. The hazardous waste management commission shall establish and submit to the department of revenue procedures relating to the collection of the taxes authorized by this subsection. Such procedures shall include, but not be limited to, necessary records identifying the quantities of hazardous waste received, the form and submission of reports to accompany the payment of taxes, the time and manner of payment of taxes, which shall not be more often than quarterly.

3. The owner or operator of a hazardous waste disposal facility must close that facility upon termination of its operation, and shall after closure of the facility provide for protection during a postclosure care period, in accordance with the requirements of the commission, including the funds necessary for same. Protection shall include, but not be limited to, monitoring and maintenance subject to the rules and regulations of the hazardous waste management commission. The owner or operator shall maintain a hazardous waste facility permit for the postclosure care period. The operator and the state may enter into an agreement consistent with the rules and regulations of the hazardous waste management commission where the state may accept deed to, and monitor and maintain the site.

4. All owners or operators of hazardous waste facilities who have obtained, or are required to obtain, a hazardous waste facility permit from the department and who accept, on a commercial basis for remuneration, hazardous waste from off-site sources, but not including wastes generated by the same person at other sites located in Missouri or within a metropolitan statistical area located partially in Missouri and owned or operated by the same person and transferred to the hazardous waste facility, for treatment, storage or disposal, shall pay fees for inspections conducted by the department to determine compliance with sections 260.350 to 260.430 and the rules promulgated thereunder. Hazardous waste facility inspection fees shall be specified by the hazardous waste management commission by rule. The inspection fees shall be used by the department as specified in subsection 3 of section 260.391.

260.395. TRANSPORTATION OF HAZARDOUS WASTE, HOW PERMITTED — FEES, HOW DETERMINED — NOTICE PRIOR TO ISSUANCE OF PERMIT — PERMIT NOT REQUIRED OF WHOM — APPLICATION FOR CERTIFICATION, WHEN — PERMIT MAINTAINED FOR POSTCLOSURE CARE PERIOD — LEACHATE COLLECTION SYSTEM REQUIRED — RAILROAD HAZARDOUS WASTE TRANSPORTATION, FEE. — 1. After six months from the effective date of the standards, rules and regulations adopted by the commission pursuant to section 260.370, it shall be unlawful for any person to transport any hazardous waste in this state without first obtaining a hazardous waste transporter license. Any person transporting hazardous waste in this state shall file an application for a license pursuant to this subsection which shall:

(1) Be submitted on a form provided for this purpose by the department and shall furnish the department with such equipment identification and data as may be necessary to demonstrate to the satisfaction of the department that equipment engaged in such transportation of hazardous waste, and other equipment as designated in rules and regulations pursuant to sections 260.350 to 260.430, is adequate to provide protection of the health of humans and the environment and to comply with the provisions of any federal hazardous waste management act and sections 260.350 to 260.430 and the standards, rules and regulations adopted pursuant to sections 260.350 to 260.430. If approved by the department, this demonstration of protection may be satisfied by

providing certification that the equipment so identified meets and will be operated in accordance with the rules and regulations of the Missouri public service commission and the federal Department of Transportation for the transportation of the types of hazardous materials for which it will be used;

(2) Include, as specified by rules and regulations, demonstration of financial responsibility, including, but not limited to, guarantees, liability insurance, posting of bond or any combination thereof which shall be related to the number of units, types and sizes of equipment to be used in the transport of hazardous waste by the applicant;

(3) Include, as specified in rules and regulations, a fee payable to the state of Missouri which shall consist of an annual application fee, plus an annual use fee based upon tonnage, mileage or a combination of tonnage and mileage. The fees established pursuant to this subdivision shall be set to generate, as nearly as is practicable, six hundred thousand dollars annually. No fee shall be collected pursuant to this subdivision from railroads that pay a fee pursuant to subsection 19 of this section. Fees collected pursuant to this subdivision shall be deposited in the hazardous waste fund created pursuant to section 260.391.

2. If the department determines the application conforms to the provisions of any federal hazardous waste management act and sections 260.350 to 260.430 and the standards, rules and regulations adopted pursuant to sections 260.350 to 260.430, it shall issue the hazardous waste transporter license with such terms and conditions as it deems necessary to protect the health of humans and the environment. The department shall act within ninety days after receipt of the application. If the department denies the license, it shall issue a report to the applicant stating the reason for denial of the license.

3. A license may be suspended or revoked whenever the department determines that the equipment is or has been operated in violation of any provision of sections 260.350 to 260.430 or any standard, rule or regulation, order, or license term or condition adopted or issued pursuant to sections 260.350 to 260.430, poses a threat to the health of humans or the environment, or is creating a public nuisance.

4. Whenever a license is issued, renewed, denied, suspended or revoked by the department, any aggrieved person, by petition filed with the department within thirty days of the decision, may appeal such decision and shall be entitled to a hearing as provided in section 260.400.

5. A license shall be issued for a period of one year and shall be renewed upon proper application by the holder and a determination by the department that the applicant is in compliance with all provisions of sections 260.350 to 260.430 and all standards, rules and regulations, orders and license terms and conditions adopted or issued pursuant to sections 260.350 to 260.430.

6. A license is not required for the transport of any hazardous waste on the premises where it is generated or onto contiguous property owned by the generator thereof, or for those persons exempted in section 260.380. Nothing in this subsection shall be interpreted to preclude the department from inspecting unlicensed hazardous waste transporting equipment and to require that it be adequate to provide protection for the health of humans and the environment.

7. After six months from the effective date of the standards, rules and regulations adopted by the commission pursuant to section 260.370, it shall be unlawful for any person to construct, substantially alter or operate, including **[**postclosure activities and**]** operations specified in the rules and regulations, a hazardous waste facility without first obtaining a hazardous waste facility permit for such construction, alteration or operation from the department. Such person must submit to the department at least ninety days prior to submitting a permit application a letter of intent to construct, substantially alter or operate any hazardous waste disposal facility. The person must file an application within one hundred eighty days of the filing of a letter of intent unless granted an extension by the commission. The department shall publish such letter of intent as specified in section 493.050 within ten days of receipt of such letter. The letter shall be published once each week for four weeks in the county where the hazardous waste disposal facility is proposed. Once such letter is submitted, all conditions for the permit application

evaluation purposes in existence as of the date of submission shall be deemed frozen, in that no subsequent action by any person to change such conditions in an attempt to thwart a fair and impartial decision on the application for a permit shall be allowed as grounds for denial of the permit. Any person before constructing, substantially altering or operating a hazardous waste facility in this state shall file an application for a permit which shall:

(1) Be submitted on a form provided for this purpose by the department and shall furnish the department with plans, specifications and such other data as may be necessary to demonstrate to the satisfaction of the department that such facility does or will provide adequate protection of the health of humans and the environment and does or will comply with the provisions of any federal hazardous waste management act and sections 260.350 to 260.430 and the standards, rules and regulations adopted pursuant to sections 260.350 to 260.430;

(2) Include plans, designs, engineering reports and relevant data for construction, alteration or operation of a hazardous waste facility, to be submitted to the department by a registered professional engineer licensed by this state;

(3) Include, as specified by rules and regulations, demonstration of financial responsibility, including, but not limited to, guarantees, liability insurance, posting of bond or any combination thereof, which shall be related to type and size of facility;

(4) Include such environmental and geologic information, assessments and studies as required by the rules and regulations of the commission;

(5) **[**Submit with the application for a hazardous waste disposal or treatment facility a profile of the environmental and economic characteristics of the area as required by the commission, including the extent of air pollution and groundwater contamination; and a profile of the health characteristics of the area which identifies all serious illness, the rate of which exceeds the state average for such illness, which might be attributable to environmental contamination;

(6)**]** Include a fee payable to the state of Missouri which shall not exceed one thousand dollars, which shall cover the first year of the permit, if issued, but which is not refundable. If the permit is issued for more than one year, a fee equal in amount to the first year's fee shall be paid to the state of Missouri prior to issuance of the permit for each year the permit is to be in effect beyond the first year;

[(7)**] (6)** The department shall supervise any field work undertaken to collect geologic and engineering data for submission with the application. The state geologist and departmental engineers shall review the geologic and engineering plans, respectively, and attest to their accuracy and adequacy. The applicant shall pay all reasonable costs, as determined by the commission, incurred by the department pursuant to this subsection.

8. (1) Prior to issuing or renewing a hazardous waste facility permit, the department shall issue public notice by press release or advertisement and shall notify all record owners of adjoining property by mail directed to the last known address, and the village, town or city, if any, and the county in which the hazardous waste facility is located; and, upon request, shall hold a public hearing after public notice as required in this subsection at a location convenient to the area affected by the issuance of the permit.

(2) Prior to issuing**[**, reviewing every five years as required in subsection 12 of this section,**]** or renewing a hazardous waste disposal facility permit the department shall issue public notice by press release and advertisement and shall notify all record owners of property, within one mile of the outer boundaries of the site, by mail directed to the last known address; and shall hold a public hearing after public notice as required in this subsection at a location convenient to the area affected by the issuance of the permit.

9. If the department determines that the application conforms to the provisions of any federal hazardous waste management act and sections 260.350 to 260.430 and the standards, rules and regulations adopted pursuant to sections 260.350 to 260.430, it shall issue the hazardous waste facility permit, with such terms and conditions and require such testing and construction supervision as it deems necessary to protect the health of humans or the environment. The department shall act within one hundred and eighty days after receipt of the

application. If the department denies the permit, it shall issue a report to the applicant stating the reason for denial of a permit.

10. A permit may be suspended or revoked whenever the department determines that the hazardous waste facility is, or has been, operated in violation of any provision of sections 260.350 to 260.430 or any standard, rule or regulation, order or permit term or condition adopted or issued pursuant to sections 260.350 to 260.430, poses a threat to the health of humans or the environment or is creating a public nuisance.

11. Whenever a permit is issued, renewed, denied, suspended or revoked by the department, any aggrieved person, by petition filed with the department within thirty days of the decision, may appeal such decision and shall be entitled to a hearing as provided in section 260.400.

12. A permit shall be issued for a fixed term, which shall not exceed ten years in the case of any land disposal facility, storage facility, incinerator, or other treatment facility. **[**Each permit for a land disposal facility shall be reviewed five years after the date of its issuance or reissuance and shall be modified as necessary to assure that the facility continues to comply with the currently applicable requirements of federal and state law.**]** Nothing in this subsection shall preclude the department from reviewing and modifying a permit at any time during its term. Review of any application for a permit renewal shall consider improvements in the state of control and measurement technology as well as changes in applicable regulations. Each permit issued pursuant to this section shall contain such terms and conditions as the department determines necessary to protect human health and the environment, and upon proper application by the holder and a determination by the department that the applicant is in compliance with all provisions of sections 260.350 to 260.430 and all standards, rules and regulations, orders and permit terms and conditions adopted or issued pursuant to sections 260.350 to 260.430.

13. A hazardous waste facility permit is not required for:

(1) On-site storage of hazardous wastes where such storage is exempted by the commission by rule or regulation; however, such storage must conform to the provisions of any federal hazardous waste management act and sections 260.350 to 260.430 and the applicable standards, rules and regulations adopted pursuant to sections 260.350 to 260.430 and any other applicable hazardous materials storage and spill-prevention requirements provided by law;

(2) A publicly owned treatment works which has an operating permit pursuant to section 644.051 and is in compliance with that permit;

(3) A resource recovery facility which the department certifies uses hazardous waste as a supplement to, or substitute for, nonwaste material, and that the sole purpose of the facility is manufacture of a product rather than treatment or disposal of hazardous wastes;

(4) That portion of a facility engaged in hazardous waste resource recovery, when the facility is engaged in both resource recovery and hazardous waste treatment or disposal, provided the owner or operator can demonstrate to the department's satisfaction and the department finds that such portion is not intended and is not used for hazardous waste treatment or disposal.

14. Facilities exempted pursuant to subsection 13 of this section must comply with the provisions of subdivisions (3) to (7) of section 260.390 and such other requirements, to be specified by rules and regulations, as are necessary to comply with any federal hazardous waste management act or regulations hereunder. Generators who use such an exempted facility shall keep records of hazardous wastes transported, except by legal flow through sewer lines, to the facility and submit such records to the department in accordance with the provisions of section 260.380 and the standards, rules and regulations adopted pursuant to sections 260.350 to 260.430. Any person, before constructing, altering or operating a resource recovery facility in this state shall file an application for a certification. Such application shall include:

(1) Plans, designs, engineering reports and other relevant information as specified by rule that demonstrate that the facility is designed and will operate in a manner protective of human health and the environment; and

(2) An application fee of not more than five hundred dollars for a facility that recovers waste generated at the same facility or an application fee of not more than one thousand dollars for a facility that recovers waste generated at off-site sources. Such fees shall be deposited in the hazardous waste fund created in section 260.391. The department shall review such application for conformance with applicable laws, rules and standard engineering principles and practices. The applicant shall pay to the department all reasonable costs, as determined by the commission, incurred by the department pursuant to this subsection. All such funds shall be deposited in the hazardous waste fund created in section 260.391.

15. The owner or operator of any hazardous waste facility in existence on September 28, 1977, who has achieved federal interim status pursuant to 42 U.S.C. 6925(e), and who has submitted to the department Part A of the federal facility permit application, may continue to receive and manage hazardous wastes in the manner as specified in the Part A application, and in accordance with federal interim status requirements, until completion of the administrative disposition of a permit application submitted pursuant to sections 260.350 to 260.430. The department may at any time require submission of, or the owner or operator may at any time voluntarily submit, a complete application for a permit pursuant to sections 260.350 to 260.430 and commission regulations. The authority to operate pursuant to this subsection shall cease one hundred eighty days after the department has notified an owner or operator that an application for permit pursuant to sections 260.350 to 260.430 must be submitted, unless within such time the owner or operator submits a completed application therefor. Upon submission of a complete application, the authority to operate pursuant to this subsection shall continue for such reasonable time as is required to complete the administrative disposition of the permit application. If a facility loses its federal interim status, or the Environmental Protection Agency requires the owner or operator to submit Part B of the federal application, the department shall notify the owner or operator that an application for a permit must be submitted pursuant to this subsection. In addition to compliance with the federal interim status requirements, the commission shall have the authority to adopt regulations requiring persons operating pursuant to this subsection to meet additional state interim status requirements.

16. **[**A license or permit shall not be issued to any person who is determined by the department to habitually engage in or to have habitually engaged in hazardous waste management practices which pose a threat to the health of humans or the environment or who is determined by the department to habitually violate or to have habitually violated the requirements of the Missouri solid or hazardous waste laws, the solid or hazardous waste laws of other states or federal laws pertaining to hazardous waste. Nor shall a license or permit be issued to any person who has been adjudged in contempt of any court order enforcing the provisions of the Missouri solid or hazardous waste laws, the solid or hazardous waste laws of other states or federal laws pertaining to hazardous waste or who has offered, in person or through an agent, any inducement, including any discussion of potential employment opportunities, to any employee of the department when such person has an application for a permit pending or a permit under review. For the purposes of this subsection, the term "person" shall include any officer or management employee of the applicant, or any officer or management employee of any corporation or business which owns an interest in the applicant, or any officer or management employee of any business which is owned either wholly or in part by any person, corporation, or business which owns an interest in the applicant.

17.**]** No person, otherwise qualified pursuant to sections 260.350 to 260.430 for a license to transport hazardous wastes or for a permit to construct, substantially alter or operate a hazardous waste facility, shall be denied such license or permit on the basis of a lack of need for such transport service or such facility because of the existence of other services or facilities capable of meeting that need; except that permits for hazardous waste facilities may be denied on determination made by the department that the financial resources of the persons applying are such that the continued operation of the sites in accordance with sections 260.350 to 260.430 cannot be reasonably assured or on determination made by the department that the probable

volume of business is insufficient to ensure and maintain the solvency of then existing permitted hazardous waste facilities.

[18.**]** **17.** All hazardous waste landfills constructed after October 31, 1980, shall have a leachate collection system. The rules and regulations of the commission shall treat and protect all aquifers to the same level of protection. The provisions of this subsection shall not apply to the disposal of tailings and slag resulting from mining, milling and primary smelting operations.

[19.**]** **18.** Any railroad corporation as defined in section 388.010 that transports any hazardous waste as defined in section 260.360 or any hazardous substance as defined in section 260.500 shall pay an annual fee of three hundred fifty dollars. Fees collected pursuant to this subsection shall be deposited in the hazardous waste fund created in section 260.391.

260.475. FEES TO BE PAID BY HAZARDOUS WASTE GENERATORS — EXCEPTIONS — DEPOSIT OF MONEYS — VIOLATIONS, PENALTY — DEPOSIT — FEE REQUIREMENT, EXPIRATION — FEE STRUCTURE REVIEW. — 1. Every hazardous waste generator located in Missouri shall pay, in addition to the fees imposed in section 260.380, a fee of twenty-five dollars per ton annually on all hazardous waste which is discharged, deposited, dumped or placed into or on the soil as a final action, and two dollars per ton on all other hazardous waste transported off site. No fee shall be imposed upon any hazardous waste generator who registers less than ten tons of hazardous waste annually pursuant to section 260.380, or upon:

(1) Hazardous waste which must be disposed of as provided by a remedial plan for an abandoned or uncontrolled hazardous waste site;

(2) Fly ash waste, bottom ash waste, slag waste and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels;

(3) Solid waste from the extraction, beneficiation and processing of ores and minerals, including phosphate rock and overburden from the mining of uranium ore and smelter slag waste from the processing of materials into reclaimed metals;

(4) Cement kiln dust waste;

(5) Waste oil; or

(6) Hazardous waste that is:

(a) Reclaimed or reused for energy and materials;

(b) Transformed into new products which are not wastes;

(c) Destroyed or treated to render the hazardous waste nonhazardous; or

(d) Waste discharged to a publicly owned treatment works.

2. The fees imposed in this section shall be reported and paid to the department on an annual basis not later than the first of January. The payment shall be accompanied by a return in such form as the department may prescribe.

3. All moneys collected or received by the department pursuant to this section shall be transmitted to the department of revenue for deposit in the state treasury to the credit of the hazardous waste fund created pursuant to section 260.391. Following each annual reporting date, the state treasurer shall certify the amount deposited in the fund to the commission.

4. If any generator or transporter fails or refuses to pay the fees imposed by this section, or fails or refuses to furnish any information reasonably requested by the department relating to such fees, there shall be imposed, in addition to the fee determined to be owed, a penalty of fifteen percent of the fee shall be deposited in the hazardous waste fund.

5. If the fees or any portion of the fees imposed by this section are not paid by the date prescribed for such payment, there shall be imposed interest upon the unpaid amount at the rate of ten percent per annum from the date prescribed for its payment until payment is actually made, all of which shall be deposited in the hazardous waste fund.

6. The state treasurer is authorized to deposit all of the moneys in the hazardous waste fund in any of the qualified depositories of the state. All such deposits shall be secured in such a manner and shall be made upon such terms and conditions as are now or may hereafter be

provided for by law relative to state deposits. Interest received on such deposits shall be credited to the hazardous waste fund.

7. This fee shall expire December 31, **[**2013**]** **2018**, except that the department shall levy and collect this fee for any hazardous waste generated prior to such date and reported to the department.

8. The director of the department of natural resources may conduct a comprehensive review of the fee structure set forth in this section. The comprehensive review shall include stakeholder meetings in order to solicit stakeholder input from each of the following groups: cement kiln representatives, chemical companies, large and small hazardous waste generators, and any other interested parties. Upon completion of the comprehensive review, the department shall submit proposed changes to the fee structure with stakeholder agreement to the hazardous waste management commission. The commission shall, upon receiving the department's recommendations, review such recommendations at the forthcoming regular or special meeting. The commission shall not take a vote on the fee structure until the following regular meeting. If the commission approves, by vote of two-thirds majority, the hazardous waste fee structure recommendations, the commission shall promulgate by regulation and publish the recommended fee structure no later than October first of the same year. The commission shall file the order of rulemaking for such rule with the joint committee on administrative rules pursuant to sections 536.021 and 536.024 no later than December first of the same year. If such rules are not disapproved by the general assembly in the manner set out below, they shall take effect on January first of the next odd-numbered year and the fee structure set out in this section shall expire upon the effective date of the commission adopted fee structure, contrary to subsection 9 of this section. Any regulation promulgated under this subsection shall be deemed to be beyond the scope and authority provided in this subsection, or detrimental to permit applicants, if the general assembly, within the first sixty calendar days of the regular session immediately following the promulgation of such regulation, by concurrent resolution, shall disapprove the fee structure contained in such regulation. If the general assembly so disapproves any regulation promulgated under this subsection, the hazardous waste management commission shall continue to use the fee structure set forth in the most recent preceding regulation promulgated under this subsection. This subsection shall expire on August 28, 2023.

261.023. POWERS, DUTIES, FUNCTIONS TRANSFERRED TO DEPARTMENT OF AGRICULTURE AND CERTAIN OTHER DESIGNATED AGENCIES. — 1. There is hereby created a department of agriculture to be headed by a director of the department of agriculture to be appointed by the governor, by and with the advice and consent of the senate. The director shall possess the qualifications presently provided by law for the position of commissioner of agriculture.

2. All powers, duties and functions now vested by law to the commissioner of the department of agriculture and the department of agriculture, chapter 261 and others, are transferred by type I transfer to the director of the department of agriculture and to the department of agriculture herein created.

3. The state horticultural society created by sections 262.010 and 262.020 is transferred by type I transfer to the department of agriculture.

4. All the powers, duties, and functions vested in the state milk board, chapter 196, are transferred to the department of agriculture by type III transfer. The appointed members of the board shall be nominated by the department director, and appointed by the governor with the advice and consent of the senate. The department of health and senior services shall retain the powers, duties and functions assigned by chapter 196.

5. All the powers, duties, functions and properties of the state fruit experiment station, chapter 262, are transferred by type I transfer to the Southwest Missouri State University and fruit experiment station board of trustees is abolished.

6. All the powers, duties and functions of the department of revenue relating to the inspection of motor fuel and special fuel distributors, chapters 323 and 414, are transferred by type I transfer to the department of agriculture and to the director of that department. The collection of the taxes provided in chapters 142 and 136, however, shall be made by the department of revenue.

7. All the powers, duties, and functions of the land survey program of the department of natural resources are transferred to the department of agriculture by type I transfer.

444.772. PERMIT — APPLICATION, CONTENTS, FEES — AMENDMENT, HOW MADE — SUCCESSOR OPERATOR, DUTIES OF. — 1. Any operator desiring to engage in surface mining shall make written application to the director for a permit.

2. Application for permit shall be made on a form prescribed by the commission and shall include:

(1) The name of all persons with any interest in the land to be mined;

(2) The source of the applicant's legal right to mine the land affected by the permit;

(3) The permanent and temporary post office address of the applicant;

(4) Whether the applicant or any person associated with the applicant holds or has held any other permits pursuant to sections 444.500 to 444.790, and an identification of such permits;

(5) The written consent of the applicant and any other persons necessary to grant access to the commission or the director to the area of land affected under application from the date of application until the expiration of any permit granted under the application and thereafter for such time as is necessary to assure compliance with all provisions of sections 444.500 to 444.790 or any rule or regulation promulgated pursuant to them. Permit applications submitted by operators who mine an annual tonnage of less than ten thousand tons shall be required to include written consent from the operator to grant access to the commission or the director to the area of land affected;

(6) A description of the tract or tracts of land and the estimated number of acres thereof to be affected by the surface mining of the applicant for the next succeeding twelve months; and

(7) Such other information that the commission may require as such information applies to land reclamation.

3. The application for a permit shall be accompanied by a map in a scale and form specified by the commission by regulation.

4. The application shall be accompanied by a bond, security or certificate meeting the requirements of section 444.778, a geologic resources fee authorized under section 256.700, and a permit fee approved by the commission not to exceed one thousand dollars. The commission may also require a fee for each site listed on a permit not to exceed four hundred dollars for each site. If mining operations are not conducted at a site for six months or more during any year, the fee for such site for that year shall be reduced by fifty percent. The commission may also require a fee for each acre bonded by the operator pursuant to section 444.778 not to exceed twenty dollars per acre. If such fee is assessed, the per-acre fee on all acres bonded by a single operator that exceed a total of two hundred acres shall be reduced by fifty percent. In no case shall the total fee for any permit be more than three thousand dollars. Permit and renewal fees shall be established by rule, except for the initial fees as set forth in this subsection, and shall be set at levels that recover the cost of administering and enforcing sections 444.760 to 444.790, making allowances for grants and other sources of funds. The director shall submit a report to the commission and the public each year that describes the number of employees and the activities performed the previous calendar year to administer sections 444.760 to 444.790. For any operator of a gravel mining operation where the annual tonnage of gravel mined by such operator is less than five thousand tons, the total cost of submitting an application shall be three

hundred dollars. The issued permit shall be valid from the date of its issuance until the date specified in the mine plan unless sooner revoked or suspended as provided in sections 444.760 to 444.790. Beginning August 28, 2007, the fees shall be set at a permit fee of eight hundred dollars, a site fee of four hundred dollars, and an acre fee of ten dollars, with a maximum fee of three thousand dollars. Fees may be raised as allowed in this subsection after a regulation change that demonstrates the need for increased fees.

5. An operator desiring to have his or her permit amended to cover additional land may file an amended application with the commission. Upon receipt of the amended application, and such additional fee and bond as may be required pursuant to the provisions of sections 444.760 to 444.790, the director shall, if the applicant complies with all applicable regulatory requirements, issue an amendment to the original permit covering the additional land described in the amended application.

6. An operation may withdraw any land covered by a permit, excepting affected land, by notifying the commission thereof, in which case the penalty of the bond or security filed by the operator pursuant to the provisions of sections 444.760 to 444.790 shall be reduced proportionately.

7. Where mining or reclamation operations on acreage for which a permit has been issued have not been completed, the permit shall be renewed. The operator shall submit a permit renewal form furnished by the director for an additional permit year and pay a fee equal to an application fee calculated pursuant to subsection 4 of this section, but in no case shall the renewal fee for any operator be more than three thousand dollars. For any operator involved in any gravel mining operation where the annual tonnage of gravel mined by such operator is less than five thousand tons, the permit as to such acreage shall be renewed by applying on a permit renewal form furnished by the director for an additional permit year and payment of a fee of three hundred dollars. Upon receipt of the completed permit renewal form and fee from the operator, the director shall approve the renewal. With approval of the director and operator, the permit renewal may be extended for a portion of an additional year with a corresponding prorating of the renewal fee.

8. Where one operator succeeds another at any uncompleted operation, either by sale, assignment, lease or otherwise, the commission may release the first operator from all liability pursuant to sections 444.760 to 444.790 as to that particular operation if both operators have been issued a permit and have otherwise complied with the requirements of sections 444.760 to 444.790 and the successor operator assumes as part of his or her obligation pursuant to sections 444.760 to 444.790 all liability for the reclamation of the area of land affected by the former operator.

9. The application for a permit shall be accompanied by a plan of reclamation that meets the requirements of sections 444.760 to 444.790 and the rules and regulations promulgated pursuant thereto, and shall contain a verified statement by the operator setting forth the proposed method of operation, reclamation, and a conservation plan for the affected area including approximate dates and time of completion, and stating that the operation will meet the requirements of sections 444.760 to 444.790, and any rule or regulation promulgated pursuant to them.

10. At the time that a permit application is deemed complete by the director, the operator shall publish a notice of intent to operate a surface mine in any newspaper qualified pursuant to section 493.050 to publish legal notices in any county where the land is located. If the director does not respond to a permit application within forty-five calendar days, the application shall be deemed to be complete. Notice in the newspaper shall be posted once a week for four consecutive weeks beginning no more than ten days after the application is deemed complete. The operator shall also send notice of intent to operate a surface mine by certified mail to the governing body of the counties or cities in which the proposed area is located, and to the last known addresses of all record landowners of contiguous real property or real property located adjacent to the proposed mine plan area. The notices shall include the name and address of the

operator, a legal description consisting of county, section, township and range, the number of acres involved, a statement that the operator plans to mine a specified mineral during a specified time, and the address of the commission. The notices shall also contain a statement that any person with a direct, personal interest in one or more of the factors the commission may consider in issuing a permit may request a public meeting, a public hearing or file written comments to the director no later than fifteen days following the final public notice publication date.

11. The commission may approve a permit application or permit amendment whose operation or reclamation plan deviates from the requirements of sections 444.760 to 444.790 if it can be demonstrated by the operator that the conditions present at the surface mining location warrant an exception. The criteria accepted for consideration when evaluating the merits of an exception or variance to the requirements of sections 444.760 to 444.790 shall be established by regulations.

12. Fees imposed pursuant to this section shall become effective August 28, 2007, and shall expire on December 31, **[**2013**]** **2018**. No other provisions of this section shall expire.

621.250. APPEALS FROM DECISIONS OF CERTAIN ENVIRONMENTAL COMMISSIONS TO BE HEARD BY ADMINISTRATIVE HEARING COMMISSION — PROCEDURE. — 1. All authority to hear **contested case administrative** appeals granted in chapters **236, 256,** 260, 444, 640, 643, and 644, and to the hazardous waste management commission in chapter 260, the land reclamation commission in chapter 444, the safe drinking water commission in chapter 640, the air conservation commission in chapter 643, and the clean water commission in chapter 644 shall be transferred to the administrative hearing commission under this chapter. The authority to render final decisions after hearing on appeals heard by the administrative hearing commission shall remain with the commissions listed in this subsection. **For appeals pursuant to chapter 236, chapter 256, section 260.235, or section 260.249, the administrative hearing commission shall render a final decision rather than a recommended decision.** The administrative hearing commission may render **[**a**]** **its** recommended **or** final decision after hearing or through stipulation, consent order, agreed settlement or by disposition in the nature of default judgment, judgment on the pleadings, or summary determination, consistent with the requirements of this subsection and the rules and procedures of the administrative hearing commission.

2. Except as otherwise provided by law, any person or entity who is a party to, or who is aggrieved or adversely affected by, any finding, order, decision, or assessment for which the authority to hear appeals was transferred to the administrative hearing commission in subsection 1 of this section may file a notice of appeal with the administrative hearing commission within thirty days after any such finding, order, decision, or assessment is placed in the United States mail or within thirty days of any such finding, order, decision, or assessment being delivered, whichever is earlier. Within ninety days after the date on which the notice of appeal is filed the administrative hearing commission may hold hearings**,** and within one hundred twenty days after the date on which the notice of appeal is filed shall make a recommended decision **[**based on those hearings or shall make a recommended decision based on stipulation of the parties, consent order, agreed settlement or by disposition in the nature of default judgment, judgment on the pleadings, or summary determination**] , or a final decision where applicable**, in accordance with the requirements of this **[**subsection**]** **section** and the rules and procedures of the administrative hearing commission; provided, however, that the dates by which the administrative hearing commission is required to hold hearings and make a recommended decision may be extended at the sole discretion of the permittee as either petitioner or intervenor in the appeal.

3. Any decision by the director of the department of natural resources that may be appealed as provided in subsection 1 of this section shall contain a notice of the right of appeal in substantially the following language: "If you were adversely affected by this decision, you may **be entitled to pursue an** appeal **[**to have the matter heard by**]** **before** the administrative hearing

commission. To appeal, you must file a petition with the administrative hearing commission within thirty days after the date this decision was mailed or the date it was delivered, whichever date was earlier. If any such petition is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed; if it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the administrative hearing commission.". Within fifteen days after the administrative hearing commission renders **[**its**]** **a** recommended decision, it shall transmit the record and a transcript of the proceedings, together with the administrative hearing commission's recommended decision to the commission having authority to issue a final decision. The final decision of the commission shall be issued within one hundred eighty days of the date the notice of appeal in subsection 2 of this section is filed and shall be based only on the facts and evidence in the hearing record; provided, however, that the date by which the commission is required to issue a final decision may be extended at the sole discretion of the permittee as either petitioner or intervenor in the appeal. The commission may adopt the recommended decision as its final decision. The commission may change a finding of fact or conclusion of law made by the administrative hearing commission, or may vacate or modify the recommended decision issued by the administrative hearing commission, only if the commission states in writing the specific reason for a change made under this subsection.

4. In the event the person filing the appeal prevails in any dispute under this section, interest shall be allowed upon any amount found to have been wrongfully collected or erroneously paid at the rate established by the director of the department of revenue under section 32.065.

5. Appropriations shall be made from the respective funds of the **[**various commissions**]** **department of natural resources** to cover the administrative hearing commission's costs associated with these appeals.

6. In all matters heard by the administrative hearing commission under this section, the burden of proof shall comply with section 640.012. The hearings shall be conducted by the administrative hearing commission in accordance with the provisions of chapter 536 and its regulations promulgated thereunder.

7. No cause of action or appeal arising out of any finding, order, decision, or assessment of any of the commissions listed in subsection 1 of this section shall accrue in any court unless the party seeking to file such cause of action or appeal shall have filed a notice of appeal and received a final decision in accordance with the provisions of this section.

640.010. DEPARTMENT CREATED — DIRECTOR, APPOINTMENT, POWERS, DUTIES — TRANSFER OF CERTAIN AGENCIES. — 1. There is hereby created a department of natural resources in charge of a director appointed by the governor, by and with the advice and consent of the senate. The director shall administer the programs assigned to the department relating to environmental control and the conservation and management of natural resources. The director shall coordinate and supervise all staff and other personnel assigned to the department. He shall faithfully cause to be executed all policies established by the boards and commissions assigned to the department, be subject to their decisions as to all substantive and procedural rules and his **or her** decisions shall be subject to appeal **[**to the board or commission on request of the board or commission or by affected parties**]** **as provided by law**. The director shall recommend policies to the various boards and commissions assigned to the department to achieve effective and coordinated environmental control and natural resource conservation policies.

2. The director shall appoint directors of staff to service each of the policy making boards or commissions assigned to the department. Each director of staff shall be qualified by education, training and experience in the technical matters of the board to which he is assigned and his **or her** appointment shall be approved by the board to which he is assigned and he shall be removed or reassigned on their request in writing to the director of the department. All other employees of the department and of each board and commission assigned to the department shall be appointed by the director of the department in accord with chapter 36, and shall be assigned

and may be reassigned as required by the director of the department in such a manner as to provide optimum service, efficiency and economy.

3. The air conservation commission, chapter 203 and others, the clean water commission, chapter 204 and others, are transferred by type II transfer to the department of natural resources. The governor shall appoint the members of these bodies in accord with the laws establishing them, with the advice and consent of the senate. The bodies hereby transferred shall retain all rulemaking and hearing powers allotted by law, as well as those of any bodies transferred to their jurisdiction. All the powers, duties and functions of the state environmental improvement authority, chapter 260 and others, are transferred by type III transfer to the air conservation commission. All the powers, duties and functions of the water resources board, chapter 256 and others, are transferred by type I transfer to the clean water commission and the board is abolished. No member of the clean water commission shall receive or shall have received, during the previous two years from the date of his **or her** appointment, a significant portion of his **or her** income directly or indirectly from permit holders or applicants for a permit under the jurisdiction of the clean water commission. The state park board, chapter 253, is transferred to the department of natural resources by type I transfer.

4. All the powers, duties and functions of the state soil and water districts commission, chapter 278 and others, are transferred by a type II transfer to the department.

5. All the powers, duties and functions of the state geologist, chapter 256 and others, are transferred by type I transfer to the department of natural resources. **[**All the powers, duties and functions of the state land survey authority, chapter 60, are transferred to the department of natural resources by type I transfer and the authority is abolished.**]** All the powers, duties and functions of the state oil and gas council, chapter 259 and others**,** are transferred to the department of natural resources by type II transfer. The director of the department shall appoint a state geologist who shall have the duties to supervise and coordinate the work formerly done by the departments or authorities abolished by this subsection, and shall provide staff services for the state oil and gas council.

6. All the powers, duties and functions of the land reclamation commission, chapter 444 and others, are transferred to the department of natural resources by type II transfer. All necessary personnel required by the commission shall be selected, employed and discharged by the commission. The director of the department shall not have the authority to abolish positions.

7. The functions performed by the division of health in relation to the maintenance of a safe quality of water dispensed to the public, sections 640.100 to 640.115, and others, and for licensing and regulating solid waste management systems and plans are transferred by type I transfer to the department of natural resources.

[8. (1) The state interagency council for outdoor recreation, chapter 258, is transferred to the department of natural resources by type II transfer. The council shall consist of representatives of the following state agencies: department of agriculture; department of conservation; office of administration; department of natural resources; department of economic development; department of social services; department of transportation; and the University of Missouri.

(2) The council shall function as provided in chapter 258, except that the department of natural resources shall provide all staff services as required by the council notwithstanding the provisions of sections 258.030 and 258.040, and all personnel and property of the council are hereby transferred by type I transfer to the department of natural resources and the office of executive secretary to the council is abolished.**]**

640.012. BURDEN OF PROOF IN CONTESTED CASES HEARD BY ADMINISTRATIVE HEARING COMMISSION, EXCEPTIONS. — In all **[**matters**]** **contested case administrative appeals** heard by the **[**department of natural resources in this chapter and chapters 260, 278, 444, 643, and 644, the hazardous waste management commission in chapter 260, the state soil and water districts commission in chapter 278, the land reclamation commission in chapter 444, the

safe drinking water commission in this chapter, the air conservation commission in chapter 643, and the clean water commission in chapter 644**] administrative hearing commission pursuant to section 621.250**, the burden of proof shall be upon the department of natural resources **[**or the commission that issued**] to demonstrate the lawfulness of** the finding, order, decision or assessment being appealed, except that in matters involving the denial of a permit, license or registration, the burden of proof shall be on the applicant for such permit, license or registration.

640.017. UNIFIED PERMIT SCHEDULE AUTHORIZED FOR ACTIVITIES REQUIRING MULTIPLE PERMITS — DIRECTOR'S DUTIES — PROCEDURE — RULEMAKING AUTHORITY. — 1. **Notwithstanding any other provision of law,** for activities that may require multiple environmental state permits **or certifications**, an applicant may **[**request to coordinate**] directly petition the director for purposes of approving or denying such permits or certifications, and for purposes of coordinating** a unified permit schedule with the department which covers the timing and order to obtain such permits **in a coordinated and streamlined process**. In determining the schedule, the department and applicant shall consider which permits are most critical for the regulated activity, the need for unified public participation for all of the regulated aspects of the permitted activity, the applicant's anticipated staging of construction and financing for the permitted activity, and the applicant's use of innovative environmental approaches or strategies to minimize its environmental impacts.

2. **In order to facilitate a unified and streamlined permitting process, the director shall develop and implement a process to coordinate the processing of multiple environmental permits, certifications, or permit modifications from a single applicant.**

3. The department may initiate the unified permits process for a class of similar activities by notifying any known applicants interested in those regulated activities of the intent to use the unified process. To the extent practicable and consistent with the purposes of this section, the department shall coordinate with interested applicants on the unified permit schedule.

[3.**] 4.** The **[**department**] process developed and implemented by the director** shall **include working with such applicants in an effort to help** determine**, at the earliest stage,** all of the permits required for a specific proposed activity based on information provided by the applicant; additional information regarding the proposed activity may result in different permits being required. The department shall **[**propose**] inform applicants that** a unified permitting schedule **[**to interested applicants**] is available**. Any multiple-permit applicant may decline at any time to have its permits processed in accordance with the schedule and instead proceed **[**in**] on** a permit-by-permit approach. The department shall publicize the order and tentative schedule on the department's internet website.

[4.**] 5.** Following the establishment of a unified permit schedule, the director shall notify the applicant in writing of the order in which the applicant shall obtain permits. The department shall proceed to consider applications accordingly and may only modify the schedule with the consent of the applicant through the date of the public hearing. Each application shall be reviewed by the department based solely on its own merits and compliance with the applicable law.

[5.**] 6.** The department shall coordinate with the applicant, to the extent possible, to align the unified permit process so that all public meetings or hearings related to the permits are consolidated into one hearing in a location near the facility.

[6.**] 7.** In furtherance of this section, the director may waive otherwise applicable procedural requirements related to timing as set forth in state environmental laws or rules found in this chapter and chapters **236, 259,** 260, 444, **643,** and 644, so long as:

(1) The public comment periods related to each permit are not shortened; and

(2) The unified permitting schedule does not impair the ability of the applicant or the department to comply with substantive legal requirements related to the permit application.

[7.**] 8.** The director shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the

authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

640.026. ENFORCEMENT AND PENALTIES, LIST OF DOCUMENTS PRODUCED FOR EXTERNAL DISSEMINATION — JCAR REVIEW, CONTENTS. — 1. The department of natural resources shall, by December 1, 2013, and annually thereafter, develop a list of all documents produced for external dissemination, excluding permits, that the department utilizes to implement enforcement actions or penalties levied by the department which have not been established in statute or have not been promulgated pursuant to chapter 536. The list and all documents referenced shall be provided to the joint committee on administrative rules for the purpose of a review, in consultation with the department, to determine if the documents are statements of general applicability that implement, interpret, or prescribe law or policy that should be subject to the rulemaking process prescribed in chapter 536.

2. All documents, excluding permits and rules, produced by the department for external dissemination shall contain:

(1) The name of the department;

(2) The name of the division of the department, if applicable;

(3) The name of the director of the division, if applicable;

(4) The calendar date on which the document was produced; and

(5) A disclosure statement stating: "Nothing in this document may be used to implement any enforcement action or levy any penalty unless promulgated by rule under chapter 536 or authorized by statute.".

3. The list and all documents required by this section to be provided to the joint committee on administrative rules shall be satisfied by providing either physical copies of both a list and all documents, excluding permits, or by providing a list of documents accompanied by a separate uniform resource locator for each listed document.

640.065. REVOLVING SERVICES FUND CREATED, USE OF MONEYS. — 1. The "Department of Natural Resources Revolving Services Fund" is hereby created. All funds received by the department of natural resources from the delivery of services and the sale or resale of maps, plats, reports, studies, records, and other publications and documents, on paper or in electronic format, shall be credited to the fund. The director of the department shall administer the fund. The state treasurer is the custodian of the fund and may approve disbursements from the fund requested by the director of the department. When appropriated, moneys in the fund shall be used to purchase goods, equipment, hardware and software, maintenance and licenses, software and database development and maintenance, personal services, and other services that will ultimately be used to provide copies of information maintained or provided by the department, reprint maps, publications or other documents requested by governmental agencies or members of the general public; to publish the maps, publications, or other documents; to purchase maps, publications, or other documents for resale; and to pay shipping charges, laboratory services, core library fees, workshop fees, conference fees, and interdivisional cooperative agreements, but for no other purpose.

2. The department of natural resources may produce, reproduce, and sell maps, plats, reports, studies, and records and shall fix the charge therefor. All income received shall be promptly deposited in the state treasury to the credit of the department of natural resources revolving services fund.

3. An unencumbered balance not exceeding one million dollars in the department of natural resources revolving services fund at the end of the fiscal year is exempt from the provisions of section 33.080 relating to the transfer of unexpended balances to the general revenue fund.

4. The department of natural resources shall report all income to and expenditures from such fund on a quarterly basis to the house of representatives budget committee and the senate appropriations committee.

640.075. BROCHURES ON THOMAS HART BENTON MURALS AND CAPITOL ART WORK, PUBLICATION. — The department of natural resources is authorized to gather data, photographs and such other materials as may be necessary and to prepare, edit and publish from time to time, as deemed necessary, copies of a brochure on the Thomas Hart Benton murals in the house lounge and on other major works of art of the Missouri state capitol. The brochure shall be sold at a price to be set by the department of natural resources. The proceeds from the sale of the brochure shall be deposited in the state treasury to the credit of the natural resources **[**document**]** **revolving** services fund created in section **[**60.595**]** **640.065**.

640.080. E. COLI MEASURING STANDARD — POSTING OF SIGNS WHEN BEACHES EXCEED, LANGUAGE — -AUTHORITY TO CLOSE BEACHES. — 1. For Missouri state parks' designated swim beaches, a standard that measures E. coli using the Environmental Protection Agency's Method 1603, or any other equivalent method that measures culturable E. coli, with the geometric mean (GM) of weekly sampling of one hundred ninety colony forming units per one hundred milliliters shall be utilized.

2. If beaches exceed the GM standard established in subsection 1 of this section, the department of natural resources shall post the beach with signs that state "Swimming is Not Recommended".

3. The department reserves the right to close a beach in the event of a documented health risk including things such as but not limited to wastewater by-pass, extremely high sampling values, spills of hazardous chemicals, or localized outbreaks of an infectious disease.

640.236. PUNITIVE AND EXEMPLARY DAMAGES, EXEMPT FROM, WHEN. — In all civil actions involving claims for exposure or contamination arising from the ownership, maintenance, management, or control of underground hard rock mining or hard rock milling sites that ceased operations prior to January 1, 1975, or such claims that arise from chat or tailings generated at those sites, brought against persons or entities alleged to have owned, maintained, managed, or controlled such sites, chat, or tailings at any time, such persons and entities shall be exempt from punitive or exemplary damages with respect to all such claims that relate in any way to the ownership, maintenance, management, or control of such sites, chat, or tailings, so long as such persons or entities or their employees, agents, owners, parent, subsidiary, or any related companies have made or are making good faith efforts to remediate such sites. Any evidence may be introduced to demonstrate good faith efforts to remediate including substantial compliance with an order or permit issued by or negotiated with either the state of Missouri or the United States concerning remediation or closure. The total of any awards of punitive or exemplary damages shall not exceed two million five hundred thousand dollars in the aggregate as to all defendants in a civil action within this section. The provisions of section 537.675 shall not apply to such action, and one-half of any such awards for punitive or exemplary damages shall be paid into the Missouri lead abatement loan fund established under section 701.337. Nothing in this section shall be construed as precluding any party from pursuing compensatory damages, including claims for natural resource damages.

640.715. NOTIFICATION BY OWNERS OR OPERATORS, INFORMATION REQUIRED — DEPARTMENT TO ISSUE PERMIT, WHEN. — 1. Prior to filing an application to acquire **[**a construction**] an operating** permit **for a new or expanded facility** from the department, the owner or operator of any class IA, class IB, or class IC concentrated animal feeding operation shall provide the following information to the department, to the county governing body and to all adjoining property owners of property located within one and one-half times the buffer distance as specified in subsection 2 of section 640.710 for the size of the proposed facility:

(1) The number of animals anticipated at such facility;

(2) The waste handling plan and general layout of the facility;

(3) The location and number of acres of such facility;

(4) Name, address, telephone number and registered agent for further information as it relates to subdivisions (1) to (3) of this subsection;

(5) Notice that the department will accept written comments from the public for a period of thirty days; and

(6) The address of the regional or state office of the department. The department shall require proof of such notification upon accepting an application for **[**a construction**] an operating** permit **for a new or expanded facility**. The department shall accept written comments from the public for thirty days after receipt of application for **[**construction**] such** permit.

2. The department shall not issue **[**a**] an operating** permit to a facility described in subsection 1 of this section to engage in any activity regulated by the department unless the applicant is in compliance with sections 640.700 to 640.755.

3. The department shall issue **[**a**] an operating** permit or respond with a letter of comment to the owner or operator of such facility within forty-five days of receiving a completed permit application and verification of compliance with subsection 1 of this section.

640.725. INSPECTION OF FACILITY, WHEN, RECORDS RETENTION PERIOD — AUTOMATIC SHUTOFF SYSTEM REQUIRED. — 1. The owner or operator of any flush system animal waste wet handling facility shall employ one or more persons who shall **once per week** visually inspect the **[**animal waste wet handling facility and lagoons for unauthorized discharge and structural integrity at least every twelve hours with a deviation of not to exceed three hours**] gravity outfall lines, recycle pump stations, recycle force mains, and appurtenances for any release to any containment structure required by section 640.730. The owner or operator shall also visually inspect once per day any lagoon whose water level is less than twelve inches from the emergency spillway**. The owner or operator of the facility shall keep records of each inspection. Such records shall be retained for three years. The department shall provide or approve a form provided by the owner or operator for each facility for such inspections.

2. All new construction permits for flush system animal waste wet handling facilities shall have an electronic or mechanical shutoff of the system in the event of pipe stoppage. As of July 1, 1997, all existing flush system animal waste wet handling facilities shall have, at a minimum, an electronic or mechanical shutoff of the system in the event of pipe stoppage or backflow.

643.079. FEES, AMOUNT — DEPOSIT OF MONEYS, WHERE, SUBACCOUNT TO BE MAINTAINED — CIVIL ACTION FOR FAILURE TO REMIT FEES, EFFECT UPON PERMIT — AGENCIES, DETERMINATION OF FEES — FEE STRUCTURE REVIEW. — 1. Any air contaminant source required to obtain a permit issued under sections 643.010 to 643.355 shall pay annually beginning April 1, 1993, a fee as provided herein. For the first year the fee shall be twenty-five dollars per ton of each regulated air contaminant emitted. Thereafter, the fee shall be set every three years by the commission by rule and shall be at least twenty-five dollars per ton of regulated air contaminant emitted but not more than forty dollars per ton of regulated air contaminant emitted in the previous calendar year. If necessary, the commission may make annual adjustments to the fee by rule. The fee shall be set at an amount consistent with the need

to fund the reasonable cost of administering sections 643.010 to 643.355, taking into account other moneys received pursuant to sections 643.010 to 643.355. For the purpose of determining the amount of air contaminant emissions on which the fees authorized under this section are assessed, a facility shall be considered one source under the definition of subsection 2 of section 643.078, except that a facility with multiple operating permits shall pay the emission fees authorized under this section separately for air contaminants emitted under each individual permit.

2. A source which produces charcoal from wood shall pay an annual emission fee under this subsection in lieu of the fee established in subsection 1 of this section. The fee shall be based upon a maximum fee of twenty-five dollars per ton and applied upon each ton of regulated air contaminant emitted for the first four thousand tons of each contaminant emitted in the amount established by the commission pursuant to subsection 1 of this section, reduced according to the following schedule:

(1) For fees payable under this subsection in the years 1993 and 1994, the fee shall be reduced by one hundred percent;

(2) For fees payable under this subsection in the years 1995, 1996 and 1997, the fee shall be reduced by eighty percent;

(3) For fees payable under this subsection in the years 1998, 1999 and 2000, the fee shall be reduced by sixty percent.

3. The fees imposed in subsection 2 of this section shall not be imposed or collected after the year 2000 unless the general assembly reimposes the fee.

4. Each air contaminant source with a permit issued under sections 643.010 to 643.355 shall pay the fee for the first four thousand tons of each regulated air contaminant emitted each year but no air contaminant source shall pay fees on total emissions of regulated air contaminants in excess of twelve thousand tons in any calendar year. A permitted air contaminant source which emitted less than one ton of all regulated pollutants shall pay a fee equal to the amount per ton set by the commission. An air contaminant source which pays emission fees to a holder of a certificate of authority issued pursuant to section 643.140 may deduct such fees from any amount due under this section. The fees imposed in this section shall not be applied to carbon oxide emissions. The fees imposed in subsection 1 and this subsection shall not be applied to sulfur dioxide emissions from any Phase I affected unit subject to the requirements of Title IV, Section 404, of the federal Clean Air Act, as amended, 42 U.S.C. 7651, et seq., any sooner than January 1, 2000. The fees imposed on emissions from Phase I affected units shall be consistent with and shall not exceed the provisions of the federal Clean Air Act, as amended, and the regulations promulgated thereunder. Any such fee on emissions from any Phase I affected unit shall be reduced by the amount of the service fee paid by that Phase I affected unit pursuant to subsection 8 of this section in that year. Any fees that may be imposed on Phase I sources shall follow the procedures set forth in subsection 1 and this subsection and shall not be applied retroactively.

5. Moneys collected under this section shall be transmitted to the director of revenue for deposit in appropriate subaccounts of the natural resources protection fund created in section 640.220. A subaccount shall be maintained for fees paid by air contaminant sources which are required to be permitted under Title V of the federal Clean Air Act, as amended, 42 U.S.C. Section 7661, et seq., and used, upon appropriation, to fund activities by the department to implement the operating permits program authorized by Title V of the federal Clean Air Act, as amended. Another subaccount shall be maintained for fees paid by air contaminant sources which are not required to be permitted under Title V of the federal Clean Air Act as amended, and used, upon appropriation, to fund other air pollution control program activities. Another subaccount shall be maintained for service fees paid under subsection 8 of this section by Phase I affected units which are subject to the requirements of Title IV, Section 404, of the federal Clean Air Act Amendments of 1990, as amended, 42 U.S.C. 7651, and used, upon appropriation, to fund air pollution control program activities. The provisions of section 33.080

to the contrary notwithstanding, moneys in the fund shall not revert to general revenue at the end of each biennium. Interest earned by moneys in the subaccounts shall be retained in the subaccounts. The per-ton fees established under subsection 1 of this section may be adjusted annually, consistent with the need to fund the reasonable costs of the program, but shall not be less than twenty-five dollars per ton of regulated air contaminant nor more than forty dollars per ton of regulated air contaminant. The first adjustment shall apply to moneys payable on April 1, 1994, and shall be based upon the general price level for the twelve-month period ending on August thirty-first of the previous calendar year.

6. The department may initiate a civil action in circuit court against any air contaminant source which has not remitted the appropriate fees within thirty days. In any judgment against the source, the department shall be awarded interest at a rate determined pursuant to section 408.030 and reasonable attorney's fees. In any judgment against the department, the source shall be awarded reasonable attorney's fees.

7. The department shall not suspend or revoke a permit for an air contaminant source solely because the source has not submitted the fees pursuant to this section.

8. Any Phase I affected unit which is subject to the requirements of Title IV, Section 404, of the federal Clean Air Act, as amended, 42 U.S.C. 7651, shall pay annually beginning April 1, 1993, and terminating December 31, 1999, a service fee for the previous calendar year as provided herein. For the first year, the service fee shall be twenty-five thousand dollars for each Phase I affected generating unit to help fund the administration of sections 643.010 to 643.355. Thereafter, the service fee shall be annually set by the commission by rule, following public hearing, based on an annual allocation prepared by the department showing the details of all costs and expenses upon which such fees are based consistent with the department's reasonable needs to administer and implement sections 643.010 to 643.355 and to fulfill its responsibilities with respect to Phase I affected units, but such service fee shall not exceed twenty-five thousand dollars per generating unit. Any such Phase I affected unit which is located on one or more contiguous tracts of land with any Phase II generating unit that pays fees under subsection 1 or subsection 2 of this section shall be exempt from paying service fees under this subsection. A "contiguous tract of land" shall be defined to mean adjacent land, excluding public roads, highways and railroads, which is under the control of or owned by the permit holder and operated as a single enterprise.

9. The department of natural resources shall determine the fees due pursuant to this section by the state of Missouri and its departments, agencies and institutions, including two- and four-year institutions of higher education. The director of the department of natural resources shall forward the various totals due to the joint committee on capital improvements and the directors of the individual departments, agencies and institutions. The departments, as part of the budget process, shall annually request by specific line item appropriation funds to pay said fees and capital funding for projects determined to significantly improve air quality. If the general assembly fails to appropriate funds for emissions fees as specifically requested, the departments, agencies and institutions shall pay said fees from other sources of revenue or funds available. The state of Missouri and its departments, agencies and institutions may receive assistance from the small business technical assistance program established pursuant to section 643.173.

10. The director of the department of natural resources may conduct a comprehensive review of the fee structure set forth in this section. The comprehensive review shall include stakeholder meetings in order to solicit stakeholder input from each of the following groups: electric utilities, mineral and metallic mining and processing facilities, cement kiln representatives, and any other interested industrial or business entities or interested parties. Upon completion of the comprehensive review, the department shall submit proposed changes to the fee structure with stakeholder agreement to the air conservation commission. The commission shall, upon receiving the department's recommendations, review such recommendations at the forthcoming regular or special meeting. The commission shall review fee structure recommendations from the

department. The commission shall not take a vote on the fee structure recommendations until the following regular or special meeting. If the commission approves, by vote of two-thirds majority or five of seven commissioners, the fee structure recommendations, the commission shall promulgate by regulation and publish the recommended fee structure no later than October first of the same year. The commission shall file the order of rulemaking for such rule with the joint committee on administrative rules pursuant to sections 536.021 and 536.024 no later than December first of the same year. If such rules are not disapproved by the general assembly in the manner set out below, they shall take effect on January first of the next odd-numbered year and the fee structure set out in this section shall expire upon the effective date of the commission adopted fee structure. Any regulation promulgated under this subsection shall be deemed to be beyond the scope and authority provided in this subsection, or detrimental to permit applicants, if the general assembly, within the first sixty calendar days of the regular session immediately following the promulgation of such regulation, by concurrent resolution, shall disapprove the fee structure contained in such regulation. If the general assembly so disapproves any regulation promulgated under this subsection, the air conservation commission shall continue to use the fee structure set forth in the most recent preceding regulation promulgated under this subsection. This subsection shall expire on August 28, 2023.

644.029. NEW WATER QUALITY REQUIREMENTS, GRANDFATHERING PROVISION. — **The department shall allow an appropriate schedule of compliance for a permittee to make upgrades or changes to its facilities that are necessary to meet new water quality requirements. For publicly owned treatment works, schedules of compliance shall be consistent with affordability findings made under section 644.145. For privately owned treatment works, schedules of compliance shall be negotiated with the facilities recognizing their financial capabilities and shall reflect statewide performance expectations. The department shall incorporate new water quality requirements into existing permits at the time of permit renewal unless there are compelling reasons to implement these requirements earlier through permit modifications. All new permit applicants may be required to meet any new water quality standards or classifications prescribed by the commission.**

644.051. PROHIBITED ACTS — PERMITS REQUIRED, WHEN, FEE — BOND REQUIRED OF PERMIT HOLDERS, WHEN — PERMIT APPLICATION PROCEDURES — RULEMAKING — LIMITATION ON USE OF PERMIT FEE MONEYS — PERMIT SHIELD PROVISIONS. — 1. It is unlawful for any person:

(1) To cause pollution of any waters of the state or to place or cause or permit to be placed any water contaminant in a location where it is reasonably certain to cause pollution of any waters of the state;

(2) To discharge any water contaminants into any waters of the state which reduce the quality of such waters below the water quality standards established by the commission;

(3) To violate any pretreatment and toxic material control regulations, or to discharge any water contaminants into any waters of the state which exceed effluent regulations or permit provisions as established by the commission or required by any federal water pollution control act;

(4) To discharge any radiological, chemical, or biological warfare agent or high-level radioactive waste into the waters of the state.

2. It shall be unlawful for any person to **[**build, erect, alter, replace,**]** operate, use or maintain any water contaminant or point source in this state that is subject to standards, rules or regulations promulgated pursuant to the provisions of sections 644.006 to 644.141 unless such person holds **[**a**] an operating** permit from the commission, subject to such exceptions as the commission may prescribe by rule or regulation. However, no **operating** permit shall be required of any

person for any emission into publicly owned treatment facilities or into publicly owned sewer systems tributary to publicly owned treatment works.

3. [Every proposed water contaminant or point source which, when constructed or installed or established, will be subject to any federal water pollution control act or sections 644.006 to 644.141 or regulations promulgated pursuant to the provisions of such act shall make application to the director for a permit at least thirty days prior to the initiation of construction or installation or establishment. Every water contaminant or point source in existence when regulations or sections 644.006 to 644.141 become effective shall make application to the director for a permit within sixty days after the regulations or sections 644.006 to 644.141 become effective, whichever shall be earlier. The director shall promptly investigate each application, which investigation shall include such hearings and notice, and consideration of such comments and recommendations as required by sections 644.006 to 644.141 and any federal water pollution control act. If the director determines that the source meets or will meet the requirements of sections 644.006 to 644.141 and the regulations promulgated pursuant thereto, the director shall issue a permit with such conditions as he or she deems necessary to ensure that the source will meet the requirements of sections 644.006 to 644.141 and any federal water pollution control act as it applies to sources in this state. If the director determines that the source does not meet or will not meet the requirements of either act and the regulations pursuant thereto, the director shall deny the permit pursuant to the applicable act and issue any notices required by sections 644.006 to 644.141 and any federal water pollution control act] **It shall be unlawful for any person to construct, build, replace or make major modification to any point source or collection system that is principally designed to convey or discharge human sewage to waters of the state, unless such person obtains a construction permit from the commission, except as provided in this section. The following activities shall be excluded from construction permit requirements:**

(1) Facilities greater than one million gallons per day that are authorized through a local supervised program, and are not receiving any department financial assistance;

(2) All sewer extensions or collection projects that are one thousand feet in length or less with fewer than two lift stations;

(3) All sewer collection projects that are authorized through a local supervised program; and

(4) Any other exclusions the commission may promulgate by rule. However, nothing shall prevent the department from taking action to assure protection of the environment and human health. A construction permit may be required where necessary as determined by the department, including the following:

(a) Substantial deviation from the commission's design standards;

(b) To correct noncompliance;

(c) When an unauthorized discharge has occurred or has the potential to occur; or

(d) To correct a violation of water quality standards. In addition, any point source that proposes to construct an earthen storage structure to hold, convey, contain, store or treat domestic, agricultural, or industrial process wastewater also shall be subject to the construction permit provisions of this subsection. All other construction-related activities at point sources shall be exempt from the construction permit requirements. All activities that are exempted from the construction permit requirement are subject to the following conditions:

a. Any point source system designed to hold, convey, contain, store or treat domestic, agricultural or industrial process wastewater shall be designed by a professional engineer registered in Missouri in accordance with the commission's design rules;

b. Such point source system shall be constructed in accordance with the registered professional engineer's design and plans; and

c. Such point source system may receive a post-construction site inspection by the department prior to receiving operating permit approval. A site inspection may be

performed by the department, upon receipt of a complete operating permit application or submission of an engineer's statement of work complete. A governmental unit may apply to the department for authorization to operate a local supervised program, and the department may authorize such a program. A local supervised program would recognize the governmental unit's engineering capacity and ability to conduct engineering work, supervise construction and maintain compliance with relevant operating permit requirements.

4. Before issuing **[**a permit to build or enlarge a water contaminant or point source or reissuing any permit**] any permit required by this section**, the director shall issue such notices, conduct such hearings, and consider such factors, comments and recommendations as required by sections 644.006 to 644.141 or any federal water pollution control act. The director shall determine if any state or any provisions of any federal water pollution control act the state is required to enforce, any state or federal effluent limitations or regulations, water quality-related effluent limitations, national standards of performance, toxic and pretreatment standards, or water quality standards which apply to the source, or any such standards in the vicinity of the source, are being exceeded, and shall determine the impact on such water quality standards from the source. The director, in order to effectuate the purposes of sections 644.006 to 644.141, shall deny a permit if the source will violate any such acts, regulations, limitations or standards or will appreciably affect the water quality standards or the water quality standards are being substantially exceeded, unless the permit is issued with such conditions as to make the source comply with such requirements within an acceptable time schedule.

5. The director shall grant or deny the permit within sixty days after all requirements of the Federal Water Pollution Control Act concerning issuance of permits have been satisfied unless the application does not require any permit pursuant to any federal water pollution control act. The director or the commission may require the applicant to provide and maintain such facilities or to conduct such tests and monitor effluents as necessary to determine the nature, extent, quantity or degree of water contaminant discharged or released from the source, establish and maintain records and make reports regarding such determination.

6. The director shall promptly notify the applicant in writing of his or her action and if the permit is denied state the reasons therefor. The applicant may appeal to the commission from the denial of a permit or from any condition in any permit by filing notice of appeal with the commission within thirty days of the notice of denial or issuance of the permit. After a final action is taken on a new or reissued general permit, a potential applicant for the general permit who can demonstrate that he or she is or may be adversely affected by any permit term or condition may appeal the terms and conditions of the general permit within thirty days of the department's issuance of the general permit. In no event shall a permit constitute permission to violate the law or any standard, rule or regulation promulgated pursuant thereto.

7. In any hearing held pursuant to this section that involves a permit, license, or registration, the burden of proof is on the party specified in section 640.012. Any decision of the commission made pursuant to a hearing held pursuant to this section is subject to judicial review as provided in section 644.071.

8. In any event, no permit issued pursuant to this section shall be issued if properly objected to by the federal government or any agency authorized to object pursuant to any federal water pollution control act unless the application does not require any permit pursuant to any federal water pollution control act.

9. Permits may be modified, reissued, or terminated at the request of the permittee. All requests shall be in writing and shall contain facts or reasons supporting the request.

10. No manufacturing or processing plant or operating location shall be required to pay more than one operating fee. Operating permits shall be issued for a period not to exceed five years after date of issuance, except that general permits shall be issued for a five-year period, and also except that neither a construction nor an annual permit shall be required for a single residence's waste treatment facilities. Applications for renewal of a site-specific operating permit

shall be filed at least one hundred eighty days prior to the expiration of the existing permit. Applications seeking to renew coverage under a general permit shall be submitted at least thirty days prior to the expiration of the general permit, unless the permittee has been notified by the director that an earlier application must be made. General permits may be applied for and issued electronically once made available by the director.

11. Every permit issued to municipal or any publicly owned treatment works or facility shall require the permittee to provide the clean water commission with adequate notice of any substantial new introductions of water contaminants or pollutants into such works or facility from any source for which such notice is required by sections 644.006 to 644.141 or any federal water pollution control act. Such permit shall also require the permittee to notify the clean water commission of any substantial change in volume or character of water contaminants or pollutants being introduced into its treatment works or facility by a source which was introducing water contaminants or pollutants into its works at the time of issuance of the permit. Notice must describe the quality and quantity of effluent being introduced or to be introduced into such works or facility by a source which was introducing water contaminants or pollutants into its works at the time of issuance of the permit. Notice must describe the quality and quantity of effluent being introduced or to be introduced into such works or facility and the anticipated impact of such introduction on the quality or quantity of effluent to be released from such works or facility into waters of the state.

12. The director or the commission may require the filing or posting of a bond as a condition for the issuance of permits for construction of temporary or future water treatment facilities or facilities that utilize innovative technology for wastewater treatment in an amount determined by the commission to be sufficient to ensure compliance with all provisions of sections 644.006 to 644.141, and any rules or regulations of the commission and any condition as to such construction in the permit. For the purposes of this section, "innovative technology for wastewater treatment" shall mean a completely new and generally unproven technology in the type or method of its application that bench testing or theory suggest has environmental, efficiency, and cost benefits beyond the standard technologies. No bond shall be required for designs approved by any federal agency or environmental regulatory agency of another state. The bond shall be signed by the applicant as principal, and by a corporate surety licensed to do business in the state of Missouri and approved by the commission. The bond shall remain in effect until the terms and conditions of the permit are met and the provisions of sections 644.006 to 644.141 and rules and regulations promulgated pursuant thereto are complied with.

13. (1) The department shall issue or deny applications for construction and site-specific operating permits received after January 1, 2001, within one hundred eighty days of the department's receipt of an application. For general construction and operating permit applications received after January 1, 2001, that do not require a public participation process, the department shall issue or deny the permits within sixty days of the department's receipt of an application. For an application seeking coverage under a renewed general permit that does not require an individual public participation process, the director shall issue or deny the permit within sixty days of the director's receipt of the application, or upon issuance of the general permit, whichever is later. In regard to an application seeking coverage under an initial general permit that does not require an individual public participation process, the director shall issue or deny the permit within sixty days of the department's receipt of the application. For an application seeking coverage under a renewed general permit that requires an individual public participation process, the director shall issue or deny the permit within ninety days of the director's receipt of the application, or upon issuance of the general permit, whichever is later. In regard to an application for an initial general permit that requires an individual public participation process, the director shall issue or deny the permit within ninety days of the director's receipt of the application.

(2) If the department fails to issue or deny with good cause a construction or operating permit application within the time frames established in subdivision (1) of this subsection, the

department shall refund the full amount of the initial application fee within forty-five days of failure to meet the established time frame. If the department fails to refund the application fee within forty-five days, the refund amount shall accrue interest at a rate established pursuant to section 32.065.

(3) Permit fee disputes may be appealed to the commission within thirty days of the date established in subdivision (2) of this subsection. If the applicant prevails in a permit fee dispute appealed to the commission, the commission may order the director to refund the applicant's permit fee plus interest and reasonable attorney's fees as provided in sections 536.085 and 536.087. A refund of the initial application or annual fee does not waive the applicant's responsibility to pay any annual fees due each year following issuance of a permit.

(4) No later than December 31, 2001, the commission shall promulgate regulations defining shorter review time periods than the time frames established in subdivision (1) of this subsection, when appropriate, for different classes of construction and operating permits. In no case shall commission regulations adopt permit review times that exceed the time frames established in subdivision (1) of this subsection. The department's failure to comply with the commission's permit review time periods shall result in a refund of said permit fees as set forth in subdivision (2) of this subsection. On a semiannual basis, the department shall submit to the commission a report which describes the different classes of permits and reports on the number of days it took the department to issue each permit from the date of receipt of the application and show averages for each different class of permits.

(5) During the department's technical review of the application, the department may request the applicant submit supplemental or additional information necessary for adequate permit review. The department's technical review letter shall contain a sufficient description of the type of additional information needed to comply with the application requirements.

(6) Nothing in this subsection shall be interpreted to mean that inaction on a permit application shall be grounds to violate any provisions of sections 644.006 to 644.141 or any rules promulgated pursuant to sections 644.006 to 644.141.

14. The department shall respond to all requests for individual certification under Section 401 of the Federal Clean Water Act within the lesser of sixty days or the allowed response period established pursuant to applicable federal regulations without request for an extension period unless such extension is determined by the commission to be necessary to evaluate significant impacts on water quality standards and the commission establishes a timetable for completion of such evaluation in a period of no more than one hundred eighty days.

15. All permit fees generated pursuant to this chapter shall not be used for the development or expansion of total maximum daily loads studies on either the Missouri or Mississippi rivers.

16. The department shall implement permit shield provisions equivalent to the permit shield provisions implemented by the U.S. Environmental Protection Agency pursuant to the Clean Water Act, Section 402(k), 33 U.S.C. 1342(k), and its implementing regulations, for permits issued pursuant to chapter 644.

17. Prior to the development of a new general permit or reissuance of a general permit for aquaculture, land disturbance requiring a storm water permit, or reissuance of a general permit under which fifty or more permits were issued under a general permit during the immediately preceding five-year period for a designated category of water contaminant sources, the director shall implement a public participation process complying with the following minimum requirements:

(1) For a new general permit or reissuance of a general permit, a general permit template shall be developed for which comments shall be sought from permittees and other interested persons prior to issuance of the general permit;

(2) The director shall publish notice of his intent to issue a new general permit or reissue a general permit by posting notice on the department's website at least one hundred eighty days before the proposed effective date of the general permit;

(3) The director shall hold a public informational meeting to provide information on anticipated permit conditions and requirements and to receive informal comments from permittees and other interested persons. The director shall include notice of the public informational meeting with the notice of intent to issue a new general permit or reissue a general permit under subdivision (2) of this subsection. The notice of the public informational meeting, including the date, time and location, shall be posted on the department's website at least thirty days in advance of the public meeting. If the meeting is being held for reissuance of a general permit, notice shall also be made by electronic mail to all permittees holding the current general permit which is expiring. Notice to current permittees shall be made at least twenty days prior to the public meeting;

(4) The director shall hold a thirty-day public comment period to receive comments on the general permit template with the thirty-day comment period expiring at least sixty days prior to the effective date of the general permit. Scanned copies of the comments received during the public comment period shall be posted on the department's website within five business days after close of the public comment period;

(5) A revised draft of a general permit template and the director's response to comments submitted during the public comment period shall be posted on the department's website at least forty-five days prior to issuance of the general permit. At least forty-five days prior to issuance of the general permit the department shall notify all persons who submitted comments to the department that these documents have been posted to the department's website;

(6) Upon issuance of a new or renewed general permit, the general permit shall be posted to the department's website.

18. Notices required to be made by the department pursuant to subsection 17 of this section may be made by electronic mail. The department shall not be required to make notice to any permittee or other person who has not provided a current electronic mail address to the department. In the event the department chooses to make material modifications to the general permit before its expiration, the department shall follow the public participation process described in subsection 17 of this section.

19. The provisions of subsection 17 of this section shall become effective beginning January 1, 2013.

644.052. PERMIT TYPES, FEES, AMOUNTS — REQUESTS FOR PERMIT MODIFICATIONS — REQUESTS FOR FEDERAL CLEAN WATER CERTIFICATIONS. — 1. Persons with operating permits or permits by rule issued pursuant to this chapter shall pay fees pursuant to subsections 2 to 8 and 12 to 13 of this section. Persons with a sewer service connection to public sewer systems owned or operated by a city, public sewer district, public water district or other publicly owned treatment works shall pay a permit fee pursuant to subsections 10 and 11 of this section.

2. A privately owned treatment works or an industry which treats only human sewage shall annually pay a fee based upon the design flow of the facility as follows:

(1) One hundred dollars if the design flow is less than five thousand gallons per day;

(2) One hundred fifty dollars if the design flow is equal to or greater than five thousand gallons per day but less than six thousand gallons per day;

(3) One hundred seventy-five dollars if the design flow is equal to or greater than six thousand gallons per day but less than seven thousand gallons per day;

(4) Two hundred dollars if the design flow is equal to or greater than seven thousand gallons per day but less than eight thousand gallons per day;

(5) Two hundred twenty-five dollars if the design flow is equal to or greater than eight thousand gallons per day but less than nine thousand gallons per day;

(6) Two hundred fifty dollars if the design flow is equal to or greater than nine thousand gallons per day but less than ten thousand gallons per day;

(7) Three hundred seventy-five dollars if the design flow is equal to or greater than ten thousand gallons per day but less than eleven thousand gallons per day;

(8) Four hundred dollars if the design flow is equal to or greater than eleven thousand gallons per day but less than twelve thousand gallons per day;

(9) Four hundred fifty dollars if the design flow is equal to or greater than twelve thousand gallons per day but less than thirteen thousand gallons per day;

(10) Five hundred dollars if the design flow is equal to or greater than thirteen thousand gallons per day but less than fourteen thousand gallons per day;

(11) Five hundred fifty dollars if the design flow is equal to or greater than fourteen thousand gallons per day but less than fifteen thousand gallons per day;

(12) Six hundred dollars if the design flow is equal to or greater than fifteen thousand gallons per day but less than sixteen thousand gallons per day;

(13) Six hundred fifty dollars if the design flow is equal to or greater than sixteen thousand gallons per day but less than seventeen thousand gallons per day;

(14) Eight hundred dollars if the design flow is equal to or greater than seventeen thousand gallons per day but less than twenty thousand gallons per day;

(15) One thousand dollars if the design flow is equal to or greater than twenty thousand gallons per day but less than twenty-three thousand gallons per day;

(16) Two thousand dollars if the design flow is equal to or greater than twenty-three thousand gallons per day but less than twenty-five thousand gallons per day;

(17) Two thousand five hundred dollars if the design flow is equal to or greater than twenty-five thousand gallons per day but less than thirty thousand gallons per day;

(18) Three thousand dollars if the design flow is equal to or greater than thirty thousand gallons per day but less than one million gallons per day; or

(19) Three thousand five hundred dollars if the design flow is equal to or greater than one million gallons per day.

3. Persons who produce industrial process wastewater which requires treatment and who apply for or possess a site-specific permit shall annually pay:

(1) Five thousand dollars if the industry is a class IA animal feeding operation as defined by the commission; or

(2) For facilities issued operating permits based upon categorical standards pursuant to the Federal Clean Water Act and regulations implementing such act:

(a) Three thousand five hundred dollars if the design flow is less than one million gallons per day; or

(b) Five thousand dollars if the design flow is equal to or greater than one million gallons per day.

4. Persons who apply for or possess a site-specific permit solely for industrial storm water shall pay an annual fee of:

(1) One thousand three hundred fifty dollars if the design flow is less than one million gallons per day; or

(2) Two thousand three hundred fifty dollars if the design flow is equal to or greater than one million gallons per day.

5. Persons who produce industrial process wastewater who are not included in subsection 2 or 3 of this section shall annually pay:

(1) One thousand five hundred dollars if the design flow is less than one million gallons per day; or

(2) Two thousand five hundred dollars if the design flow is equal to or greater than one million gallons per day.

6. Persons who apply for or possess a general permit shall pay:

(1) Three hundred dollars for the discharge of storm water from a land disturbance site;

(2) Fifty dollars annually for the operation of a chemical fertilizer or pesticide facility;

(3) One hundred fifty dollars for the operation of an animal feeding operation or a concentrated animal feeding operation;

(4) One hundred fifty dollars annually for new permits for the discharge of process water or storm water potentially contaminated by activities not included in subdivisions (1) to (3) of this subsection. Persons paying fees pursuant to this subdivision with existing general permits on August 27, 2000, and persons paying fees pursuant to this subdivision who receive renewed general permits on the same facility after August 27, 2000, shall pay sixty dollars annually;

(5) Up to two hundred fifty dollars annually for the operation of an aquaculture facility.7. Requests for modifications to state operating permits on entities that charge a service connection fee pursuant to subsection 10 of this section shall be accompanied by a two hundred dollar fee. The department may waive the fee if it is determined that the necessary modification was either initiated by the department or caused by an error made by the department.

8. Requests for state operating permit modifications other than those described in subsection 7 of this section shall be accompanied by a fee equal to twenty-five percent of the annual operating fee assessed for the facility pursuant to this section. **However, requests for modifications for such operating permits that seek name changes, address changes, or other nonsubstantive changes to the operating permit shall be accompanied by a fee of one hundred dollars.** The department may waive the fee if it is determined that the necessary modification was either initiated by the department or caused by an error made by the department.

9. Persons requesting water quality certifications in accordance with Section 401 of the Federal Clean Water Act shall pay a fee of seventy-five dollars and shall submit the standard application form for a Section 404 permit as administered by the U.S. Army Corps of Engineers or similar information required for other federal licenses and permits, except that the fee is waived for water quality certifications issued and accepted for activities authorized pursuant to a general permit or nationwide permit by the U.S. Army Corps of Engineers.

10. Persons with a direct or indirect sewer service connection to a public sewer system owned or operated by a city, public sewer district, public water district, or other publicly owned treatment works shall pay an annual fee per water service connection as provided in this subsection. Customers served by multiple water service connections shall pay such fee for each water service connection, except that no single facility served by multiple connections shall pay more than a total of seven hundred dollars per year. The fees provided for in this subsection shall be collected by the agency billing such customer for sewer service and remitted to the department. The fees may be collected in monthly, quarterly or annual increments, and shall be remitted to the department no less frequently than annually. The fees collected shall not exceed the amounts specified in this subsection and, except as provided in subsection 11 of this section, shall be collected at the specified amounts unless adjusted by the commission in rules. The annual fees shall not exceed:

(1) For sewer systems that serve more than thirty-five thousand customers, forty cents per residential customer as defined by the provider of said sewer service until such time as the commission promulgates rules defining the billing procedure;

(2) For sewer systems that serve equal to or less than thirty-five thousand but more than twenty thousand customers, fifty cents per residential customer as defined by the provider of said sewer service until such time as the commission promulgates rules defining the billing procedure;

(3) For sewer systems that serve equal to or less than twenty thousand but more than seven thousand customers, sixty cents per residential customer as defined by the provider of said sewer service until such time as the commission promulgates rules defining the billing procedure;

(4) For sewer systems that serve equal to or less than seven thousand but more than one thousand customers, seventy cents per residential customer as defined by the provider of said sewer service until such time as the commission promulgates rules defining the billing procedure;

(5) For sewer systems that serve equal to or less than one thousand customers, eighty cents per residential customer as defined by the provider of said sewer service until such time as the commission promulgates rules defining the billing procedure;

(6) Three dollars for commercial or industrial customers not served by a public water system as defined in chapter 640;

(7) Three dollars per water service connection for all other customers with water service connections of less than or equal to one inch excluding taps for fire suppression and irrigation systems;

(8) Ten dollars per water service connection for all other customers with water service connections of more than one inch but less than or equal to four inches, excluding taps for fire suppression and irrigation systems;

(9) Twenty-five dollars per water service connection for all other customers with water service connections of more than four inches, excluding taps for fire suppression and irrigation systems.

11. Customers served by any district formed pursuant to the provisions of section 30(a) of article VI of the Missouri Constitution shall pay the fees set forth in subsection 10 of this section according to the following schedule:

(1) From August 28, 2000, through September 30, 2001, customers of any such district shall pay fifty percent of such fees; and

(2) Beginning October 1, 2001, customers of any such districts shall pay one hundred percent of such fees.

12. Persons submitting a notice of intent to operate pursuant to a permit by rule shall pay a filing fee of twenty-five dollars.

13. For any general permit issued to a state agency for highway construction pursuant to subdivision (1) of subsection 6 of this section, a single fee may cover all sites subject to the permit.

644.054. FEES, BILLING AND COLLECTION — ADMINISTRATION, GENERALLY — FEES TO BECOME EFFECTIVE, WHEN — FEES TO EXPIRE, WHEN — VARIANCES GRANTED, WHEN — FEE STRUCTURE REVIEW. — 1. Fees imposed in sections 644.052 and 644.053 shall, except for those fees imposed pursuant to subsection 4 and subsections 6 to 13 of section 644.052, become effective October 1, 1990, and shall expire **[**September 1, 2013**]** **December 31, 2018**. Fees imposed pursuant to subsection 4 and subsections 6 to 13 of section 644.052 shall become effective August 28, 2000, and shall expire on **[**September 1, 2013**]** **December 31, 2018**. The clean water commission shall promulgate rules and regulations on the procedures for billing and collection. All sums received through the payment of fees shall be placed in the state treasury and credited to an appropriate subaccount of the natural resources protection fund created in section 640.220. Moneys in the subaccount shall be expended, upon appropriation, solely for the administration of sections 644.006 to 644.141. Fees collected pursuant to subsection 10 of section 644.052 by a city, a public sewer district, a public water district or other publicly owned treatment works are state fees. Five percent of the fee revenue collected shall be retained by the city, public sewer district, public water district or other publicly owned treatment works as reimbursement of billing and collection expenses.

2. The commission may grant a variance pursuant to section 644.061 to reduce fees collected pursuant to section 644.052 for facilities that adopt systems or technologies that reduce the discharge of water contaminants substantially below the levels required by commission rules.

3. Fees imposed in subsections 2 to 6 of section 644.052 shall be due on the date of application and on each anniversary date of permit issuance thereafter until the permit is terminated.

4. The director of the department of natural resources shall conduct a comprehensive review of the fee structure in sections 644.052 and 644.053. The review shall include stakeholder meetings in order to solicit stakeholder input. The director shall submit a report to the general assembly by December 31, 2012, which shall include its findings and a recommended plan for the fee structure. The plan shall also include time lines for permit

issuance, provisions for expedited permits, and recommendations for any other improved services provided by the fee funding.

644.057. CLEAN WATER FEE STRUCTURE REVIEW, REQUIREMENTS. — The director of the department of natural resources may conduct a comprehensive review of the clean water fee structure set forth in sections 644.052 and 644.053. The comprehensive review shall include stakeholder meetings in order to solicit stakeholder input from each of the following groups: agriculture, industry, municipalities, public and private wastewater facilities, and the development community. Upon completion of the comprehensive review, the department shall submit proposed changes to the fee structure with stakeholder agreement to the clean water commission. The commission shall, upon receiving the department's recommendations, review such recommendations at the forthcoming regular or special meeting under subsection 3 of section 644.021. The commission shall not take a vote on the clean water fee structure recommendations until the following regular or special meeting. In no case shall the clean water commission adopt or recommend any clean water fee in excess of five thousand dollars. If the commission approves, by vote of two-thirds majority or five of seven commissioners, the clean water fee structure recommendations, the commission shall promulgate by regulation and publish the recommended clean water fee structure no later than October first of the same year. The commission shall file the order of rulemaking for such rule with the joint committee on administrative rules pursuant to sections 536.021 and 536.024 no later than December first of the same year. If such rules are not disapproved by the general assembly in the manner set out below, they shall take effect on January first of the next odd-numbered year and the fee structures set forth in sections 644.052 and 644.053 shall expire upon the effective date of the commission adopted fee structure, contrary to section 644.054. Any regulation promulgated under this subsection shall be deemed to be beyond the scope and authority provided in this subsection, or detrimental to permit applicants, if the general assembly, within the first sixty calendar days of the regular session immediately following the promulgation of such regulation, by concurrent resolution, shall disapprove the fee structure contained in such regulation. If the general assembly so disapproves any regulation promulgated under this subsection, the clean water commission shall continue to use the fee structure set forth in the most recent preceding regulation promulgated under this subsection. This section shall expire on August 28, 2023.

644.062. PROVISIONAL VARIANCES GRANTED, WHEN — PROCEDURE. — 1. The director may grant provisional variances whenever it is determined, upon application of adequate proof, that compliance on a short-term basis with the limitations prescribed in sections 644.006 to 644.141, or rule, standard, requirement, limitation, or order of the director adopted thereto due to conditions beyond reasonable control such as extended elevated temperatures or extreme drought conditions will result in an arbitrary or unreasonable hardship that exists solely because of the regulatory requirement in question and the costs of compliance are substantial and certain. If the hardship complained of consists solely of the need for a reasonable delay in which to correct a violation of sections 644.006 to 644.141, or rule, standard, requirement, limitation, or order of the director, the director shall condition the grant of such variance upon the posting of sufficient performance bond or other security to assure the completion of the work covered by the variance. In granting such provisional variance, the director shall consider the hardship imposed by requiring compliance on a short-term basis and adverse impacts that may result from granting the provisional variance. The director shall exercise wide discretion in weighing the equities involved and the advantages and disadvantages to the applicant and to those affected by water contaminants emitted by the applicant.

2. Any provisional variance granted by the director under this section shall be for a period not to exceed forty-five days. A provisional variance may be extended by the director up to an additional forty-five days, but in no event longer than ninety days in one calendar year.

3. Any person seeking a provisional variance shall file a petition for a variance with the director describing the conditions or circumstances giving rise to the request for relief. There shall be a two hundred fifty dollar filing fee payable to the state of Missouri with each petition for provisional variance. The director shall promptly investigate the petition and shall take action within fourteen days of the request. If the director denies the petition, the person may initiate a proceeding under section 644.061. The director may condition any provisional variance as sections 644.006 to 644.141, or rule, standard, requirement, limitation or order of the director may require.

4. If the director grants a provisional variance under this section, he or she shall promptly notify the petitioner and shall file a copy of the written decision with the commission. The commission must maintain, for public inspection, copies of all provisional variances filed with it by the director.

SECTION 1. ANNUAL STAKEHOLDER MEETING IN EACH PARK DISTRICT — STAKEHOLDERS MAY PETITION DIRECTOR, WHEN — STAKEHOLDER. — 1. Upon public notice, the division of state parks shall once each year hold a stakeholder meeting in each park district.

2. A stakeholder may petition the director of state parks regarding any policy or park issue that has been presented to the relevant facility manager and district supervisor. The director, or his or her designee, shall respond to the stakeholder within fourteen days and may schedule a stakeholder meeting to determine if action is warranted in response to the petition. If a stakeholder meeting occurs, the director shall notify the stakeholder in writing that either no action is warranted or that specific action will be undertaken within thirty days of the meeting. The decision of the director shall be final and not subject to review.

3. For purposes of this section, "stakeholder" shall mean any person with an interest in the subject matter of the petition who has visited the park in the past sixty days.

SECTION 2. JOINT COMMITTEE ESTABLISHED, MEMBERS, DUTIES, REPORT. — 1. There is hereby established a joint committee of the general assembly, which shall be known as the "Joint Committee on Solid Waste Management District Operations", which shall be composed of five members of the senate, with no more than three members of one party, and five members of the house of representatives, with no more than three members of one party. The senate members of the committee shall be appointed by the president pro tempore of the senate and the house members by the speaker of the house of representatives. The committee shall select either a chairperson or co-chairpersons, one of whom shall be a member of the senate and one a member of the house of representatives. A majority of the members shall constitute a quorum. Meetings of the committee may be called at such time and place as the chairperson or chairpersons designate.

2. The committee shall examine solid waste management district operations, including but not limited to the efficiency, efficacy, and reasonableness of costs and expenses of such districts to Missouri taxpayers.

3. The joint committee may hold hearings as it deems advisable and may obtain any input or information necessary to fulfill its obligations. The committee may make reasonable requests for staff assistance from the research and appropriations staffs of the house and senate and the committee on legislative research, as well as the department of natural resources and representatives of solid waste management districts.

4. The joint committee shall prepare a final report, together with its recommendations for any legislative action deemed necessary, for submission to the general assembly by December 31, 2013, at which time the joint committee shall be dissolved.

5. Members of the committee shall receive no compensation but may be reimbursed for reasonable and necessary expenses associated with the performance of their official duties.

[258.020. AGENCY HEADS TO BE ON COUNCIL. — The member agencies shall be represented on the council by the executive head of the agency. The executive head of any member agency may from time to time authorize any member of the agency's staff to represent it on the council and to fully exercise any of the powers and duties of an agency representative.**]**

[258.030. COUNCIL OFFICERS — APPOINTMENT — DUTIES. — 1. The officers of the council shall be a chairman and vice chairman appointed by the governor from the executive heads of the agencies represented on the council. A chairman may serve more than one term.

2. Duties of the chairman shall be to see that policies and directives of the council are carried out by the executive secretary and to preside at meetings of the council. If the chairman cannot perform the duties, the vice chairman shall assume them.**]**

[260.379. PERMIT NOT TO BE ISSUED, WHEN — NOTICE TO DEPARTMENT OF CERTAIN CRIMES, PENALTY FOR FAILURE TO NOTIFY — REINSTATEMENT, WHEN. — 1. The department of natural resources shall not issue a permit to any person for the operation of any facility or issue any license to any person under the authority of sections 260.350 to 260.434, if such person has had three or more convictions, which convictions occurred after July 9, 1990, and within any five-year period within the courts of the United States or of any state except Missouri or had two or more convictions within a Missouri court after July 9, 1990, and within any five-year period, for any crimes or criminal acts, an element of which involves restraint of trade, price-fixing, intimidation of the customers of any person or for engaging in any other acts which may have the effect of restraining or limiting competition concerning activities regulated under this chapter or similar laws of other states or the federal government; except that convictions for violations by entities purchased or acquired by an applicant or permittee which occurred prior to the purchase or acquisition shall not be included. For the purpose of this section, the term "person" shall include any business organization or entity, successor corporation, partnership or subsidiary of any business organization or entity, and the owners and officers thereof, or the entity submitting the application.

2. The director shall suspend, revoke or not renew the permit or license of any person issued pursuant to sections 260.350 to 260.434, if such person has had two or more convictions in any court of the United States or of any state other than Missouri or two or more convictions within a Missouri court for crimes as specified herein if such conviction occurred after July 9, 1990, and within any five-year period.

3. Any person applying for a permit or license under sections 260.350 to 260.434 shall notify the director of any conviction for any act which would have the effect of limiting competition. Any person with a permit or license shall notify the department of any such conviction within thirty days of the conviction or plea. Failure to notify the director is a class D felony and subject to a fine of one thousand dollars per day for each day unreported.

4. Provided that after a period of five years after a permit has been revoked under the provisions of this section, the person, firm or corporation affected may apply for rehabilitation and reinstatement to the director of the department. The department shall promulgate the necessary rules and regulations for rehabilitation and reinstatement. The time period for same shall not exceed five years.**]**

[260.434. PROPOSED SITES, HAZARDOUS WASTE FACILITIES — DEPARTMENT TO EXAMINE TRANSPORTATION ROUTES — DEPARTMENT TO EXAMINE LOCAL GOVERNMENT'S CAPABILITY TO RESPOND TO EMERGENCY — INTERAGENCY AGREEMENT. — 1. The department shall assess the transportation system serving a proposed site for a new hazardous waste resource recovery, treatment or disposal facility as a part of its review of the application for a permit. The department shall examine the transportation route or routes to ensure that the design and maintenance of such route or routes provides adequate safety for the public using or living near the route or routes. The department may designate or prohibit specific routes, limit use of approved routes during certain time periods or impose other reasonable restrictions upon the transportation of hazardous waste to or from the facility.

2. The department shall review the capability of local governments near a proposed site to respond to an emergency involving the transportation of hazardous waste or an emergency at the hazardous waste resource recovery, treatment or disposal facility when it reviews an application for a permit. The department shall reassess that capability whenever the operator proposes recovering, treating or disposing of a hazardous waste which is substantially more toxic, corrosive, ignitable or reactive than those wastes approved under the current permit. The department may require the operator to provide supplemental emergency response capability to ensure public safety.

3. The department shall enter into an interagency agreement with the department of transportation and the department of public safety to permit the sharing of information and to assign responsibility for performing the assessment required in this section.**]**

SECTION B. EMERGENCY CLAUSE. — Because immediate action is necessary to ensure an operational clean water fee structure, and to ensure public safety, the enactment of sections 640.080 and 644.057 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of sections 640.080 and 644.057 of this act shall be in full force and effect upon its passage and approval.

Vetoed July 12, 2013
Overridden September 11, 2013

HB 1035 [CCS#2 SCS HCS HB 1035]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Changes the laws regarding political subdivisions

AN ACT to repeal sections 33.080, 67.457, 67.463, 67.469, 71.011, 99.845, 137.073, 137.090, 137.095, 137.115, 137.720, 138.431, 238.272, 360.045, and 374.150, RSMo, and to enact in lieu thereof seventeen new sections relating to political subdivisions, with an emergency clause for certain sections and an existing penalty provision.

SECTION

A. Enacting clause.
33.080. Receipts deposited when, appropriated when — funds lapse when, exceptions, report — violation, a misdemeanor — transfer to rebuild damaged infrastructure fund.
33.295. Program established, purpose — fund created, use of moneys — expiration date.
67.457. Establishment of neighborhood improvement districts — procedure — notice of elections, contents — alternatives, petition, contents — maintenance costs, assessment — recording requirements.
67.463. Public hearing, procedure — apportionment of costs — special assessments, notice — payment and collection of assessments.

67.469. Assessment treated as tax lien, payable upon foreclosure.
71.011. Transfer of certain land between municipalities, when — procedure — exception — concurrent detachment and annexation, procedure.
96.229. Charter hospitals, election to be governed by nonprofit corporation law, procedure.
99.845. Tax increment financing adoption — division of ad valorem taxes — payments in lieu of tax, deposit, inclusion and exclusion of current equalized assessed valuation for certain purposes, when — other taxes included, amount — supplemental tax increment financing fund established, disbursement.
137.073. Definitions — revision of prior levy, when, procedure — calculation of state aid for public schools, taxing authority's duties.
137.090. Tangible personal property to be assessed in county of owner's residence — exceptions — apportionment of assessment of tractors and trailers..
137.095. Corporate property, where taxed — tractors and trailers.
137.115. Real and personal property, assessment — maintenance plan — assessor may mail forms for personal property — classes of property, assessment — physical inspection required, when, procedure.
137.720. Percentage of ad valorem property tax collections to be deducted for deposit in county assessment fund — additional deductions (St. Louis City and all counties).
138.431. Hearing officers of tax commission to hear appeals, when, procedure — appeal of hearing officer's decision, how.
238.272. Audit authorized, when — costs, payment of.
360.045. Powers of authority — transfer of moneys to rebuild damaged infrastructure fund.
374.150. Fees paid to director of revenue, exception — department of insurance, financial institutions and professional registration dedicated fund established, purpose — lapse into general revenue, when — annual transfer of moneys to general revenue.
B. Emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 33.080, 67.457, 67.463, 67.469, 71.011, 99.845, 137.073, 137.090, 137.095, 137.115, 137.720, 138.431, 238.272, 360.045, and 374.150, RSMo, are repealed and seventeen new sections enacted in lieu thereof, to be known as sections 33.080, 33.295, 67.457, 67.463, 67.469, 71.011, 96.229, 99.845, 137.073, 137.090, 137.095, 137.115, 137.720, 138.431, 238.272, 360.045, and 374.150, to read as follows:

33.080. RECEIPTS DEPOSITED WHEN, APPROPRIATED WHEN — FUNDS LAPSE WHEN, EXCEPTIONS, REPORT — VIOLATION, A MISDEMEANOR — TRANSFER TO REBUILD DAMAGED INFRASTRUCTURE FUND. — **1.** All fees, funds and moneys from whatsoever source received by any department, board, bureau, commission, institution, official or agency of the state government by virtue of any law or rule or regulation made in accordance with any law, excluding all funds received and disbursed by the state on behalf of counties and cities, towns and villages shall, by the official authorized to receive same, and at stated intervals of not more than thirty days, be placed in the state treasury to the credit of the particular purpose or fund for which collected, and shall be subject to appropriation by the general assembly for the particular purpose or fund for which collected during the biennium in which collected and appropriated. The unexpended balance remaining in all such funds (except such unexpended balance as may remain in any fund authorized, collected and expended by virtue of the provisions of the constitution of this state) shall at the end of the biennium and after all warrants on same have been discharged and the appropriation thereof has lapsed, be transferred and placed to the credit of the **[**ordinary**]** **general** revenue fund of the state by the state treasurer. Any official or any person who shall willfully fail to comply with any of the provisions of this section, and any person who shall willfully violate any provision hereof, shall be deemed guilty of a misdemeanor; provided, that all such money received by the curators of the University of Missouri except those funds required by law or by instrument granting the same to be paid into the seminary fund of the state, is excepted herefrom, and in the case of other state educational institutions there is excepted herefrom, gifts or trust funds from whatever source; appropriations; gifts or grants from the federal government, private organizations and individuals; funds for or from student activities; farm or housing activities; and other funds from which the whole or some part thereof may be liable to be repaid to the person contributing the same; and

hospital fees. All of the above excepted funds shall be reported in detail quarterly to the governor and biennially to the general assembly.

2. Notwithstanding any provision of law to the contrary concerning the transfer of funds, ten million dollars shall be transferred from the insurance dedicated fund established under section 374.150, and placed to the credit of the rebuild damaged infrastructure fund created in section 33.295 on July 1, 2013.

33.295. PROGRAM ESTABLISHED, PURPOSE — FUND CREATED, USE OF MONEYS — EXPIRATION DATE. — 1. There is hereby established the "Rebuild Damaged Infrastructure Program" to provide funding for the reconstruction, replacement, or renovation of, or repair to, any infrastructure damaged by a presidentially declared natural disaster, including, but not limited to, the physical components of interrelated systems providing essential commodities and services to the public which includes transportation, communication, sewage, water, and electric systems as well as public elementary and secondary school buildings.

2. There is hereby created in the state treasury the "Rebuild Damaged Infrastructure Fund", which shall consist of money appropriated or collected under this section. Any amount to be transferred to the fund on July 1, 2013, pursuant to subsection 2 of section 33.080 and subsection 2 of section 360.045, in excess of fifteen million dollars shall instead be transferred to the state general revenue fund. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the purposes of this section. Any moneys remaining in the fund at the end of the biennium shall revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

3. The provisions of this section shall expire on June 30, 2014.

67.457. ESTABLISHMENT OF NEIGHBORHOOD IMPROVEMENT DISTRICTS — PROCEDURE — NOTICE OF ELECTIONS, CONTENTS — ALTERNATIVES, PETITION, CONTENTS — MAINTENANCE COSTS, ASSESSMENT — RECORDING REQUIREMENTS. — 1. To establish a neighborhood improvement district, the governing body of any city or county shall comply with either of the procedures described in subsection 2 or 3 of this section.

2. The governing body of any city or county proposing to create a neighborhood improvement district may by resolution submit the question of creating such district to all qualified voters residing within such district at a general or special election called for that purpose. Such resolution shall set forth the project name for the proposed improvement, the general nature of the proposed improvement, the estimated cost of such improvement, the boundaries of the proposed neighborhood improvement district to be assessed, and the proposed method or methods of assessment of real property within the district, including any provision for the annual assessment of maintenance costs of the improvement in each year during the term of the bonds issued for the original improvement and after such bonds are paid in full. The governing body of the city or county may create a neighborhood improvement district when the question of creating such district has been approved by the vote of the percentage of electors within such district voting thereon that is equal to the percentage of voter approval required for the issuance of general obligation bonds of such city or county under article VI, section 26 of the constitution of this state. The notice of election containing the question of creating a neighborhood improvement district shall contain the project name for the proposed improvement, the general nature of the proposed improvement, the estimated cost of such improvement, the boundaries of the proposed neighborhood improvement district to be assessed, the proposed method or methods of assessment of real property within the district, including any provision for the annual assessment of maintenance costs of the improvement in each year after the bonds

issued for the original improvement are paid in full, and a statement that the final cost of such improvement assessed against real property within the district and the amount of general obligation bonds issued therefor shall not exceed the estimated cost of such improvement, as stated in such notice, by more than twenty-five percent, and that the annual assessment for maintenance costs of the improvements shall not exceed the estimated annual maintenance cost, as stated in such notice, by more than twenty-five percent. The ballot upon which the question of creating a neighborhood improvement district is submitted to the qualified voters residing within the proposed district shall contain a question in substantially the following form:

Shall ..... (name of city or county) be authorized to create a neighborhood improvement district proposed for the ..... (project name for the proposed improvement) and incur indebtedness and issue general obligation bonds to pay for all or part of the cost of public improvements within such district, the cost of all indebtedness so incurred to be assessed by the governing body of the ..... (city or county) on the real property benefitted by such improvements for a period of ..... years, and, if included in the resolution, an assessment in each year thereafter with the proceeds thereof used solely for maintenance of the improvement?

3. As an alternative to the procedure described in subsection 2 of this section, the governing body of a city or county may create a neighborhood improvement district when a proper petition has been signed by the owners of record of at least two-thirds by area of all real property located within such proposed district. Each owner of record of real property located in the proposed district is allowed one signature. Any person, corporation, or limited liability partnership owning more than one parcel of land located in such proposed district shall be allowed only one signature on such petition. The petition, in order to become effective, shall be filed with the city clerk or county clerk. A proper petition for the creation of a neighborhood improvement district shall set forth the project name for the proposed improvement, the general nature of the proposed improvement, the estimated cost of such improvement, the boundaries of the proposed neighborhood improvement district to be assessed, the proposed method or methods of assessment of real property within the district, including any provision for the annual assessment of maintenance costs of the improvement in each year during the term of the bonds issued for the original improvement and after such bonds are paid in full, a notice that the names of the signers may not be withdrawn later than seven days after the petition is filed with the city clerk or county clerk, and a notice that the final cost of such improvement assessed against real property within the district and the amount of general obligation bonds issued therefor shall not exceed the estimated cost of such improvement, as stated in such petition, by more than twenty-five percent, and that the annual assessment for maintenance costs of the improvements shall not exceed the estimated annual maintenance cost, as stated in such petition, by more than twenty-five percent.

4. Upon receiving the requisite voter approval at an election or upon the filing of a proper petition with the city clerk or county clerk, the governing body may by resolution or ordinance determine the advisability of the improvement and may order that the district be established and that preliminary plans and specifications for the improvement be made. Such resolution or ordinance shall state and make findings as to the project name for the proposed improvement, the nature of the improvement, the estimated cost of such improvement, the boundaries of the neighborhood improvement district to be assessed, the proposed method or methods of assessment of real property within the district, including any provision for the annual assessment of maintenance costs of the improvement in each year after the bonds issued for the original improvement are paid in full, and shall also state that the final cost of such improvement assessed against the real property within the neighborhood improvement district and the amount of general obligation bonds issued therefor shall not, without a new election or petition, exceed the estimated cost of such improvement by more than twenty-five percent.

5. The boundaries of the proposed district shall be described by metes and bounds, streets or other sufficiently specific description. The area of the neighborhood improvement district

finally determined by the governing body of the city or county to be assessed may be less than, but shall not exceed, the total area comprising such district.

6. In any neighborhood improvement district organized prior to August 28, 1994, an assessment may be levied and collected after the original period approved for assessment of property within the district has expired, with the proceeds thereof used solely for maintenance of the improvement, if the residents of the neighborhood improvement district either vote to assess real property within the district for the maintenance costs in the manner prescribed in subsection 2 of this section or if the owners of two-thirds of the area of all real property located within the district sign a petition for such purpose in the same manner as prescribed in subsection 3 of this section.

7. Prior to any assessment hereafter being levied against any real property within any neighborhood improvement district, and prior to any lien enforceable under either chapter 140 or 141 being imposed after August 28, 2013, against any real property within a neighborhood improvement district, the clerk of the governing body establishing the neighborhood improvement district shall cause to be recorded with the recorder of deeds for the county in which any portion of the neighborhood improvement district is located, a document conforming to the provisions of sections 59.310 and 59.313, and which shall contain at least the following information:

(1) Each owner of record of real property located within the neighborhood improvement district at the time of recording, who shall be identified in the document as grantors and indexed by the recorder pursuant to section 59.440;

(2) The governing body establishing the neighborhood improvement district and the title of any official or agency responsible for collecting or enforcing any assessments, who shall be identified in the document as grantees and so indexed by the recorder pursuant to section 59.440;

(3) The legal description of the property within the neighborhood improvement district which may either be the metes and bounds description authorized in subsection 5 of this section or the legal description of each lot or parcel within the neighborhood improvement district; and

(4) The identifying number of the resolution or ordinance creating the neighborhood improvement district, or a copy of such resolution or ordinance.

67.463. PUBLIC HEARING, PROCEDURE — APPORTIONMENT OF COSTS — SPECIAL ASSESSMENTS, NOTICE — PAYMENT AND COLLECTION OF ASSESSMENTS. — 1. At the hearing to consider the proposed improvements and assessments, the governing body shall hear and pass upon all objections to the proposed improvements and proposed assessments, if any, and may amend the proposed improvements, and the plans and specifications therefor, or assessments as to any property, and thereupon by ordinance or resolution the governing body of the city or county shall order that the improvement be made and direct that financing for the cost thereof be obtained as provided in sections 67.453 to 67.475.

2. After construction of the improvement has been completed in accordance with the plans and specifications therefor, the governing body shall compute the final costs of the improvement and apportion the costs among the property benefitted by such improvement in such equitable manner as the governing body shall determine, charging each parcel of property with its proportionate share of the costs, and by resolution or ordinance, assess the final cost of the improvement or the amount of general obligation bonds issued or to be issued therefor as special assessments against the property described in the assessment roll.

3. After the passage or adoption of the ordinance or resolution assessing the special assessments, the city clerk or county clerk shall mail a notice to each property owner within the district which sets forth a description of each parcel of real property to be assessed which is owned by such owner, the special assessment assigned to such property, and a statement that the property owner may pay such assessment in full, together with interest accrued thereon from the

effective date of such ordinance or resolution, on or before a specified date determined by the effective date of the ordinance or resolution, or may pay such assessment in annual installments as provided in subsection 4 of this section.

4. The special assessments shall be assessed upon the property included therein concurrent with general property taxes, and shall be payable in substantially equal annual installments for a duration stated in the ballot measure prescribed in subsection 2 of section 67.457 or in the petition prescribed in subsection 3 of section 67.457, and, if authorized, an assessment in each year thereafter levied and collected in the same manner with the proceeds thereof used solely for maintenance of the improvement, taking into account such assessments and interest thereon, as the governing body determines. The first installment shall be payable after the first collection of general property taxes following the adoption of the assessment ordinance or resolution unless such ordinance or resolution was adopted and certified too late to permit its collection at such time. All assessments shall bear interest at such rate as the governing body determines, not to exceed the rate permitted for bonds by section 108.170. Interest on the assessment between the effective date of the ordinance or resolution assessing the assessment and the date the first installment is payable shall be added to the first installment. The interest for one year on all unpaid installments shall be added to each subsequent installment until paid. In the case of a special assessment by a city, all of the installments, together with the interest accrued or to accrue thereon, may be certified by the city clerk to the county clerk in one instrument at the same time. Such certification shall be good for all of the installments, and the interest thereon payable as special assessments.

5. Special assessments shall be collected and paid over to the city treasurer or county treasurer in the same manner as taxes of the city or county are collected and paid. In any **county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants and any** county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants, the county collector may collect a fee as prescribed by section 52.260 for collection of assessments under this section.

67.469. ASSESSMENT TREATED AS TAX LIEN, PAYABLE UPON FORECLOSURE. — A special assessment authorized under the provisions of sections 67.453 to 67.475 shall be a lien, from the date of the assessment, on the property against which it is assessed on behalf of the city or county assessing the same to the same extent as a tax upon real property. The lien may be foreclosed in the same manner as a tax upon real property by land tax sale pursuant to chapter 140 or **[**by judicial foreclosure proceeding**]**, **if applicable to that county, chapter 141, or** at the option of the governing body**, by judicial foreclosure proceeding**. Upon the foreclosure of any such lien, whether by land tax sale or by judicial foreclosure proceeding, the entire remaining assessment may become due and payable and may be recoverable in such foreclosure proceeding at the option of the governing body.

71.011. TRANSFER OF CERTAIN LAND BETWEEN MUNICIPALITIES, WHEN — PROCEDURE — EXCEPTION — CONCURRENT DETACHMENT AND ANNEXATION, PROCEDURE. — 1. Except as provided in subsection 2 of this section, property of a municipality which abuts another municipality may be concurrently detached from one municipality and annexed by the other municipality by the enactment by the governing bodies of each municipality of an ordinance describing by metes and bounds the property, declaring the property so described to be concurrently detached and annexed, and stating the reasons for and the purposes to be accomplished by the detachment and annexation. One certified copy of each ordinance shall be filed with the county clerk, with the county assessor, with the county recorder of deeds, and with the clerk of the circuit court of the county in which the property is located, whereupon the concurrent detachment and annexation shall be complete and final. Thereafter all courts of this state shall take notice of the limits of both municipalities as changed by the ordinances. No

declaratory judgment or election shall be required for any concurrent detachment and annexation permitted by this section if there are no residents living in the area or if there are residents in the area and they be notified of the annexation and do not object within sixty days.

2. In a county of the first classification with a charter form of government containing all or a portion of a city with a population of at least three hundred thousand inhabitants**[**,**]** **:**

(1) Unimproved property of a municipality which overlaps another municipality may be concurrently detached from one municipality and annexed by the other municipality by the enactment by the governing body of the receiving municipality of an ordinance describing by metes and bounds the property, declaring the property so described to be detached and annexed, and stating the reasons for and the purposes to be accomplished by the detachment and annexation. A copy of said ordinance shall be mailed to the city clerk of the contributing municipality, which shall have thirty days from receipt of said notice to pass an ordinance disapproving the change of boundary. If such ordinance is not passed within thirty days, the change shall be effective and one certified copy of the ordinance shall be filed with the county clerk, with the county assessor, with the county recorder of deeds, and with the clerk of the circuit court of the county in which the property is located, whereupon the concurrent detachment and annexation shall be complete and final. Thereafter all courts of this state shall take notice of the limits of both municipalities as changed by the ordinances. No declaratory judgment or election shall be required for any concurrent detachment and annexation permitted by this section if the landowners in the area are notified and do not object within sixty days**; or**

(2) An island of unincorporated area within a municipality, which is contiguous to more than one municipality or contiguous to the Missouri River and the Blue River, may be annexed by an abutting municipality by the enactment by the governing body of the municipality of an ordinance describing the metes and bounds of the property, declaring the property so described to be annexed, and stating the reasons for and the purposes to be accomplished by the annexation. All recording shall be accomplished in the same manner as set out in subdivision (1) of this subsection and shall be effective unless the governing body of the county passes an ordinance within thirty days disapproving the annexation. No declaratory judgment or election shall be required for any annexation permitted by this subdivision. Any annexation permitted by this subdivision shall exclude any property within the unincorporated area when such property has been owned by the same family for at least sixty consecutive years and consists of ten acres or more. The line of ownership from the original settler or buyer may be through children, grandchildren, siblings, nephews, or nieces, including through marriage or adoption.

96.229. CHARTER HOSPITALS, ELECTION TO BE GOVERNED BY NONPROFIT CORPORATION LAW, PROCEDURE. — 1. Notwithstanding subsection 5 of section 96.150 regarding the lease of substantially all of a hospital where the board of trustees is lessor, a city in which a hospital is located that:

(1) Is organized and operated under this chapter;

(2) Has not accepted appropriated funds from the city during the prior twenty years; and

(3) Is licensed by the department of health and senior services for two hundred beds or more pursuant to sections 197.010 to 197.120, shall not have authority to sell, lease, or otherwise transfer all or substantially all of the property from a hospital organized under this chapter, both real and personal, except in accordance with this section.

2. Upon filing with the city clerk of a resolution adopted by no less than two-thirds of the incumbent members of the board of trustees to sell, lease, or otherwise transfer all or substantially all of the hospital property, both real and personal, for reasons specified in the resolution, the clerk shall present the resolution to the city council. If a majority of the incumbent members of the city council determine that sale, lease, or other transfer of

the hospital property is desirable, the city council shall submit to the voters of the city the question in substantially the following form:

"Shall the city council of ....., Missouri and the board of trustees of ..... hospital be authorized to sell (or lease or otherwise transfer) the property, real and personal, of ..... hospital as approved by, and in accordance with, the resolution of the board of trustees authorizing such sale (or lease or transfer)?" A majority of the votes cast on such question shall be required in order to approve and authorize such sale, lease or other transfer. If the question receives less than the required majority, then the city council and the board of trustees shall have no power to sell, lease or otherwise transfer the property, real and personal, of the hospital unless and until the city council has submitted another question to authorize such sale, lease or transfer authorized under this section and such question is approved by the required majority of the qualified voters voting thereon. However, in no event shall a question under this section be submitted to the voters sooner than twelve months from the date of the last question under this section and after the adoption of another resolution by no less than two-thirds of the board of trustees and a subsequent vote by a majority of the city council to again submit the question to the voters.

3. Upon passage of such question by the voters, the board of trustees shall sell and dispose of such property, or lease or transfer such property, in the manner proposed by the board of trustees. The deed of the board of trustees, duly authorized by the board of trustees and duly acknowledged and recorded, shall be sufficient to convey to the purchaser all the rights, title, interest, and estate in the hospital property.

4. No sale, lease, or other transfer of such hospital property shall be authorized or effective unless such transaction provides sufficient proceeds to be available to be applied to the payment of all interest and principal of any outstanding valid indebtedness incurred for purchase of the site or construction of the hospital, or for any repairs, alterations, improvements, or additions thereto, or for operation of the hospital.

5. Assets donated to the hospital pursuant to section 96.210 shall be used to provide health care services in the city and in the geographic region previously served by the hospital, except as otherwise prescribed by the terms of the deed, gift, devise, or bequest.

99.845. TAX INCREMENT FINANCING ADOPTION — DIVISION OF AD VALOREM TAXES — PAYMENTS IN LIEU OF TAX, DEPOSIT, INCLUSION AND EXCLUSION OF CURRENT EQUALIZED ASSESSED VALUATION FOR CERTAIN PURPOSES, WHEN — OTHER TAXES INCLUDED, AMOUNT — SUPPLEMENTAL TAX INCREMENT FINANCING FUND ESTABLISHED, DISBURSEMENT. — 1. A municipality, either at the time a redevelopment project is approved or, in the event a municipality has undertaken acts establishing a redevelopment plan and redevelopment project and has designated a redevelopment area after the passage and approval of sections 99.800 to 99.865 but prior to August 13, 1982, which acts are in conformance with the procedures of sections 99.800 to 99.865, may adopt tax increment allocation financing by passing an ordinance providing that after the total equalized assessed valuation of the taxable real property in a redevelopment project exceeds the certified total initial equalized assessed valuation of the taxable real property in the redevelopment project, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in such redevelopment project by taxing districts and tax rates determined in the manner provided in subsection 2 of section 99.855 each year after the effective date of the ordinance until redevelopment costs have been paid shall be divided as follows:

(1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid by the county collector to the

respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;

(2) (a) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the municipal treasurer who shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation Fund" of the municipality for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable. The municipality may, in the ordinance, pledge the funds in the special allocation fund for the payment of such costs and obligations and provide for the collection of payments in lieu of taxes, the lien of which may be foreclosed in the same manner as a special assessment lien as provided in section 88.861. No part of the current equalized assessed valuation of each lot, block, tract, or parcel of property in the area selected for the redevelopment project attributable to any increase above the total initial equalized assessed value of such properties shall be used in calculating the general state school aid formula provided for in section 163.031 until such time as all redevelopment costs have been paid as provided for in this section and section 99.850;

(b) Notwithstanding any provisions of this section to the contrary, for purposes of determining the limitation on indebtedness of local government pursuant to article VI, section 26(b) of the Missouri Constitution, the current equalized assessed value of the property in an area selected for redevelopment attributable to the increase above the total initial equalized assessed valuation shall be included in the value of taxable tangible property as shown on the last completed assessment for state or county purposes;

(c) The county assessor shall include the current assessed value of all property within the taxing district in the aggregate valuation of assessed property entered upon the assessor's book and verified pursuant to section 137.245, and such value shall be utilized for the purpose of the debt limitation on local government pursuant to article VI, section 26(b) of the Missouri Constitution;

(3) For purposes of this section, "levies upon taxable real property in such redevelopment project by taxing districts" shall not include the blind pension fund tax levied under the authority of article III, section 38(b) of the Missouri Constitution, or the merchants' and manufacturers' inventory replacement tax levied under the authority of subsection 2 of section 6 of article X of the Missouri Constitution, except in redevelopment project areas in which tax increment financing has been adopted by ordinance pursuant to a plan approved by vote of the governing body of the municipality taken after August 13, 1982, and before January 1, 1998.

2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after July 12, 1990, and prior to August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest imposed by the municipality, or other taxing districts, which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, licenses, fees or special assessments other than payments in lieu of taxes and any penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant to section 94.660, for the purpose of public transportation, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the

municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Any provision of an agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of other municipal revenues to the special allocation fund shall be and remain enforceable.

3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest which are imposed by the municipality or other taxing districts, and which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, taxes levied for the purpose of public transportation pursuant to section 94.660, **taxes imposed on sales pursuant to subsection 2 of section 67.1712 for the purpose of operating and maintaining a metropolitan park and recreation district,** licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, **[**or**]** any sales tax imposed by a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, for the purpose of sports stadium improvement or levied by such county under section 238.410 for the purpose of the county transit authority operating transportation facilities, **or for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 28, 2013, taxes imposed on sales pursuant to section 650.399 for the purpose of emergency communication systems,** shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund.

4. Beginning January 1, 1998, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance and which have complied with subsections 4 to 12 of this section, in addition to the payments in lieu of taxes and economic activity taxes described in subsections 1, 2 and 3 of this section, up to fifty percent of the new state revenues, as defined in subsection 8 of this section, estimated for the businesses within the project area and identified by the municipality in the application required by subsection 10 of this section, over and above the amount of such taxes reported by businesses within the project area as identified by the municipality in their application prior to the approval of the redevelopment project by ordinance, while tax increment financing remains in effect, may be available for appropriation by the general assembly as provided in subsection 10 of this section to the department of economic development supplemental tax increment financing fund, from the general revenue fund, for distribution to the treasurer or other designated financial officer of the municipality with approved plans or projects.

5. The treasurer or other designated financial officer of the municipality with approved plans or projects shall deposit such funds in a separate segregated account within the special allocation fund established pursuant to section 99.805.

6. No transfer from the general revenue fund to the Missouri supplemental tax increment financing fund shall be made unless an appropriation is made from the general revenue fund for that purpose. No municipality shall commit any state revenues prior to an appropriation being made for that project. For all redevelopment plans or projects adopted or approved after December 23, 1997, appropriations from the new state revenues shall not be distributed from the Missouri supplemental tax increment financing fund into the special allocation fund unless the municipality's redevelopment plan ensures that one hundred percent of payments in lieu of taxes and fifty percent of economic activity taxes generated by the project shall be used for eligible

redevelopment project costs while tax increment financing remains in effect. This account shall be separate from the account into which payments in lieu of taxes are deposited, and separate from the account into which economic activity taxes are deposited.

7. In order for the redevelopment plan or project to be eligible to receive the revenue described in subsection 4 of this section, the municipality shall comply with the requirements of subsection 10 of this section prior to the time the project or plan is adopted or approved by ordinance. The director of the department of economic development and the commissioner of the office of administration may waive the requirement that the municipality's application be submitted prior to the redevelopment plan's or project's adoption or the redevelopment plan's or project's approval by ordinance.

8. For purposes of this section, "new state revenues" means:

(1) The incremental increase in the general revenue portion of state sales tax revenues received pursuant to section 144.020, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law. In no event shall the incremental increase include any amounts attributable to retail sales unless the municipality or authority has proven to the Missouri development finance board and the department of economic development and such entities have made a finding that the sales tax increment attributable to retail sales is from new sources which did not exist in the state during the baseline year. The incremental increase in the general revenue portion of state sales tax revenues for an existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan as provided in subsection 10 of this section; or

(2) The state income tax withheld on behalf of new employees by the employer pursuant to section 143.221 at the business located within the project as identified by the municipality. The state income tax withholding allowed by this section shall be the municipality's estimate of the amount of state income tax withheld by the employer within the redevelopment area for new employees who fill new jobs directly created by the tax increment financing project.

9. Subsection 4 of this section shall apply only to blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256, blighted areas located in federal empowerment zones, or to blighted areas located in central business districts or urban core areas of cities which districts or urban core areas at the time of approval of the project by ordinance, provided that the enterprise zones, federal empowerment zones or blighted areas contained one or more buildings at least fifty years old; and

(1) Suffered from generally declining population or property taxes over the twenty-year period immediately preceding the area's designation as a project area by ordinance; or

(2) Was a historic hotel located in a county of the first classification without a charter form of government with a population according to the most recent federal decennial census in excess of one hundred fifty thousand and containing a portion of a city with a population according to the most recent federal decennial census in excess of three hundred fifty thousand.

10. The initial appropriation of up to fifty percent of the new state revenues authorized pursuant to subsections 4 and 5 of this section shall not be made to or distributed by the department of economic development to a municipality until all of the following conditions have been satisfied:

(1) The director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee have approved a tax increment financing application made by the municipality for the appropriation of the new state revenues. The municipality shall include in the application the following items in addition to the items in section 99.810:

(a) The tax increment financing district or redevelopment area, including the businesses identified within the redevelopment area;

(b) The base year of state sales tax revenues or the base year of state income tax withheld on behalf of existing employees, reported by existing businesses within the project area prior to approval of the redevelopment project;

(c) The estimate of the incremental increase in the general revenue portion of state sales tax revenue or the estimate for the state income tax withheld by the employer on behalf of new employees expected to fill new jobs created within the redevelopment area after redevelopment;

(d) The official statement of any bond issue pursuant to this subsection after December 23, 1997;

(e) An affidavit that is signed by the developer or developers attesting that the provisions of subdivision (1) of subsection 1 of section 99.810 have been met and specifying that the redevelopment area would not be reasonably anticipated to be developed without the appropriation of the new state revenues;

(f) The cost-benefit analysis required by section 99.810 includes a study of the fiscal impact on the state of Missouri; and

(g) The statement of election between the use of the incremental increase of the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area;

(h) The name, street and mailing address, and phone number of the mayor or chief executive officer of the municipality;

(i) The street address of the development site;

(j) The three-digit North American Industry Classification System number or numbers characterizing the development project;

(k) The estimated development project costs;

(l) The anticipated sources of funds to pay such development project costs;

(m) Evidence of the commitments to finance such development project costs;

(n) The anticipated type and term of the sources of funds to pay such development project costs;

(o) The anticipated type and terms of the obligations to be issued;

(p) The most recent equalized assessed valuation of the property within the development project area;

(q) An estimate as to the equalized assessed valuation after the development project area is developed in accordance with a development plan;

(r) The general land uses to apply in the development area;

(s) The total number of individuals employed in the development area, broken down by full-time, part-time, and temporary positions;

(t) The total number of full-time equivalent positions in the development area;

(u) The current gross wages, state income tax withholdings, and federal income tax withholdings for individuals employed in the development area;

(v) The total number of individuals employed in this state by the corporate parent of any business benefitting from public expenditures in the development area, and all subsidiaries thereof, as of December thirty-first of the prior fiscal year, broken down by full-time, part-time, and temporary positions;

(w) The number of new jobs to be created by any business benefitting from public expenditures in the development area, broken down by full-time, part-time, and temporary positions;

(x) The average hourly wage to be paid to all current and new employees at the project site, broken down by full-time, part-time, and temporary positions;

(y) For project sites located in a metropolitan statistical area, as defined by the federal Office of Management and Budget, the average hourly wage paid to nonmanagerial employees in this state for the industries involved at the project, as established by the United States Bureau of Labor Statistics;

(z) For project sites located outside of metropolitan statistical areas, the average weekly wage paid to nonmanagerial employees in the county for industries involved at the project, as established by the United States Department of Commerce;

(aa) A list of other community and economic benefits to result from the project;

(bb) A list of all development subsidies that any business benefitting from public expenditures in the development area has previously received for the project, and the name of any other granting body from which such subsidies are sought;

(cc) A list of all other public investments made or to be made by this state or units of local government to support infrastructure or other needs generated by the project for which the funding pursuant to this section is being sought;

(dd) A statement as to whether the development project may reduce employment at any other site, within or without the state, resulting from automation, merger, acquisition, corporate restructuring, relocation, or other business activity;

(ee) A statement as to whether or not the project involves the relocation of work from another address and if so, the number of jobs to be relocated and the address from which they are to be relocated;

(ff) A list of competing businesses in the county containing the development area and in each contiguous county;

(gg) A market study for the development area;

(hh) A certification by the chief officer of the applicant as to the accuracy of the development plan;

(2) The methodologies used in the application for determining the base year and determining the estimate of the incremental increase in the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area shall be approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. Upon approval of the application, the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee shall issue a certificate of approval. The department of economic development may request the appropriation following application approval;

(3) The appropriation shall be either a portion of the estimate of the incremental increase in the general revenue portion of state sales tax revenues in the redevelopment area or a portion of the estimate of the state income tax withheld by the employer on behalf of new employees who fill new jobs created in the redevelopment area as indicated in the municipality's application, approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. At no time shall the annual amount of the new state revenues approved for disbursements from the Missouri supplemental tax increment financing fund exceed thirty-two million dollars;

(4) Redevelopment plans and projects receiving new state revenues shall have a duration of up to fifteen years, unless prior approval for a longer term is given by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee; except that, in no case shall the duration exceed twenty-three years.

11. In addition to the areas authorized in subsection 9 of this section, the funding authorized pursuant to subsection 4 of this section shall also be available in a federally approved levee district, where construction of a levee begins after December 23, 1997, and which is contained within a county of the first classification without a charter form of government with a population between fifty thousand and one hundred thousand inhabitants which contains all or part of a city with a population in excess of four hundred thousand or more inhabitants.

12. There is hereby established within the state treasury a special fund to be known as the "Missouri Supplemental Tax Increment Financing Fund", to be administered by the department of economic development. The department shall annually distribute from the Missouri

supplemental tax increment financing fund the amount of the new state revenues as appropriated as provided in the provisions of subsections 4 and 5 of this section if and only if the conditions of subsection 10 of this section are met. The fund shall also consist of any gifts, contributions, grants or bequests received from federal, private or other sources. Moneys in the Missouri supplemental tax increment financing fund shall be disbursed per project pursuant to state appropriations.

13. Redevelopment project costs may include, at the prerogative of the state, the portion of salaries and expenses of the department of economic development and the department of revenue reasonably allocable to each redevelopment project approved for disbursements from the Missouri supplemental tax increment financing fund for the ongoing administrative functions associated with such redevelopment project. Such amounts shall be recovered from new state revenues deposited into the Missouri supplemental tax increment financing fund created under this section.

14. For redevelopment plans or projects approved by ordinance that result in net new jobs from the relocation of a national headquarters from another state to the area of the redevelopment project, the economic activity taxes and new state tax revenues shall not be based on a calculation of the incremental increase in taxes as compared to the base year or prior calendar year for such redevelopment project, rather the incremental increase shall be the amount of total taxes generated from the net new jobs brought in by the national headquarters from another state. In no event shall this subsection be construed to allow a redevelopment project to receive an appropriation in excess of up to fifty percent of the new state revenues.

137.073. DEFINITIONS — REVISION OF PRIOR LEVY, WHEN, PROCEDURE — CALCULATION OF STATE AID FOR PUBLIC SCHOOLS, TAXING AUTHORITY'S DUTIES. — 1. As used in this section, the following terms mean:

(1) "General reassessment", changes in value, entered in the assessor's books, of a substantial portion of the parcels of real property within a county resulting wholly or partly from reappraisal of value or other actions of the assessor or county equalization body or ordered by the state tax commission or any court;

(2) "Tax rate", "rate", or "rate of levy", singular or plural, includes the tax rate for each purpose of taxation of property a taxing authority is authorized to levy without a vote and any tax rate authorized by election, including bond interest and sinking fund;

(3) "Tax rate ceiling", a tax rate as revised by the taxing authority to comply with the provisions of this section or when a court has determined the tax rate; except that, other provisions of law to the contrary notwithstanding, a school district may levy the operating levy for school purposes required for the current year pursuant to subsection 2 of section 163.021, less all adjustments required pursuant to article X, section 22 of the Missouri Constitution, if such tax rate does not exceed the highest tax rate in effect subsequent to the 1980 tax year. This is the maximum tax rate that may be levied, unless a higher tax rate ceiling is approved by voters of the political subdivision as provided in this section;

(4) "Tax revenue", when referring to the previous year, means the actual receipts from ad valorem levies on all classes of property, including state-assessed property, in the immediately preceding fiscal year of the political subdivision, plus an allowance for taxes billed but not collected in the fiscal year and plus an additional allowance for the revenue which would have been collected from property which was annexed by such political subdivision but which was not previously used in determining tax revenue pursuant to this section. The term "tax revenue" shall not include any receipts from ad valorem levies on any property of a railroad corporation or a public utility, as these terms are defined in section 386.020, which were assessed by the assessor of a county or city in the previous year but are assessed by the state tax commission in the current year. All school districts and those counties levying sales taxes pursuant to chapter 67 shall include in the calculation of tax revenue an amount equivalent to that by which they reduced property tax levies as a result of sales tax pursuant to section 67.505 and section 164.013

or as excess home dock city or county fees as provided in subsection 4 of section 313.820 in the immediately preceding fiscal year but not including any amount calculated to adjust for prior years. For purposes of political subdivisions which were authorized to levy a tax in the prior year but which did not levy such tax or levied a reduced rate, the term "tax revenue", as used in relation to the revision of tax levies mandated by law, shall mean the revenues equal to the amount that would have been available if the voluntary rate reduction had not been made.

2. Whenever changes in assessed valuation are entered in the assessor's books for any personal property, in the aggregate, or for any subclass of real property as such subclasses are established in section 4(b) of article X of the Missouri Constitution and defined in section 137.016, the county clerk in all counties and the assessor of St. Louis City shall notify each political subdivision wholly or partially within the county or St. Louis City of the change in valuation of each subclass of real property, individually, and personal property, in the aggregate, exclusive of new construction and improvements. All political subdivisions shall immediately revise the applicable rates of levy for each purpose for each subclass of real property, individually, and personal property, in the aggregate, for which taxes are levied to the extent necessary to produce from all taxable property, exclusive of new construction and improvements, substantially the same amount of tax revenue as was produced in the previous year for each subclass of real property, individually, and personal property, in the aggregate, except that the rate shall not exceed the greater of the most recent voter-approved rate or the most recent voter-approved rate as adjusted under subdivision (2) of subsection 5 of this section. Any political subdivision that has received approval from voters for a tax increase after August 27, 2008, may levy a rate to collect substantially the same amount of tax revenue as the amount of revenue that would have been derived by applying the voter-approved increased tax rate ceiling to the total assessed valuation of the political subdivision as most recently certified by the city or county clerk on or before the date of the election in which such increase is approved, increased by the percentage increase in the consumer price index, as provided by law, except that the rate shall not exceed the greater of the most recent voter-approved rate or the most recent voter-approved rate as adjusted under subdivision (2) of subsection 5 of this section. Such tax revenue shall not include any receipts from ad valorem levies on any real property which was assessed by the assessor of a county or city in such previous year but is assessed by the assessor of a county or city in the current year in a different subclass of real property. Where the taxing authority is a school district for the purposes of revising the applicable rates of levy for each subclass of real property, the tax revenues from state-assessed railroad and utility property shall be apportioned and attributed to each subclass of real property based on the percentage of the total assessed valuation of the county that each subclass of real property represents in the current taxable year. As provided in section 22 of article X of the constitution, a political subdivision may also revise each levy to allow for inflationary assessment growth occurring within the political subdivision. The inflationary growth factor for any such subclass of real property or personal property shall be limited to the actual assessment growth in such subclass or class, exclusive of new construction and improvements, and exclusive of the assessed value on any real property which was assessed by the assessor of a county or city in the current year in a different subclass of real property, but not to exceed the consumer price index or five percent, whichever is lower. Should the tax revenue of a political subdivision from the various tax rates determined in this subsection be different than the tax revenue that would have been determined from a single tax rate as calculated pursuant to the method of calculation in this subsection prior to January 1, 2003, then the political subdivision shall revise the tax rates of those subclasses of real property, individually, and/or personal property, in the aggregate, in which there is a tax rate reduction, pursuant to the provisions of this subsection. Such revision shall yield an amount equal to such difference and shall be apportioned among such subclasses of real property, individually, and/or personal property, in the aggregate, based on the relative assessed valuation of the class or subclasses of property experiencing a tax rate reduction. Such revision in the tax rates of each class or subclass shall be made by computing the percentage of current year adjusted assessed valuation of each

class or subclass with a tax rate reduction to the total current year adjusted assessed valuation of the class or subclasses with a tax rate reduction, multiplying the resulting percentages by the revenue difference between the single rate calculation and the calculations pursuant to this subsection and dividing by the respective adjusted current year assessed valuation of each class or subclass to determine the adjustment to the rate to be levied upon each class or subclass of property. The adjustment computed herein shall be multiplied by one hundred, rounded to four decimals in the manner provided in this subsection, and added to the initial rate computed for each class or subclass of property. For school districts that levy separate tax rates on each subclass of real property and personal property in the aggregate, if voters approved a ballot before January 1, 2011, that presented separate stated tax rates to be applied to the different subclasses of real property and personal property in the aggregate, or increases the separate rates that may be levied on the different subclasses of real property and personal property in the aggregate by different amounts, the tax rate that shall be used for the single tax rate calculation shall be a blended rate, calculated in the manner provided under subdivision (1) of subsection 6 of this section. Notwithstanding any provision of this subsection to the contrary, no revision to the rate of levy for personal property shall cause such levy to increase over the levy for personal property from the prior year.

3. (1) Where the taxing authority is a school district, it shall be required to revise the rates of levy to the extent necessary to produce from all taxable property, including state-assessed railroad and utility property, which shall be separately estimated in addition to other data required in complying with section 164.011, substantially the amount of tax revenue permitted in this section. In the year following tax rate reduction, the tax rate ceiling may be adjusted to offset such district's reduction in the apportionment of state school moneys due to its reduced tax rate. However, in the event any school district, in calculating a tax rate ceiling pursuant to this section, requiring the estimating of effects of state-assessed railroad and utility valuation or loss of state aid, discovers that the estimates used result in receipt of excess revenues, which would have required a lower rate if the actual information had been known, the school district shall reduce the tax rate ceiling in the following year to compensate for the excess receipts, and the recalculated rate shall become the tax rate ceiling for purposes of this section.

(2) For any political subdivision which experiences a reduction in the amount of assessed valuation relating to a prior year, due to decisions of the state tax commission or a court pursuant to sections 138.430 to 138.433, or due to clerical errors or corrections in the calculation or recordation of any assessed valuation:

(a) Such political subdivision may revise the tax rate ceiling for each purpose it levies taxes to compensate for the reduction in assessed value occurring after the political subdivision calculated the tax rate ceiling for the particular subclass of real property or for personal property, in the aggregate, in a prior year. Such revision by the political subdivision shall be made at the time of the next calculation of the tax rate for the particular subclass of real property or for personal property, in the aggregate, after the reduction in assessed valuation has been determined and shall be calculated in a manner that results in the revised tax rate ceiling being the same as it would have been had the corrected or finalized assessment been available at the time of the prior calculation;

(b) In addition, for up to three years following the determination of the reduction in assessed valuation as a result of circumstances defined in this subdivision, such political subdivision may levy a tax rate for each purpose it levies taxes above the revised tax rate ceiling provided in paragraph (a) of this subdivision to recoup any revenues it was entitled to receive had the corrected or finalized assessment been available at the time of the prior calculation.

4. (1) In order to implement the provisions of this section and section 22 of article X of the Constitution of Missouri, the term improvements shall apply to both real and personal property. In order to determine the value of new construction and improvements, each county assessor shall maintain a record of real property valuations in such a manner as to identify each year the increase in valuation for each political subdivision in the county as a result of new construction

and improvements. The value of new construction and improvements shall include the additional assessed value of all improvements or additions to real property which were begun after and were not part of the prior year's assessment, except that the additional assessed value of all improvements or additions to real property which had been totally or partially exempt from ad valorem taxes pursuant to sections 99.800 to 99.865, sections 135.200 to 135.255, and section 353.110 shall be included in the value of new construction and improvements when the property becomes totally or partially subject to assessment and payment of all ad valorem taxes. The aggregate increase in valuation of personal property for the current year over that of the previous year is the equivalent of the new construction and improvements factor for personal property. Notwithstanding any opt-out implemented pursuant to subsection 15 of section 137.115, the assessor shall certify the amount of new construction and improvements and the amount of assessed value on any real property which was assessed by the assessor of a county or city in such previous year but is assessed by the assessor of a county or city in the current year in a different subclass of real property separately for each of the three subclasses of real property for each political subdivision to the county clerk in order that political subdivisions shall have this information for the purpose of calculating tax rates pursuant to this section and section 22, article X, Constitution of Missouri. In addition, the state tax commission shall certify each year to each county clerk the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor publications, as defined and officially reported by the United States Department of Labor, or its successor agency. The state tax commission shall certify the increase in such index on the latest twelve-month basis available on February first of each year over the immediately preceding prior twelve-month period in order that political subdivisions shall have this information available in setting their tax rates according to law and section 22 of article X of the Constitution of Missouri. For purposes of implementing the provisions of this section and section 22 of article X of the Missouri Constitution, the term "property" means all taxable property, including state-assessed property.

(2) Each political subdivision required to revise rates of levy pursuant to this section or section 22 of article X of the Constitution of Missouri shall calculate each tax rate it is authorized to levy and, in establishing each tax rate, shall consider each provision for tax rate revision provided in this section and section 22 of article X of the Constitution of Missouri, separately and without regard to annual tax rate reductions provided in section 67.505 and section 164.013. Each political subdivision shall set each tax rate it is authorized to levy using the calculation that produces the lowest tax rate ceiling. It is further the intent of the general assembly, pursuant to the authority of section 10(c) of article X of the Constitution of Missouri, that the provisions of such section be applicable to tax rate revisions mandated pursuant to section 22 of article X of the Constitution of Missouri as to reestablishing tax rates as revised in subsequent years, enforcement provisions, and other provisions not in conflict with section 22 of article X of the Constitution of Missouri. Annual tax rate reductions provided in section 67.505 and section 164.013 shall be applied to the tax rate as established pursuant to this section and section 22 of article X of the Constitution of Missouri, unless otherwise provided by law.

5. (1) In all political subdivisions, the tax rate ceiling established pursuant to this section shall not be increased unless approved by a vote of the people. Approval of the higher tax rate shall be by at least a majority of votes cast. When a proposed higher tax rate requires approval by more than a simple majority pursuant to any provision of law or the constitution, the tax rate increase must receive approval by at least the majority required.

(2) When voters approve an increase in the tax rate, the amount of the increase shall be added to the tax rate ceiling as calculated pursuant to this section to the extent the total rate does not exceed any maximum rate prescribed by law. If a ballot question presents a stated tax rate for approval rather than describing the amount of increase in the question, the stated tax rate approved shall be adjusted as provided in this section and, so adjusted, shall be the current tax rate ceiling. The increased tax rate ceiling as approved shall be adjusted such that when applied to the current total assessed valuation of the political subdivision, excluding new construction and

improvements since the date of the election approving such increase, the revenue derived from the adjusted tax rate ceiling is equal to the sum of: the amount of revenue which would have been derived by applying the voter-approved increased tax rate ceiling to total assessed valuation of the political subdivision, as most recently certified by the city or county clerk on or before the date of the election in which such increase is approved, increased by the percentage increase in the consumer price index, as provided by law. Such adjusted tax rate ceiling may be applied to the total assessed valuation of the political subdivision at the setting of the next tax rate. If a ballot question presents a phased-in tax rate increase, upon voter approval, each tax rate increase shall be adjusted in the manner prescribed in this section to yield the sum of: the amount of revenue that would be derived by applying such voter-approved increased rate to the total assessed valuation, as most recently certified by the city or county clerk on or before the date of the election in which such increase was approved, increased by the percentage increase in the consumer price index, as provided by law, from the date of the election to the time of such increase and, so adjusted, shall be the current tax rate ceiling.

(3) The governing body of any political subdivision may levy a tax rate lower than its tax rate ceiling and may, in a nonreassessment year, increase that lowered tax rate to a level not exceeding the tax rate ceiling without voter approval in the manner provided under subdivision (4) of this subsection. Nothing in this section shall be construed as prohibiting a political subdivision from voluntarily levying a tax rate lower than that which is required under the provisions of this section or from seeking voter approval of a reduction to such political subdivision's tax rate ceiling.

(4) In a year of general reassessment, a governing body whose tax rate is lower than its tax rate ceiling shall revise its tax rate pursuant to the provisions of subsection 4 of this section as if its tax rate was at the tax rate ceiling. In a year following general reassessment, if such governing body intends to increase its tax rate, the governing body shall conduct a public hearing, and in a public meeting it shall adopt an ordinance, resolution, or policy statement justifying its action prior to setting and certifying its tax rate. The provisions of this subdivision shall not apply to any political subdivision which levies a tax rate lower than its tax rate ceiling solely due to a reduction required by law resulting from sales tax collections. The provisions of this subdivision shall not apply to any political subdivision which has received voter approval for an increase to its tax rate ceiling subsequent to setting its most recent tax rate.

6. (1) For the purposes of calculating state aid for public schools pursuant to section 163.031, each taxing authority which is a school district shall determine its proposed tax rate as a blended rate of the classes or subclasses of property. Such blended rate shall be calculated by first determining the total tax revenue of the property within the jurisdiction of the taxing authority, which amount shall be equal to the sum of the products of multiplying the assessed valuation of each class and subclass of property by the corresponding tax rate for such class or subclass, then dividing the total tax revenue by the total assessed valuation of the same jurisdiction, and then multiplying the resulting quotient by a factor of one hundred. Where the taxing authority is a school district, such blended rate shall also be used by such school district for calculating revenue from state-assessed railroad and utility property as defined in chapter 151 and for apportioning the tax rate by purpose.

(2) Each taxing authority proposing to levy a tax rate in any year shall notify the clerk of the county commission in the county or counties where the tax rate applies of its tax rate ceiling and its proposed tax rate. Each taxing authority shall express its proposed tax rate in a fraction equal to the nearest one-tenth of a cent, unless its proposed tax rate is in excess of one dollar, then one/one-hundredth of a cent. If a taxing authority shall round to one/one-hundredth of a cent, it shall round up a fraction greater than or equal to five/one-thousandth of one cent to the next higher one/one-hundredth of a cent; if a taxing authority shall round to one-tenth of a cent, it shall round up a fraction greater than or equal to five/one-hundredths of a cent to the next higher one-tenth of a cent. Any taxing authority levying a property tax rate shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating such tax rate

complies with Missouri law. All forms for the calculation of rates pursuant to this section shall be promulgated as a rule and shall not be incorporated by reference. The state auditor shall promulgate rules for any and all forms for the calculation of rates pursuant to this section which do not currently exist in rule form or that have been incorporated by reference. In addition, each taxing authority proposing to levy a tax rate for debt service shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating the tax rate for debt service complies with Missouri law. A tax rate proposed for annual debt service requirements will be prima facie valid if, after making the payment for which the tax was levied, bonds remain outstanding and the debt fund reserves do not exceed the following year's payments. The county clerk shall keep on file and available for public inspection all such information for a period of three years. The clerk shall, within three days of receipt, forward a copy of the notice of a taxing authority's tax rate ceiling and proposed tax rate and any substantiating data to the state auditor. The state auditor shall, within fifteen days of the date of receipt, examine such information and return to the county clerk his or her findings as to compliance of the tax rate ceiling with this section and as to compliance of any proposed tax rate for debt service with Missouri law. If the state auditor believes that a taxing authority's proposed tax rate does not comply with Missouri law, then the state auditor's findings shall include a recalculated tax rate, and the state auditor may request a taxing authority to submit documentation supporting such taxing authority's proposed tax rate. The county clerk shall immediately forward a copy of the auditor's findings to the taxing authority and shall file a copy of the findings with the information received from the taxing authority. The taxing authority shall have fifteen days from the date of receipt from the county clerk of the state auditor's findings and any request for supporting documentation to accept or reject in writing the rate change certified by the state auditor and to submit all requested information to the state auditor. A copy of the taxing authority's acceptance or rejection and any information submitted to the state auditor shall also be mailed to the county clerk. If a taxing authority rejects a rate change certified by the state auditor and the state auditor does not receive supporting information which justifies the taxing authority's original or any subsequent proposed tax rate, then the state auditor shall refer the perceived violations of such taxing authority to the attorney general's office and the attorney general is authorized to obtain injunctive relief to prevent the taxing authority from levying a violative tax rate.

(3) In the event that the taxing authority incorrectly completes the forms created and promulgated under subdivision (2) of this subsection, or makes a clerical error, the taxing authority may submit amended forms with an explanation for the needed changes. If such amended forms are filed under regulations prescribed by the state auditor, the state auditor shall take into consideration such amended forms for the purposes of this subsection.

7. No tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of this section.

8. Whenever a taxpayer has cause to believe that a taxing authority has not complied with the provisions of this section, the taxpayer may make a formal complaint with the prosecuting attorney of the county. Where the prosecuting attorney fails to bring an action within ten days of the filing of the complaint, the taxpayer may bring a civil action pursuant to this section and institute an action as representative of a class of all taxpayers within a taxing authority if the class is so numerous that joinder of all members is impracticable, if there are questions of law or fact common to the class, if the claims or defenses of the representative parties are typical of the claims or defenses of the class, and if the representative parties will fairly and adequately protect the interests of the class. In any class action maintained pursuant to this section, the court may direct to the members of the class a notice to be published at least once each week for four consecutive weeks in a newspaper of general circulation published in the county where the civil action is commenced and in other counties within the jurisdiction of a taxing authority. The notice shall advise each member that the court will exclude him or her from the class if he or she so requests by a specified date, that the judgment, whether favorable or not, will include all

members who do not request exclusion, and that any member who does not request exclusion may, if he or she desires, enter an appearance. In any class action brought pursuant to this section, the court, in addition to the relief requested, shall assess against the taxing authority found to be in violation of this section the reasonable costs of bringing the action, including reasonable attorney's fees, provided no attorney's fees shall be awarded any attorney or association of attorneys who receive public funds from any source for their services. Any action brought pursuant to this section shall be set for hearing as soon as practicable after the cause is at issue.

9. If in any action, including a class action, the court issues an order requiring a taxing authority to revise the tax rates as provided in this section or enjoins a taxing authority from the collection of a tax because of its failure to revise the rate of levy as provided in this section, any taxpayer paying his or her taxes when an improper rate is applied has erroneously paid his or her taxes in part, whether or not the taxes are paid under protest as provided in section 139.031 or otherwise contested. The part of the taxes paid erroneously is the difference in the amount produced by the original levy and the amount produced by the revised levy. The township or county collector of taxes or the collector of taxes in any city shall refund the amount of the tax erroneously paid. The taxing authority refusing to revise the rate of levy as provided in this section shall make available to the collector all funds necessary to make refunds pursuant to this subsection. No taxpayer shall receive any interest on any money erroneously paid by him or her pursuant to this subsection. Effective in the 1994 tax year, nothing in this section shall be construed to require a taxing authority to refund any tax erroneously paid prior to or during the third tax year preceding the current tax year.

10. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

137.090. TANGIBLE PERSONAL PROPERTY TO BE ASSESSED IN COUNTY OF OWNER'S RESIDENCE — EXCEPTIONS — APPORTIONMENT OF ASSESSMENT OF TRACTORS AND TRAILERS.. — **1.** All tangible personal property of whatever nature and character situate in a county other than the one in which the owner resides shall be assessed in the county where the owner resides; except that, houseboats, cabin cruisers, floating boat docks, and manufactured homes, as defined in section 700.010, used for lodging shall be assessed in the county where they are located, and tangible personal property belonging to estates shall be assessed in the county in which the probate division of the circuit court has jurisdiction. Tangible personal property, other than motor vehicles as the term is defined in section 301.010, used exclusively in connection with farm operations of the owner and kept on the farmland, shall not be assessed by a city, town or village unless the farmland is totally within the boundaries of the city, town or village. No tangible personal property shall be simultaneously assessed in more than one county.

2. The assessed valuation of any tractor or trailer as defined in section 301.010 owned by an individual, partner, or member and used in interstate commerce must be apportioned to Missouri based on the ratio of miles traveled in this state to miles traveled in the United States in interstate commerce during the preceding tax year or on the basis of the most recent annual mileage figures available.

137.095. CORPORATE PROPERTY, WHERE TAXED — TRACTORS AND TRAILERS. — 1. The real and tangible personal property of all corporations operating in any county in the state of Missouri and in the city of St. Louis, and subject to assessment by county or township

assessors, shall be assessed and taxed in the county in which the property is situated on the first day of January of the year for which the taxes are assessed, and every general or business corporation having or owning tangible personal property on the first day of January in each year, which is situated in any other county than the one in which the corporation is located, shall make return to the assessor of the county or township where the property is situated, in the same manner as other tangible personal property is required by law to be returned, except that all motor vehicles which are the property of the corporation and which are subject to regulation under chapter 390 shall be assessed for tax purposes in the county in which the motor vehicles are based.

2. For the purposes of subsection 1 of this section, the term "based" means the place where the vehicle is most frequently dispatched, garaged, serviced, maintained, operated or otherwise controlled, except that leased passenger vehicles shall be assessed at the residence of the driver or, if the residence of the driver is unknown, at the location of the lessee.

3. The assessed valuation of any tractor or trailer as defined in section 301.010 owned by a corporation and used in interstate commerce must be apportioned to Missouri based on the ratio of miles traveled in this state to miles traveled in the United States in interstate commerce during the preceding tax year or on the basis of the most recent annual mileage figures available.

137.115. REAL AND PERSONAL PROPERTY, ASSESSMENT — MAINTENANCE PLAN — ASSESSOR MAY MAIL FORMS FOR PERSONAL PROPERTY — CLASSES OF PROPERTY, ASSESSMENT — PHYSICAL INSPECTION REQUIRED, WHEN, PROCEDURE. — 1. All other laws to the contrary notwithstanding, the assessor or the assessor's deputies in all counties of this state including the city of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor's city, county, town or district. Except as otherwise provided in subsection 3 of this section and section 137.078, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The true value in money of any possessory interest in real property in subclass (3), where such real property is on or lies within the ultimate airport boundary as shown by a federal airport layout plan, as defined by 14 CFR 151.5, of a commercial airport having a FAR Part 139 certification and owned by a political subdivision, shall be the otherwise applicable true value in money of any such possessory interest in real property, less the total dollar amount of costs paid by a party, other than the political subdivision, towards any new construction or improvements on such real property completed after January 1, 2008, and which are included in the above-mentioned possessory interest, regardless of the year in which such costs were incurred or whether such costs were considered in any prior year. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor's books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state

tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

(1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and

(2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used in this subdivision, the word "comparable" means that:

(a) Such sale was closed at a date relevant to the property valuation; and

(b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

2. Assessors in each county of this state and the city of St. Louis may send personal property assessment forms through the mail.

3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following percentages of their true value in money:

(1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;

(2) Livestock, twelve percent;

(3) Farm machinery, twelve percent;

(4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131 and aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than fifty hours per year or aircraft that are home built from a kit, five percent;

(5) Poultry, twelve percent; and

(6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (6) of section 135.200, twenty-five percent.

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. All subclasses of real property, as such subclasses are established in section 4(b) of article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:

(1) For real property in subclass (1), nineteen percent;

(2) For real property in subclass (2), twelve percent; and

(3) For real property in subclass (3), thirty-two percent.

6. Manufactured homes, as defined in section 700.010, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. For purposes of this section, a manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. For purposes of this section, a manufactured home located on real estate owned by the manufactured home owner may be considered real property.

7. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home is real estate as defined in subsection 7 of section 442.015 and assessed as a realty improvement to the existing real estate parcel.

8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home is real estate as defined in subsection 7 of section 442.015, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

9. The assessor of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. **The assessor shall not use a value that is greater than the average trade-in value in determining the true value of the motor vehicle without performing a physical inspection of the motor vehicle. For vehicles two years old or newer from a vehicle's model year, the assessor may use a value other than average without performing a physical inspection of the motor vehicle.** In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.

10. Before the assessor may increase the assessed valuation of any parcel of subclass (1) real property by more than fifteen percent since the last assessment, excluding increases due to new construction or improvements, the assessor shall conduct a physical inspection of such property.

11. If a physical inspection is required, pursuant to subsection 10 of this section, the assessor shall notify the property owner of that fact in writing and shall provide the owner clear written notice of the owner's rights relating to the physical inspection. If a physical inspection is required, the property owner may request that an interior inspection be performed during the physical inspection. The owner shall have no less than thirty days to notify the assessor of a request for an interior physical inspection.

12. A physical inspection, as required by subsection 10 of this section, shall include, but not be limited to, an on-site personal observation and review of all exterior portions of the land and any buildings and improvements to which the inspector has or may reasonably and lawfully gain external access, and shall include an observation and review of the interior of any buildings or improvements on the property upon the timely request of the owner pursuant to subsection

11 of this section. Mere observation of the property via a drive-by inspection or the like shall not be considered sufficient to constitute a physical inspection as required by this section.

13. The provisions of subsections 11 and 12 of this section shall only apply in any county with a charter form of government with more than one million inhabitants.

14. A county or city collector may accept credit cards as proper form of payment of outstanding property tax or license due. No county or city collector may charge surcharge for payment by credit card which exceeds the fee or surcharge charged by the credit card bank, processor, or issuer for its service. A county or city collector may accept payment by electronic transfers of funds in payment of any tax or license and charge the person making such payment a fee equal to the fee charged the county by the bank, processor, or issuer of such electronic payment.

15. Any county or city not within a county in this state may, by an affirmative vote of the governing body of such county, opt out of the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of the general reassessment, prior to January first of any year. No county or city not within a county shall exercise this opt-out provision after implementing the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, in a year of general reassessment. For the purposes of applying the provisions of this subsection, a political subdivision contained within two or more counties where at least one of such counties has opted out and at least one of such counties has not opted out shall calculate a single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general assembly, second regular session. A governing body of a city not within a county or a county that has opted out under the provisions of this subsection may choose to implement the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of general reassessment, by an affirmative vote of the governing body prior to December thirty-first of any year.

16. The governing body of any city of the third classification with more than twenty-six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants located in any county that has exercised its authority to opt out under subsection 15 of this section may levy separate and differing tax rates for real and personal property only if such city bills and collects its own property taxes or satisfies the entire cost of the billing and collection of such separate and differing tax rates. Such separate and differing rates shall not exceed such city's tax rate ceiling.

137.720. PERCENTAGE OF AD VALOREM PROPERTY TAX COLLECTIONS TO BE DEDUCTED FOR DEPOSIT IN COUNTY ASSESSMENT FUND — ADDITIONAL DEDUCTIONS (ST. LOUIS CITY AND ALL COUNTIES). — 1. A percentage of all ad valorem property tax collections allocable to each taxing authority within the county and the county shall be deducted from the collections of taxes each year and shall be deposited into the assessment fund of the county as required pursuant to section 137.750. The percentage shall be one-half of one percent for all counties of the first and second classification and cities not within a county and one percent for counties of the third and fourth classification.

2. Prior to July 1, 2009, for counties of the first classification, counties with a charter form of government, and any city not within a county, an additional one-eighth of one percent of all

ad valorem property tax collections shall be deducted from the collections of taxes each year and shall be deposited into the assessment fund of the county as required pursuant to section 137.750, and for counties of the second, third, and fourth classification, an additional one-quarter of one percent of all ad valorem property tax collections shall be deducted from the collections of taxes each year and shall be deposited into the assessment fund of the county as required pursuant to section 137.750, provided that such additional amounts shall not exceed one hundred thousand dollars in any year for any county of the first classification and any county with a charter form of government and fifty thousand dollars in any year for any county of the second, third, or fourth classification.

3. Effective July 1, 2009, for counties of the first classification, counties with a charter form of government, and any city not within a county, an additional one-eighth of one percent of all ad valorem property tax collections shall be deducted from the collections of taxes each year and shall be deposited into the assessment fund of the county as required pursuant to section 137.750, and for counties of the second, third, and fourth classification, an additional one-half of one percent of all ad valorem property tax collections shall be deducted from the collections of taxes each year and shall be deposited into the assessment fund of the county as required pursuant to section 137.750, provided that such additional amounts shall not exceed one hundred twenty-five thousand dollars in any year for any county of the first classification and any county with a charter form of government and seventy-five thousand dollars in any year for any county of the second, third, or fourth classification.

4. The county shall bill any taxing authority collecting its own taxes. The county may also provide additional moneys for the fund. To be eligible for state cost-share funds provided pursuant to section 137.750, every county shall provide from the county general revenue fund an amount equal to an average of the three most recent years of the amount provided from general revenue to the assessment fund; provided, however, that capital expenditures and equipment expenses identified in a memorandum of understanding signed by the county's governing body and the county assessor prior to transfer of county general revenue funds to the assessment fund shall be deducted from a year's contribution before computing the three-year average, except that a lesser amount shall be acceptable if unanimously agreed upon by the county assessor, the county governing body, and the state tax commission. The county shall deposit the county general revenue funds in the assessment fund as agreed to in its original or amended maintenance plan, state reimbursement funds shall be withheld until the amount due is properly deposited in such fund.

5. For all years beginning on or after January 1, 2010, any property tax collections deposited into the county assessment funds provided for in subsection 2 of this section shall be disallowed in any year in which the state tax commission notifies the county that state assessment reimbursement funds have been withheld from the county for three consecutive quarters due to noncompliance by the assessor or county commission with the county's assessment maintenance plan.

[6. The provisions of subsections 2, 3, and 5 of this section shall expire on December 31, 2015.**]**

138.431. HEARING OFFICERS OF TAX COMMISSION TO HEAR APPEALS, WHEN, PROCEDURE — APPEAL OF HEARING OFFICER'S DECISION, HOW. — 1. To hear and decide appeals pursuant to section 138.430, the commission shall appoint one or more hearing officers. The hearing officers shall be subject to supervision by the commission. No person shall participate on behalf of the commission in any case in which such person is an interested party.

2. The commission may assign such appeals as it deems fit to a hearing officer for disposition.

(1) The assignment shall be deemed made when **[**the**]** **any** scheduling order is first issued by the commission **[**and signed by the hearing officer assigned, unless another hearing officer is assigned to the case for disposition by other language in said order**]** **, however, if no**

scheduling order has been issued, then a hearing officer shall be assigned no later than sixty days after the appeal is filed by the taxpayer.

(2) A change of hearing officer, or a reservation of the appeal for disposition as described in subsection 3 of this section, shall be ordered by the commission in any appeal upon the timely filing of a written application by a party to disqualify the hearing officer assigned. The application shall be filed within thirty days from the assignment of any appeal to a hearing officer and need not allege or prove any cause for such change and need not be verified. No more than one change of hearing officer shall be allowed for each party in any appeal.

3. The commission may, in its discretion, reserve such appeals as it deems fit to be heard and decided by the full commission, a quorum thereof, or any commissioner, subject to the provisions of section 138.240, and, in such case, the decision shall be final, subject to judicial review in the manner provided in subsection 4 of section 138.470.

4. The manner in which appeals shall be presented and the conduct of hearings shall be made in accordance with rules prescribed by the commission for determining the rights of the parties; provided that, the commission, with the consent of all the parties, may refer an appeal to mediation. The commission shall promulgate regulations for mediation pursuant to this section. No regulation or portion of a regulation promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. There shall be no presumption that the assessor's valuation is correct. A full and complete record shall be kept of all proceedings. All testimony at any hearing shall be recorded but need not be transcribed unless the matter is further appealed.

5. Unless an appeal is voluntarily dismissed, a hearing officer, after affording the parties reasonable opportunity for fair hearing, shall issue a decision and order affirming, modifying, or reversing the determination of the board of equalization, and correcting any assessment which is unlawful, unfair, improper, arbitrary, or capricious. The commission may, prior to the decision being rendered, transfer to another hearing officer the proceedings on an appeal determination before a hearing officer. The complainant, respondent-assessor, or other party shall be duly notified of a hearing officer's decision and order, together with findings of fact and conclusions of law. Appeals from decisions of hearing officers shall be made pursuant to section 138.432.

6. All decisions issued pursuant to this section or section 138.432 by the commission or any of its duly assigned hearing officers shall be issued no later than sixty days after the hearing on the matter to be decided is held or the date on which the last party involved in such matter files his or her brief, whichever event later occurs.

238.272. AUDIT AUTHORIZED, WHEN — COSTS, PAYMENT OF. — The state auditor **[**shall**]** **may** audit each district not **[**less**]** **more** than once every three years**[**, and may audit more frequently if the state auditor deems appropriate**]**. The costs of this audit shall be paid by the district **and shall not exceed three percent of the gross revenues received by the transportation district**.

360.045. POWERS OF AUTHORITY — TRANSFER OF MONEYS TO REBUILD DAMAGED INFRASTRUCTURE FUND. — 1. The authority shall have the following powers together with all powers incidental thereto or necessary for the performance thereof:

(1) To have perpetual succession as a body politic and corporate;

(2) To adopt bylaws for the regulation of its affairs and the conduct of its business;

(3) To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;

(4) To have and to use a corporate seal and to alter the same at pleasure;

(5) To maintain an office at such place or places in the state of Missouri as it may designate;

(6) To determine the location and construction of any facility to be financed under the provisions of sections 360.010 to 360.140, and to construct, reconstruct, repair, alter, improve,

extend, maintain, lease, and regulate the same; and to designate a participating health institution or a participating educational institution, as the case may be, as its agent to determine the location and construction of a facility undertaken by such participating health institution or participating educational institution, as the case may be, under the provisions of sections 360.010 to 360.140, to construct, reconstruct, repair, alter, improve, extend, maintain, and regulate the same, and to enter into contracts for any and all of such purposes including contracts for the management and operation of the facility;

(7) To lease to a participating health institution or a participating educational institution, as the case may be, the particular health or educational facility or facilities, as the case may be, upon such terms and conditions as the authority shall deem proper; to charge and collect rent therefor; to terminate any such lease upon the failure of the lessee to comply with any of the obligations thereof; to include in any such lease, if desired, provisions that the lessee thereof shall have options to renew the term of the lease for such period or periods at such rent as shall be determined by the authority or to purchase any or all of the particular leased facility or facilities; and, upon payment of all of the indebtedness incurred by the authority for the financing of the facility or facilities, to convey any or all of such facility or facilities to the lessee or lessees thereof. Every lease agreement between the authority and an institution must contain a clause obligating the institution not to use the leased land, nor any facility located thereon, for sectarian instruction or study or as a place of religious worship, or in connection with any part of the program of a school or department of divinity of any religious denomination; to insure that this covenant is honored, each lease agreement shall allow the authority to conduct inspections, and every conveyance of title to an institution shall contain a restriction against use for any sectarian purpose;

(8) To issue its bonds, notes, or other obligations for any of its corporate purposes and to refund the same, all as provided in sections 360.010 to 360.140;

(9) **To transfer assets of the authority to the rebuild damaged infrastructure fund created in section 33.295;**

(10) To fix and revise from time to time and make and collect rates, rents, fees, and charges for the use of and services furnished or to be furnished by any facility or facilities or any portion thereof and to contract with any person, firm, or corporation or other body, public or private, in respect thereof; except that the authority shall have no jurisdiction over rates, rents, fees, and charges established by a participating educational institution for its students or established by a participating health institution for its patients other than to require that such rates, rents, fees, and charges by such an institution be sufficient to discharge the institution's obligations to the authority;

[(10)**] (11)** To establish rules and regulations for review by or on behalf of the authority of the retention or employment by a participating health institution or by a participating educational institution, as the case may be, of consulting engineers, architects, attorneys, accountants, construction and finance experts, superintendents, managers, and such other employees and agents as shall be determined to be necessary in connection with any such facility or facilities and for review by or on behalf of the authority of all reports, studies, or other material prepared in connection with any bond issue of the authority for any such facility or facilities. The costs incurred or to be incurred by a participating health institution or by a participating educational institution in connection with the review shall be deemed, where appropriate, an expense of constructing the facility or facilities or, where appropriate, shall be deemed an annual expense of operation and maintenance of the facility or facilities;

[(11)**] (12)** To receive and accept from any public agency loans or grants for or in aid of the construction of a facility or facilities, or any portion thereof, or for equipping the same and to receive and accept grants, gifts, or other contributions from any source;

[(12)**] (13)** To mortgage or pledge all or any portion of any facility or facilities, including any other health or educational facility or facilities conveyed to the authority for such purpose and the site or sites thereof, whether then owned or thereafter acquired, for the benefit of the

holders of the bonds of the authority issued to finance such facility or facilities or any portion thereof or issued to refund or refinance outstanding indebtedness of a private health institution or a private institution of higher education as permitted by sections 360.010 to 360.140;

[(13)**] (14)** To make loans to any participating health institution or participating educational institution, as the case may be, for the cost of any facility or facilities in accordance with an agreement between the authority and such participating health institution or participating educational institution, as the case may be; except that no such loan shall exceed the total cost of such facility or facilities as determined by the participating health institution or participating educational institution, as the case may be, and approved by the authority;

[(14)**] (15)** To make loans to a participating health institution or participating educational institution, as the case may be, to refund outstanding obligations, mortgages, or advances issued, made, or given by the institution for the cost of its facility or facilities, including the power to issue bonds and make loans to a participating health institution or participating educational institution, as the case may be, to refinance indebtedness incurred for facilities undertaken and completed prior to or after September 28, 1975, whenever the authority finds that the financing is in the public interest, alleviates a financial hardship upon the participating health institution or participating educational institution, as the case may be, and results in a lesser cost of patient care or cost of education and a saving to third parties, including state or federal governments, and to others who must pay for the care or education;

[(15)**] (16)** To inspect any and all facilities assisted by the authority in any way to enforce the prohibition against sectarian or religious use at any time; and

[(16)**] (17)** To do all things necessary and convenient to carry out the purposes of sections 360.010 to 360.140.

2. Notwithstanding any provision of law to the contrary, including section 360.115, the authority shall transfer four million dollars of the assets of the authority to the rebuild damaged infrastructure fund created in section 33.295 on July 1, 2013.

374.150. FEES PAID TO DIRECTOR OF REVENUE, EXCEPTION — DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION DEDICATED FUND ESTABLISHED, PURPOSE — LAPSE INTO GENERAL REVENUE, WHEN — ANNUAL TRANSFER OF MONEYS TO GENERAL REVENUE. — 1. All fees due the state under the provisions of the insurance laws of this state shall be paid to the director of revenue and deposited in the state treasury to the credit of the insurance dedicated fund unless otherwise provided for in subsection 2 of this section.

2. There is hereby established in the state treasury a special fund to be known as the "Insurance Dedicated Fund". The fund shall be subject to appropriation of the general assembly and shall be devoted solely to the payment of expenditures incurred by the department attributable to duties performed by the department for the regulation of the business of insurance, regulation of health maintenance organizations and the operation of the division of consumer affairs as required by law which are not paid for by another source of funds. Other provisions of law to the contrary notwithstanding, beginning on January 1, 1991, all fees charged under any provision of chapter 325, 354, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384 or 385 due the state shall be paid into this fund. The state treasurer shall invest moneys in this fund in the same manner as other state funds and any interest or earnings on such moneys shall be credited to the insurance dedicated fund. The provisions of section 33.080 notwithstanding, moneys in the fund shall not lapse, be transferred to or placed to the credit of the general revenue fund unless and then only to the extent to which the unencumbered balance at the close of the biennium year exceeds two times the total amount appropriated, paid, or transferred to the fund during such fiscal year.

3. Notwithstanding provisions of this section to the contrary, five hundred thousand dollars of the insurance dedicated fund shall annually be transferred and placed to the credit of the state general revenue fund on July first beginning with fiscal year 2014.

SECTION B. EMERGENCY CLAUSE. — Because of the necessity to provide funding for the reconstruction, replacement, or renovation of, or repair to, any infrastructure damaged by a presidentially declared natural disaster, and to ensure the safety of the citizens of this state, including by means of the operation of local hospitals, sections 33.080, 33.295, 96.229, 302.309, 360.045, and 374.150 of section A of this act are deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and sections 33.080, 33.295, 96.229, 302.309, 360.045, and 374.150 of section A of this act shall be in full force and effect upon its passage and approval.

Vetoed July 12, 2013
Overridden September 11, 2013

SB 9 [CCS#2 HCS SCS SB 9]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Modifies provisions relating to agriculture

AN ACT to repeal sections 178.550, 267.655, 442.571, 442.576, 570.030, 578.009, and 578.012, RSMo, and to enact in lieu thereof nine new sections relating to agriculture, with penalty provisions.

SECTION
A. Enacting clause.
178.550. Career and technical education student protection act — council established, members, terms, meetings, duties.
262.598. Extension districts authorized — powers and duties — tax authorized, ballot language — withdrawal, ballot language — increase in tax, ballot language.
267.655. Civil penalties.
442.571. Aliens not to own agricultural land — term of — violation.
442.576. Duties of director of agriculture and attorney general — court to order divestiture — when to be accomplished — failure.
570.030. Stealing — penalties.
578.009. Animal neglect and abandonment — penalties.
578.011. Animal trespass, penalty.
578.012. Animal abuse — penalties.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 178.550, 267.655, 442.571, 442.576, 570.030, 578.009, and 578.012, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 178.550, 262.598, 267.655, 442.571, 442.576, 570.030, 578.009, 578.011, and 578.012, RSMo, to read as follows:

178.550. CAREER AND TECHNICAL EDUCATION STUDENT PROTECTION ACT — COUNCIL ESTABLISHED, MEMBERS, TERMS, MEETINGS, DUTIES. — **[**The president of the state board of education shall annually appoint a committee of five members to be known as the "State Advisory Committee for Vocational Education". The state advisory committee shall consist of one person of experience in agriculture; one employer; one representative of labor; one person of experience in home economics; one person of experience in commerce. The state commissioner of education is ex officio a member and the chairman of the advisory committee. The state board of education shall formulate general principles and policies for the administration of sections 178.420 to 178.580, which, when they have been approved by the state advisory committee, shall be put into effect. Joint conferences between the state board of education and advisory committee shall be held at least four times each year. All members of the state advisory committee shall be reimbursed for their actual expenses in attending the conferences.**] 1. This section shall be known and may be cited as the "Career and Technical Education Student Protection Act". There is hereby established the "Career and Technical Education Advisory Council" within the department of elementary and secondary education.**

2. The advisory council shall be composed of eleven members who shall be Missouri residents, appointed by the governor with the advice and consent of the senate:

(1) A director or administrator of a career and technical education center;

(2) An individual from the business community with a background in commerce;

(3) A representative from Linn State Technical College;

(4) Three current or retired career and technical education teachers who also serve or served as an advisor to any of the nationally recognized career and technical education student organizations of:

(a) DECA;
(b) Future Business Leaders of America (FBLA);
(c) FFA;
(d) Family, Career and Community Leaders of America (FCCLA);
(e) Health Occupations Students of America (HOSA);
(f) SkillsUSA; or
(g) Technology Student Association (TSA);

(5) A representative from a business organization, association of businesses, or a business coalition;

(6) A representative from a Missouri community college;

(7) A representative from Southeast Missouri State University or the University of Central Missouri;

(8) An individual participating in an apprenticeship recognized by the department of labor and industrial relations or approved by the United States Department of Labor's Office of Apprenticeship;

(9) A school administrator or school superintendent of a school that offers career and technical education.

3. Members shall serve a term of five years except for the initial appointments, which shall be for the following lengths:

(1) One member shall be appointed for a term of one year;
(2) Two members shall be appointed for a term of two years;
(3) Two members shall be appointed for a term of three years;
(4) Three members shall be appointed for a term of four years;
(5) Three members shall be appointed for a term of five years.

4. The advisory council shall have three non-voting ex-officio members:

(1) A director of guidance and counseling services at the department of elementary and secondary education, or a similar position if such position ceases to exist;

(2) The director of the division of workforce development; and

(3) A member of the coordinating board for higher education, as selected by the coordinating board.

5. The assistant commissioner for the office of college and career readiness of the department of elementary and secondary education shall provide staff assistance to the advisory council.

6. The advisory council shall meet at least four times annually. The advisory council may make all rules it deems necessary to enable it to conduct its meetings, elect its officers, and set the terms and duties of its officers. The advisory council shall elect from among its members a chairperson, vice chairperson, a secretary-reporter, and such other officers as it deems necessary. Members of the advisory council shall serve without compensation but may be reimbursed for actual expenses necessary to the performance of their official duties for the advisory council.

7. Any business to come before the advisory council shall be available on the advisory council's internet website at least seven business days prior to the start of each meeting. All records of any decisions, votes, exhibits, or outcomes shall be available on the advisory council's internet website within forty-eight hours following the conclusion of every meeting. Any materials prepared for the members shall be delivered to the members at least five days before the meeting, and to the extent such materials are public records as defined in section 610.010 and are not permitted to be closed under section 610.021, shall be made available on the advisory council's internet website at least five business days in advance of the meeting.

8. The advisory council shall make an annual written report to the state board of education and the commissioner of education regarding the development, implementation, and administration of the state budget for career and technical education.

9. The advisory council shall annually submit written recommendations to the state board of education and the commissioner of education regarding the oversight and procedures for the handling of funds for student career and technical education organizations.

10. The advisory council shall:

(1) Develop a comprehensive statewide short- and long-range strategic plan for career and technical education;

(2) Identify service gaps and provide advice on methods to close such gaps as they relate to youth and adult employees, workforce development, and employers on training needs;

(3) Confer with public and private entities for the purpose of promoting and improving career and technical education;

(4) Identify legislative recommendations to improve career and technical education;

(5) Promote coordination of existing career and technical education programs;

(6) Adopt, alter, or repeal its own bylaws, rules, and regulations governing the manner in which its business may be transacted.

11. For purposes of this section, the department of elementary and secondary education shall provide such documentation and information as to allow the advisory council to be effective.

12. For purposes of this section, "advisory council" shall mean the career and technical education advisory council.

262.598. EXTENSION DISTRICTS AUTHORIZED — POWERS AND DUTIES — TAX AUTHORIZED, BALLOT LANGUAGE — WITHDRAWAL, BALLOT LANGUAGE — INCREASE IN TAX, BALLOT LANGUAGE. — 1. As used in this section, the following terms shall mean:

(1) "Consolidated district", a district formed jointly by two or more councils;

(2) "Council", a University of Missouri extension council authorized under section 262.563;

(3) "District" or "extension district", a political subdivision formed by one or more councils;

(4) "Single-council district", a district formed by one council;

(5) "Governing body", the group of individuals who govern a district.

2. University of Missouri extension councils, except for any council located in a county with a charter form of government and with more than nine hundred fifty thousand inhabitants, are hereby authorized to form extension districts made up of cooperating counties for the purpose of funding extension programming. An extension district may be a single-council district or a consolidated district. A single-council district shall be formed upon a majority vote of the full council. A consolidated district shall be formed upon a majority vote of each participating council.

3. In a single-council district, the council shall serve as the district's governing body. In addition to any other powers and duties granted to the council under sections 262.550 to 262.620, the council shall also have the powers and duties provided under subsection 5 of this section.

4. In a consolidated district, the governing body of the district shall consist of at least three, but no more than five, representatives appointed by each participating council. The term of office shall be two years. Representatives may be reappointed. The governing body shall elect officers, who shall serve as officers for two years, and establish a regular meeting schedule which shall not be less than once every three months.

5. The governing body of a district shall have the following powers and duties:

(1) Review the activities and annual budgets of each participating council;

(2) Determine, by September first of each year, the tax rate necessary to generate sufficient revenue to fund the extension programming in the district, which includes

annual funding for each participating council for the costs of personnel and the acquisition, supply, and maintenance of each council's property, work, and equipment;

(3) Oversee the collection of any tax authorized under this section by ensuring the revenue is deposited into a special fund and monitoring the use of the funds to ensure they are used solely for extension programming in the district;

(4) Approve payments from the special fund in which the tax revenue is deposited; and

(5) Work cooperatively with each participating council to plan and facilitate the programs, equipment, and activities in the district.

6. The governing body of a district may submit a question to the voters of the district to institute a property tax levy in the county or counties that compose the district. Questions may be submitted to the voters of the district at any general municipal election. Any such proposed tax shall not exceed thirty cents per one hundred dollars of assessed valuation. The costs of submitting the question to the voters at the general municipal election shall be paid as provided in section 115.063. Such question shall be submitted in substantially the following form:

"Shall the Extension District in ..... County (insert name of county) be authorized to levy an annual tax of ..... (insert amount not to exceed thirty) cents per one hundred dollars of assessed valuation for the purpose of funding the University of Missouri Extension District programs, equipment, and services in the district?" In a single-council district, if a majority of the voters in the county approve the question, then the district shall impose the tax. If a majority of the voters in a single-council district do not approve the question, then no tax shall be imposed. In a consolidated district, if a majority of voters in each county in the district approve the question, then the district shall impose the tax. If a majority of the voters in a consolidated district do not approve the question, then no tax shall be imposed in any county of the district. In a consolidated district, if a majority of voters in a county do not approve the question, the council in the county that did not approve the question may withdraw from the district. Upon such withdrawal, the district shall be made up of the remaining counties and the tax shall be imposed in those counties. However, if the county that did not approve the question does not withdraw from the district, the tax shall not be imposed. Revenues collected from the imposition of a tax authorized under this section shall be deposited into a special fund dedicated only for use by the local district for programming purposes.

7. The county commission of any county in which the tax authorized under this section is levied and collected:

(1) Shall be exempt from the funding requirements under section 262.597 if revenue derived from the tax authorized under this section is in excess of an amount equal to two hundred percent of the average funding received under section 262.597 for the immediately preceding three years; or

(2) May reduce the current year's funding amount under section 262.597 by thirty-three percent of the amount of tax revenues derived from the tax authorized under this section which exceed the average amount of funding received under section 262.597 for the immediately preceding three years.

8. Any county that collects tax revenues authorized under this section shall transfer all attributable revenue plus monthly interest for deposit into the district's special fund. The governing body of the district shall comply with the prudent investor standard for investment fiduciaries as provided in section 105.688.

9. In any county in which a single-council district is established, and for which a tax has not been levied, the district may be dissolved in the same manner in which it was formed.

10. A county may withdraw from a consolidated district at any time by the filing of a petition with the circuit court having jurisdiction over the district. The petition shall be

signed by not fewer than ten percent of those who voted in the most recent presidential election in the county seeking to withdraw that is part of a consolidated district stating that further operation of the district is contrary to the best interest of the inhabitants of the county in which the district is located and that the county seeks to withdraw from the district. The circuit court shall hear evidence on the petition. If the court finds that it is in the best interest of the inhabitants of the county in which the district is located for the county to withdraw from the district, the court shall make an order reciting the same and submit the question to the voters. The costs of submitting the question to the voters at the general municipal election shall be paid as provided in section 115.063. The question shall be submitted in substantially the following format:

"Shall the County of ..... (insert name of county) being part of ..... (insert name of district) Extension District withdraw from the district?" The question shall be submitted at the next general municipal election date. The election returns shall be certified to the court. If the court finds that two-thirds of the voters voting on the question voted in favor of withdrawing from the district, the court shall issue an order withdrawing the county from the district, which shall contain a proviso that the district shall remain intact for the sole purposes of paying all outstanding and lawful obligations and disposing of the district's property. No additional costs or obligations for the withdrawing county shall be created except as necessary. The withdrawal shall occur on the first day of the following January after the vote. If the court finds that two-thirds of the voters voting on the question shall not have voted favorably on the question to withdraw from the district, the court shall issue an order dismissing the petition and the district shall continue to operate.

11. The governing body of any district may seek voter approval to increase its current tax rate authorized under this section, provided such increase shall not cause the total tax to exceed thirty cents per one hundred dollars of assessed valuation. To propose such an increase, the governing body shall submit the question to the voters at the general municipal election in the county in which the district is located. The costs of submitting the question to the voters at the general municipal election shall be paid as provided in section 115.063. The question shall be submitted in substantially the following form:

"Shall the Extension District in ..... (insert name of county or counties) be authorized to increase the tax rate from ..... (insert current amount of tax) cents to ..... (insert proposed amount of tax not to exceed thirty) cents per one hundred dollars of assessed valuation for the purpose of funding the University of Missouri Extension District programs, equipment, and services in the district?" In a single-council district, if a majority of the voters in the county approve the question, then the district shall impose the tax. If a majority of the voters in a single-council district do not approve the question, then the tax shall not be imposed. In a consolidated district, if a majority of voters in the district approve the question, then the district shall impose the new tax rate. If a majority of the voters in a consolidated district do not approve the question, then the tax shall not be imposed in any county of the district. Revenues collected from the imposition of the tax authorized under this section shall be deposited into the special fund dedicated only for use by the district.

267.655. CIVIL PENALTIES. — In addition to the remedies provided for in sections 267.560 to 267.660 by law, **the following civil penalties may be imposed:**

(1) If the department director determines, after inquiry and opportunity for a hearing, that any individual is in violation of any provision of sections 267.560 to 267.660, or any regulations issued thereunder, the director shall have the authority to assess a civil penalty of not more than one thousand dollars per incident. In the event that a person penalized or ordered to pay restitution under this section fails to pay the penalty or

restitution, the director may apply to the circuit court of Cole County for, and the court is authorized to enter, an order enforcing the assessed penalty or restitution;

(2) The prosecuting attorney of any county in which a violation of any provisions of sections 267.560 to 267.660 occurs or the attorney general of the state, is hereby authorized to apply to any court of competent jurisdiction for, and such court shall have jurisdiction upon hearing and for cause shown to grant a temporary or permanent injunction to restrain any person from violating any provisions of sections 267.560 to 267.660.

442.571. ALIENS NOT TO OWN AGRICULTURAL LAND — TERM OF — VIOLATION. — 1. Except as provided in sections 442.586 and 442.591, no alien or foreign business shall acquire by grant, purchase, devise, descent or otherwise agricultural land in this state **if the total aggregate alien and foreign ownership of agricultural acreage in this state exceeds one percent of the total aggregate agricultural acreage in this state. No such sale, transfer, or acquisition of any agricultural land in this state shall occur unless such sale, transfer, or acquisition is approved by the director of the department of agriculture in accordance with subsection 3 of this section**. No person may hold agricultural land as an agent, trustee, or other fiduciary for an alien or foreign business **in violation of sections 442.560 to 442.592**.

2. Any alien or foreign business who acquires agricultural land in violation of sections 442.560 to **[**442.591**]** **442.592** remains in violation of sections 442.560 to **[**442.591**]** **442.592** for as long as he **or she** holds an interest in the land.

3. All such proposed acquisitions by grant, purchase, devise, descent, or otherwise of agricultural land in this state shall be submitted to the department of agriculture to determine whether such acquisition of agricultural land is conveyed in accordance with the one percent restriction on the total aggregate alien and foreign ownership of agricultural land in this state. The department shall establish by rule the requirements for submission and approval of requests under this subsection.

4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

442.576. DUTIES OF DIRECTOR OF AGRICULTURE AND ATTORNEY GENERAL — COURT TO ORDER DIVESTITURE — WHEN TO BE ACCOMPLISHED — FAILURE. — 1. If the director finds that an alien or foreign business or an agent, trustee, or other fiduciary therefor has acquired agricultural land in Missouri **[**after August 13, 1978**]** **in violation of sections 442.560 to 442.592**, or the land ceases to be used for nonagricultural purposes under section 442.591, he **or she** shall report the violation to the attorney general.

2. The attorney general shall institute an action in the circuit court of Cole County or the circuit court in any county in which agricultural land owned by the alien or foreign business, agent, trustee or other fiduciary, alleged to have violated sections 442.560 to **[**442.591**]** **442.592**, is located.

3. The attorney general shall file a notice of the pendency of the action with the recorder of deeds of each county in which any portion of such agricultural lands is located. If the court finds that the lands in question have been acquired in violation of sections 442.560 to **[**442.591**]** **442.592**, it shall enter an order so declaring and shall file a copy of the order with the recorder of deeds of each county in which any portion of the agricultural lands is located. The court shall order the owner to divest himself of the agricultural land. The owner must comply with the order within two years. The two-year limitation period shall be a covenant running with the title to the

land against any alien grantee or assignee. Provided, however, an incorporated foreign business must divest itself of agricultural land within the minimum time required by article XI, section 5, of the Missouri Constitution. Any agricultural lands not divested within the time prescribed shall be ordered sold by the court at a public sale in the manner prescribed by law for the foreclosure of a mortgage on real estate for default in payment.

570.030. STEALING — PENALTIES. — 1. A person commits the crime of stealing if he or she appropriates property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion.

2. Evidence of the following is admissible in any criminal prosecution pursuant to this section on the issue of the requisite knowledge or belief of the alleged stealer:

(1) That he or she failed or refused to pay for property or services of a hotel, restaurant, inn or boardinghouse;

(2) That he or she gave in payment for property or services of a hotel, restaurant, inn or boardinghouse a check or negotiable paper on which payment was refused;

(3) That he or she left the hotel, restaurant, inn or boardinghouse with the intent to not pay for property or services;

(4) That he or she surreptitiously removed or attempted to remove his or her baggage from a hotel, inn or boardinghouse;

(5) That he or she, with intent to cheat or defraud a retailer, possesses, uses, utters, transfers, makes, alters, counterfeits, or reproduces a retail sales receipt, price tag, or universal price code label, or possesses with intent to cheat or defraud, the device that manufactures fraudulent receipts or universal price code labels.

3. Notwithstanding any other provision of law, any offense in which the value of property or services is an element is a class C felony if:

(1) The value of the property or services appropriated is five hundred dollars or more but less than twenty-five thousand dollars; or

(2) The actor physically takes the property appropriated from the person of the victim; or

(3) The property appropriated consists of:

(a) Any motor vehicle, watercraft or aircraft; or

(b) Any will or unrecorded deed affecting real property; or

(c) Any credit card or letter of credit; or

(d) Any firearms; or

(e) Any explosive weapon as defined in section 571.010; or

(f) A United States national flag designed, intended and used for display on buildings or stationary flagstaffs in the open; or

(g) Any original copy of an act, bill or resolution, introduced or acted upon by the legislature of the state of Missouri; or

(h) Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States; or

(i) Any book of registration or list of voters required by chapter 115; or

(j) Any animal considered livestock as that term is defined in section 144.010; or

(k) Live fish raised for commercial sale with a value of seventy-five dollars; or

(l) Captive wildlife held under permit issued by the conservation commission; or

(m) Any controlled substance as defined by section 195.010; or

(n) Anhydrous ammonia;

(o) Ammonium nitrate; or

(p) Any document of historical significance which has fair market value of five hundred dollars or more.

4. **Notwithstanding any other provision of law, stealing of any animal considered livestock, as that term is defined in section 144.010, is a class B felony if the value of the livestock exceeds ten thousand dollars.**

5. If an actor appropriates any material with a value less than five hundred dollars in violation of this section with the intent to use such material to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues, then such violation is a class C felony. The theft of any amount of anhydrous ammonia or liquid nitrogen, or any attempt to steal any amount of anhydrous ammonia or liquid nitrogen, is a class B felony. The theft of any amount of anhydrous ammonia by appropriation of a tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse) tank or field applicator is a class A felony.

[5.**] 6.** The theft of any item of property or services pursuant to subsection 3 of this section which exceeds five hundred dollars may be considered a separate felony and may be charged in separate counts.

[6.**] 7.** Any person with a prior conviction of paragraph (j) or (l) of subdivision (3) of subsection 3 of this section and who violates the provisions of paragraph (j) or (l) of subdivision (3) of subsection 3 of this section when the value of the animal or animals stolen exceeds three thousand dollars is guilty of a class B felony. Notwithstanding any provision of law to the contrary, such person shall serve a minimum prison term of not less than eighty percent of his or her sentence before he or she is eligible for probation, parole, conditional release, or other early release by the department of corrections.

[7.**] 8.** Any offense in which the value of property or services is an element is a class B felony if the value of the property or services equals or exceeds twenty-five thousand dollars.

[8.**] 9.** Any violation of this section for which no other penalty is specified in this section is a class A misdemeanor.

578.009. ANIMAL NEGLECT AND ABANDONMENT — PENALTIES. — 1. A person is guilty of animal neglect **[**when**] if** he has custody or ownership or both of an animal and fails to provide adequate care **[**or adequate control, which results in substantial harm to the animal**]**.

2. A person is guilty of abandonment **[**when**] if** he has knowingly abandoned an animal in any place without making provisions for its adequate care.

3. Animal neglect and abandonment is a class C misdemeanor upon first conviction and for each offense, punishable by imprisonment or a fine not to exceed five hundred dollars, or both, and a class B misdemeanor punishable by imprisonment or a fine not to exceed one thousand dollars, or both upon the second and all subsequent convictions. All fines and penalties for a first conviction of animal neglect or abandonment may be waived by the court provided that the person found guilty of animal neglect or abandonment shows that adequate, permanent remedies for the neglect or abandonment have been made. Reasonable costs incurred for the care and maintenance of neglected or abandoned animals may not be waived. This section shall not apply to the provisions of section 578.007 **or sections 272.010 to 272.370**.

4. In addition to any other penalty imposed by this section, the court may order a person found guilty of animal neglect or abandonment to pay all reasonable costs and expenses necessary for:

(1) The care and maintenance of neglected or abandoned animals within the person's custody or ownership;

(2) The disposal of any dead or diseased animals within the person's custody or ownership;

(3) The reduction of resulting organic debris affecting the immediate area of the neglect or abandonment; and

(4) The avoidance or minimization of any public health risks created by the neglect or abandonment of the animals.

578.011. ANIMAL TRESPASS, PENALTY. — 1. A person is guilty of animal trespass if a person having ownership or custody of an animal knowingly fails to provide adequate control for a period equal to or exceeding twelve hours.

2. Animal trespass is an infraction upon first conviction and for each offense punishable by a fine not to exceed two hundred dollars, and a class C misdemeanor

punishable by imprisonment or a fine not to exceed five hundred dollars, or both, upon the second and all subsequent convictions. All fines for a first conviction of animal trespass may be waived by the court provided that the person found guilty of animal trespass shows that adequate, permanent remedies for trespass have been made. Reasonable costs incurred for the care and maintenance of trespassing animals may not be waived. This section shall not apply to the provisions of section 578.007 or sections 272.010 to 272.370.

578.012. ANIMAL ABUSE — PENALTIES. — 1. A person is guilty of animal abuse **[**when**]** **if** a person:

(1) Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of sections 578.005 to 578.023 and 273.030;

(2) Purposely or intentionally causes injury or suffering to an animal; or

(3) Having ownership or custody of an animal knowingly fails to provide adequate care **[**or adequate control**]** **which results in substantial harm to the animal**.

2. Animal abuse is a class A misdemeanor, unless the defendant has previously **[**plead**]** **pled** guilty to or has been found guilty of animal abuse or the suffering involved in subdivision (2) of subsection 1 of this section is the result of torture or mutilation, or both, consciously inflicted while the animal was alive, in which case it is a class D felony.

Vetoed July 2, 2013
Overridden September 11, 2013

SB 110 [HCS SB 110]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Establishes procedures to follow in child custody and visitation cases for military personnel

AN ACT to repeal sections 210.482 and 210.487, RSMo, and to enact in lieu thereof three new sections relating to custody and visitation for military personnel.

SECTION
A. Enacting clause.
210.482. Background checks for emergency placements, requirements, exceptions — cost, paid by whom.
210.487. Background checks for foster families, requirements — costs, paid by whom — rulemaking authority.
452.413. Military deployment, child custody and visitation, effect of — nondeploying parent requirements — procedure — failure to comply, effect of.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 210.482 and 210.487, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 210.482, 210.487 and 452.413, to read as follows:

210.482. BACKGROUND CHECKS FOR EMERGENCY PLACEMENTS, REQUIREMENTS, EXCEPTIONS — COST, PAID BY WHOM. — 1. If the emergency placement of a child in a private home is necessary due to the unexpected absence of the child's parents, legal guardian, or custodian, the juvenile court or children's division:

(1) May request that a local or state law enforcement agency or juvenile officer, subject to any required federal authorization, immediately conduct a name-based criminal history record check to include full orders of protection and outstanding warrants of each person over the age of seventeen residing in the home by using the Missouri uniform law enforcement system (MULES) and the National Crime Information Center to access the Interstate Identification Index maintained by the Federal Bureau of Investigation; and

(2) Shall determine or, in the case of the juvenile court, shall request the division to determine whether any person over the age of seventeen years residing in the home is listed on the child abuse and neglect registry. For any children less than seventeen years of age residing in the home, the children's division shall inquire of the person with whom an emergency placement of a child will be made whether any children less than seventeen years of age residing in the home have ever been certified as an adult and convicted of or pled guilty or nolo contendere to any crime.

2. If a name-based search has been conducted pursuant to subsection 1 of this section, within fifteen calendar days after the emergency placement of the child in the private home, and if the private home has not previously been approved as a foster or adoptive home, all persons over the age of seventeen residing in the home and all children less than seventeen residing in the home who the division has determined have been certified as an adult for the commission of a crime shall report to a local law enforcement agency for the purpose of providing **[**two**]** **three** sets of fingerprints each and accompanying fees, pursuant to section 43.530. One set of fingerprints shall be used by the highway patrol to search the criminal history repository **[**and the second**], one** set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files**, and one set shall be forwarded to and retained by the division**. Results of the checks **[**will**] shall** be provided to the juvenile court or children's division office requesting such information. Any child placed in emergency placement in a private home shall be removed immediately if any person residing in the home fails to provide fingerprints after being requested to do so, unless the person refusing to provide fingerprints ceases to reside in the private home.

3. If the placement of a child is denied as a result of a name-based criminal history check and the denial is contested, all persons over the age of seventeen residing in the home and all children less than seventeen years of age residing in the home who the division has determined have been certified as an adult for the commission of a crime shall, within fifteen calendar days, submit to the juvenile court or the children's division **[**two**] three** sets of fingerprints in the same manner described in subsection 2 of this section, accompanying fees, and written permission authorizing the juvenile court or the children's division to forward the fingerprints to the state criminal record repository for submission to the Federal Bureau of Investigation. One set of fingerprints shall be used by the highway patrol to search the criminal history repository **[**and the second**], one** set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files**, and one set shall be retained by the division**.

4. **No person who submits fingerprints under this section shall be required to submit additional fingerprints under this section or section 210.487 unless the original fingerprints retained by the division are lost or destroyed.**

5. Subject to appropriation, the total cost of fingerprinting required by this section may be paid by the state, including reimbursement of persons incurring fingerprinting costs under this section.

[5.**] 6.** For the purposes of this section, "emergency placement" refers to those limited instances when the juvenile court or children's division is placing a child in the home of private individuals, including neighbors, friends, or relatives, as a result of a sudden unavailability of the child's primary caretaker.

210.487. BACKGROUND CHECKS FOR FOSTER FAMILIES, REQUIREMENTS — COSTS, PAID BY WHOM — RULEMAKING AUTHORITY. — 1. When conducting investigations of persons for the purpose of foster parent licensing, the division shall:

(1) Conduct a search for all persons over the age of seventeen in the applicant's household and for any child less than seventeen years of age residing in the applicant's home who the division has determined has been certified as an adult for the commission of a crime for evidence of full orders of protection. The office of state courts administrator shall allow access to the automated court information system by the division. The clerk of each court contacted by the division shall provide the division information within ten days of a request; and

(2) Obtain **[**two**]** **three** sets of fingerprints for any person over the age of seventeen in the applicant's household and for any child less than seventeen years of age residing in the applicant's home who the division has determined has been certified as an adult for the commission of a crime in the same manner set forth in subsection 2 of section 210.482. One set of fingerprints shall be used by the highway patrol to search the criminal history repository **[**and the second**],** **one** set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files**, and one set shall be forwarded to and retained by the division**. The highway patrol shall assist the division and provide the criminal fingerprint background information, upon request; and

(3) Determine whether any person over the age of seventeen residing in the home and any child less than seventeen years of age residing in the applicant's home who the division has determined has been certified as an adult for the commission of a crime is listed on the child abuse and neglect registry. For any children less than seventeen years of age residing in the applicant's home, the children's division shall inquire of the applicant whether any children less than seventeen years of age residing in the home have ever been certified as an adult and been convicted of or pled guilty or nolo contendere to any crime.

2. After the initial investigation is completed under subsection 1 of this section**[**,**]:**

(1) No person who submits fingerprints under subsection 1 of this section or section 210.482 shall be required to submit additional fingerprints under this section or section 210.482 unless the original fingerprints retained by the division are lost or destroyed; and

(2) The children's division and the department of health and senior services may waive the requirement for a fingerprint background check for any subsequent recertification.

3. Subject to appropriation, the total cost of fingerprinting required by this section may be paid by the state, including reimbursement of persons incurring fingerprinting costs under this section.

4. The division may make arrangements with other executive branch agencies to obtain any investigative background information.

5. The division may promulgate rules that are necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

452.413. MILITARY DEPLOYMENT, CHILD CUSTODY AND VISITATION, EFFECT OF — NONDEPLOYING PARENT REQUIREMENTS — PROCEDURE — FAILURE TO COMPLY, EFFECT OF. — 1. As used in this section, the following terms shall mean:

(1) "Deploying parent", a parent of a child less than eighteen years of age whose parental rights have not been terminated by a court of competent jurisdiction or a guardian of a child less than eighteen years of age who is deployed or who has received

written orders to deploy with the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or any other reserve component thereof;

(2) "Deployment", military service in compliance with military orders received by a member of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or any other reserve component thereof to report for combat operations, contingency operations, peacekeeping operations, temporary duty (TDY), a remote tour of duty, or other service for which the deploying parent is required to report unaccompanied by any family member. Military service includes a period during which a military parent remains subject to deployment orders and remains deployed on account of sickness, wounds, leave, or other lawful cause;

(3) "Military parent", a parent of a child less than eighteen years of age whose parental rights have not been terminated by a court of competent jurisdiction or a guardian of a child less than eighteen years of age who is a service member of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or any other reserve component thereof;

(4) "Nondeploying parent", a parent or guardian not subject to deployment.

2. If a military parent is required to be separated from a child due to deployment, a court shall not enter a final order modifying the terms establishing custody or visitation contained in an existing order until ninety days after the deployment ends unless there is a written agreement by both parties.

3. In accordance with section 452.412, deployment or the potential for future deployment shall not be the sole factor supporting a change in circumstances or grounds sufficient to support a permanent modification of the custody or visitation terms established in an existing order.

4. (1) An existing order establishing the terms of custody or visitation in place at the time a military parent is deployed may be temporarily modified to make reasonable accommodation for the parties due to the deployment.

(2) A temporary modification order issued under this section shall provide that the deploying parent shall have custody of the child or reasonable visitation, whichever is applicable under the original order, during a period of leave granted to the deploying parent, unless it is not in the best interest of the child.

(3) Any court order modifying a previously ordered custody or visitation due to deployment shall specify that the deployment is the basis for the order and shall be entered by the court as a temporary order.

(4) Any such temporary custody or visitation order shall require the nondeploying parent to provide the court and the deploying parent with written notice of the nondeploying parent's address and telephone number, and update such information within seven days of any change. However, if a valid order of protection under chapter 455 from this or another jurisdiction is in effect that requires that the address or contact information of the parent who is not deployed be kept confidential, the notification shall be made to the court only, and a copy of the order shall be included in the notification. Nothing in this subdivision shall be construed to eliminate the requirements under section 452.377.

(5) Upon motion of a deploying parent, with reasonable advance notice and for good cause shown, the court shall hold an expedited hearing in any custody or visitation matters instituted under this section when the military duties of the deploying parent have a material effect on his or her ability or anticipated ability to appear in person at a regularly scheduled hearing.

5. (1) A temporary modification of such an order automatically ends no later than thirty days after the return of the deploying parent and the original terms of the custody or visitation order in place at the time of deployment are automatically reinstated.

(2) Nothing in this section shall limit the power of the court to conduct an expedited or emergency hearing regarding custody or visitation upon return of the deploying parent, and the court shall do so within ten days of the filing of a motion alleging an immediate danger or irreparable harm to the child.

(3) The nondeploying parent shall bear the burden of showing that reentry of the custody or visitation order in effect before the deployment is no longer in the child's best interests. The court shall set any nonemergency motion by the nondeploying parent for hearing within thirty days of the filing of the motion.

6. (1) Upon motion of the deploying parent or upon motion of a family member of the deploying parent with his or her consent, the court may delegate his or her visitation rights, or a portion of such rights, to a family member with a close and substantial relationship to the minor child or children for the duration of the deployment if it is in the best interest of the child.

(2) Such delegated visitation time or access does not create an entitlement or standing to assert separate rights to parent time or access for any person other than a parent, and shall terminate by operation of law upon the end of the deployment, as set forth in this section.

(3) Such delegated visitation time shall not exceed the visitation time granted to the deploying parent under the existing order; except that, the court may take into consideration the travel time necessary to transport the child for such delegated visitation time.

(4) In addition, there is a rebuttable presumption that a deployed parent's visitation rights shall not be delegated to a family member who has a history of perpetrating domestic violence as defined under section 455.010 against another family or household member, or delegated to a family member with an individual in the family member's household who has a history of perpetrating domestic violence against another family or household member.

(5) The person or persons to whom delegated visitation time has been granted shall have full legal standing to enforce such rights.

7. Upon motion of a deploying parent and upon reasonable advance notice and for good cause shown, the court shall permit such parent to present testimony and evidence by affidavit or electronic means in support, custody, and visitation matters instituted under this section when the military duties of such parent have a material effect on his or her ability to appear in person at a regularly scheduled hearing. Electronic means includes communication by telephone, video conference, or the internet.

8. Any order entered under this section shall require that the nondeploying parent:

(1) Make the child or children reasonably available to the deploying parent when the deploying parent has leave;

(2) Facilitate opportunities for telephonic and electronic mail contact between the deploying parent and the child or children during deployment; and

(3) Receive timely information regarding the deploying parent's leave schedule.

9. (1) If there is no existing order establishing the terms of custody and visitation and it appears that deployment is imminent, upon the filing of initial pleadings and motion by either parent, the court shall expedite a hearing to establish temporary custody or visitation to ensure the deploying parent has access to the child, to ensure disclosure of information, to grant other rights and duties set forth in this section, and to provide other appropriate relief.

(2) Any initial pleading filed to establish custody or visitation for a child of a deploying parent shall be so identified at the time of filing by stating in the text of the pleading the specific facts related to deployment.

10. (1) Since military necessity may preclude court adjudication before deployment, the parties shall cooperate with each other in an effort to reach a mutually agreeable resolution of custody, visitation, and child support.

(2) A deploying parent shall provide a copy of his or her orders to the nondeploying parent promptly and without delay prior to deployment. Notification shall be made within ten days of receipt of deployment orders. If less than ten days notice is received by the deploying parent, notice shall be given immediately upon receipt of military orders. If all or part of the orders are classified or restricted as to release, the deploying parent shall provide, under the terms of this subdivision, all such nonclassified or nonrestricted information to the nondeploying parent.

11. In an action brought under this chapter, whenever the court declines to grant or extend a stay of proceedings under the Servicemembers Civil Relief Act, 50 U.S.C. Appendix Sections 521-522, and decides to proceed in the absence of the deployed parent, the court shall appoint a guardian ad litem to represent the minor child's interests.

12. Service of process on a nondeploying parent whose whereabouts are unknown may be accomplished in accordance with the provisions of section 506.160.

13. In determining whether a parent has failed to exercise visitation rights, the court shall not count any time periods during which the parent did not exercise visitation due to the material effect of such parent's military duties on visitation time.

14. Once an order for custody has been entered in Missouri, any absence of a child from this state during deployment shall be denominated a temporary absence for the purposes of application of the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA). For the duration of the deployment, Missouri shall retain exclusive jurisdiction under the UCCJEA and deployment shall not be used as a basis to assert inconvenience of the forum under the UCCJEA.

15. In making determinations under this section, the court may award attorney's fees and costs based on the court's consideration of:

(1) The failure of either party to reasonably accommodate the other party in custody or visitation matters related to a military parent's service;

(2) Unreasonable delay caused by either party in resolving custody or visitation related to a military parent's service;

(3) Failure of either party to timely provide military orders, income, earnings, or payment information, housing or education information, or physical location of the child to the other party; and

(4) Other factors as the court may consider appropriate and as may be required by law.

Vetoed July 3, 2013
Overridden September 11, 2013

SB 129 [SS SCS SB 129]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Establishes the Volunteer Health Services Act to allow for licensed health care professionals to provide volunteer services for a sponsoring organization

AN ACT to amend chapter 191, RSMo, by adding thereto six new sections relating to volunteer health services.

SECTION
A. Enacting clause.
191.1100. Citation of law — definitions.
191.1102. Additional licensure not required, when — inapplicability.
191.1104. Display of license or certificate, how satisfied.
191.1106. Registration with department required, fee, contents — quarterly reports — list of providers — recordkeeping requirements — rulemaking authority.
191.1110. Immunity from liability, when — no compensation to be received — certain military personnel deemed licensed.
191.1112. Volunteer crisis response teams — definitions — immunity from liability, inapplicability of.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Chapter 191, RSMo, is amended by adding thereto six new sections, to be known as sections 191.1100, 191.1102, 191.1104, 191.1106, 191.1110, and 191.1112, to read as follows:

191.1100. CITATION OF LAW — DEFINITIONS. — 1. Sections 191.1100 to 191.1112 shall be known and may be cited as the "Volunteer Health Services Act".

2. As used in sections 191.1100 to 191.1112, the following terms shall mean:

(1) "Gross deviation", a conscious disregard of the safety of others;

(2) "Health care provider", any physician, surgeon, dentist, nurse, optometrist, mental health professional licensed under chapter 337, veterinarian, or other practitioner of a health care discipline, the professional practice of which requires licensure or certification under state law or under comparable laws of another state, territory, district, or possession of the United States;

(3) "Licensed health care provider", any health care provider holding a current license or certificate issued under:

(a) Missouri state law;

(b) Comparable laws of another state, territory, district, or possession of the United States;

(4) "Regularly practice", to practice more than sixty days within any ninety-day period;

(5) "Sponsoring organization", any organization that organizes or arranges for the voluntary provision of health care services and registers with the department of health and senior services as a sponsoring organization in accordance with section 191.1106;

(6) "Voluntary provision of health care services", the providing of professional health care services by a health care provider without charge to a recipient of the services or a third party. The provision of such health care services under sections 191.1100 to 191.1112 shall be the provider's professional practice area in which the provider is licensed or certified.

191.1102. ADDITIONAL LICENSURE NOT REQUIRED, WHEN — INAPPLICABILITY. — 1. Notwithstanding any provision of law to the contrary, no additional license or certificate otherwise required by state law is necessary for the voluntary provision of health care services by any person who:

(1) Is a licensed health care provider;

(2) Lawfully practices under an exception to the licensure or certification requirements of any state, territory, district, or possession of the United States; provided that the person does not and will not regularly practice in the state of Missouri.

2. The provisions of subsection 1 of this section shall not apply to:

(1) Any person whose license or certificate is suspended or revoked under disciplinary proceedings in any jurisdiction; or

(2) A licensed health care provider who renders services outside the scope of practice authorized by the provider's licensure, certification, or exception to such licensure or certification.

191.1104. DISPLAY OF LICENSE OR CERTIFICATE, HOW SATISFIED. — With regard to a person who voluntarily provides health care services and who is covered by the provisions of subsection 1 of section 191.1102, all requirements regarding display of a license or certificate shall be satisfied by the presentation for inspection, upon request, of a photocopy of the applicable license, certificate, or statement of exemption.

191.1106. REGISTRATION WITH DEPARTMENT REQUIRED, FEE, CONTENTS — QUARTERLY REPORTS — LIST OF PROVIDERS — RECORDKEEPING REQUIREMENTS — RULEMAKING AUTHORITY. — 1. Before providing volunteer health care services in this state, a sponsoring organization shall register with the department of health and senior services by submitting a registration fee of fifty dollars and filing a registration form. The registration and fee shall be submitted annually to the department with the fee to be used for the administration of sections 191.1100 to 191.1112. Such registration form shall contain:

(1) The name of the sponsoring organization;

(2) The name of the principal individual or individuals who are the officers or organization's officials responsible for the operation of the sponsoring organization;

(3) The address, including street, city, zip code, and county, of the sponsoring organization's principal office address and the same address information for each principal or official listed in subdivision (2) of this subsection;

(4) Telephone numbers for the principal office of the sponsoring agency and each principal or official listed in subdivision (2) of this subsection; and

(5) Such additional information as the department shall require. Upon any change in the information required under this subsection, the sponsoring organization shall notify the department in writing of such change within thirty days of its occurrence.

2. The sponsoring organization shall file a quarterly voluntary services report with the department during the current quarter that lists all licensed health care providers who provided voluntary health care services during the preceding quarter. The sponsoring organization shall maintain on file for five years following the date of service additional information, including the date, place, and type of services provided.

3. Each sponsoring organization shall maintain a list of health care providers associated with its provision of voluntary health care services. For each such health care provider, the organization shall maintain a copy of a current license, certificate, or statement of exemption from licensure or certification, or in the event that the health care provider is currently licensed in the state of Missouri, a copy of the health care provider's license verification obtained from a state-sponsored website, if available.

4. The sponsoring organization shall maintain such records for a period of at least five years following the provision of health care services and shall furnish such records upon request to any regulatory board of any healing arts profession established under state law.

5. Compliance with subsections 1 and 2 of this section shall be prima facie evidence that the sponsoring organization has exercised due care in its selection of health care providers.

6. The department may revoke the registration of any sponsoring organization that fails to comply with the requirements of this section.

7. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable,

section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

8. Nothing in the volunteer health services act shall require a health care provider or organization providing health care services without charge to register with the department and receive the liability protection under sections 191.1100 to 191.1112.

191.1110. IMMUNITY FROM LIABILITY, WHEN — NO COMPENSATION TO BE RECEIVED — CERTAIN MILITARY PERSONNEL DEEMED LICENSED. — 1. (1) No licensed health care provider who engages in the voluntary provision of health care services within the limits of the person's license, certificate, or authorization to any patient of a sponsoring organization shall be liable for any civil damages for any act or omission resulting from the rendering of such services, unless the act or omission was the result of such person's gross deviation from the ordinary standard of care or willful misconduct.

(2) The volunteer licensee who is providing free care shall not receive compensation of any type, directly or indirectly, or any benefits of any type whatsoever, or any consideration of any nature, from any person for the free care. Nor shall such service be a part of the provider's training or assignment.

(3) The volunteer licensee shall be acting within the scope of such license, certification, or authority.

(4) A health care licensee providing free health care shall not engage in activities at a clinic, or at the health care licensee's office, if the activities are performed on behalf of the sponsoring organization, unless such activities are authorized by the appropriate authorities to be performed at the clinic or office and the clinic or office is in compliance with all applicable regulations.

2. For purposes of this section, any commissioned or contract medical officer or dentist serving on active duty in the United States Armed Forces and assigned to duty as a practicing, commissioned, or contract medical officer or dentist at any military hospital or medical facility owned and operated by the United States government shall be deemed to be licensed.

191.1112. VOLUNTEER CRISIS RESPONSE TEAMS — DEFINITIONS — IMMUNITY FROM LIABILITY, INAPPLICABILITY OF. — 1. For purposes of this section, the following terms shall mean:

(1) "Crisis intervention", a session at which crisis response services are rendered by a critical incident stress management team member or qualified mental health professional during or after a crisis or disaster;

(2) "Crisis response services", consultation, risk assessment, referral, and crisis intervention services provided by a critical incident stress management team or qualified mental health professional or paraprofessional trained within the Federal Emergency Management Agency (FEMA) Crisis Counseling Program or in psychological first aid to individuals affected by crisis or disaster;

(3) "Critical incident stress management team member" or "team member", an individual specially trained to provide crisis response services as a member of an organized community or local crisis response team that holds membership in a registered critical incident stress management team;

(4) "Registered team", a team formally registered with a recognized training agency. For purposes of this section, a recognized training agency shall include the International Critical Incident Stress Foundation, the National Organization for Victim Assistance, the

National Red Cross, the Missouri department of mental health, and other such organizations;

(5) "Training session", a session providing crisis response training by a qualified trainer utilizing the standards established by the accrediting agencies set out in subdivision (4) of this subsection;

(6) "Volunteer", a person who serves and receives no remuneration for services except reimbursement for actual expenses.

2. (1) Any volunteer crisis response team member who participates in a crisis intervention shall not be liable in tort for any personal injuries or infliction of emotional distress of any participant to the crisis intervention that is caused by the act or omission of a crisis response team member during the course of a crisis intervention.

(2) No volunteer crisis response team member who participates in a crisis intervention conducted within generally accepted protocols of a registered team, as defined by a nationally recognized accrediting agency, shall be liable for any civil damages for any act or omission resulting from the rendering of such services, unless the act or omission was the result of such person's gross deviation from the ordinary standard of care or willful misconduct.

(3) Subdivision (1) of this subsection shall not apply unless the intervention or training is conducted within generally accepted protocols of a registered team, as defined by a nationally recognized accrediting agency.

3. The tort immunity in subsection 2 of this section shall not apply if:

(1) The team member acted with actual malice or willful intent to injure the subject;

(2) The team member acted outside the scope of assigned duties;

(3) The team member acted without team coordination and dispatch;

(4) The action involved the commission of a crime;

(5) The action involved sexual harassment, or sexual or physical abuse;

(6) The actions involved any form of moral turpitude or moral misconduct; or

(7) If damages resulted from gross deviation from the ordinary standard of care or willful misconduct.

Vetoed July 3, 2013
Overridden September 11, 2013

SB 170 [SB 170]

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Allows members of public governmental bodies to cast roll call votes in a meeting if the member is participating via videoconferencing

AN ACT to repeal section 610.015, RSMo, and to enact in lieu thereof one new section relating to participation by members of public governmental bodies in roll call votes.

SECTION
A. Enacting clause.
610.015. Votes, how taken.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Section 610.015, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 610.015, to read as follows:

610.015. VOTES, HOW TAKEN. — Except as provided in section 610.021, rules authorized pursuant to article III of the Missouri Constitution and as otherwise provided by law, all votes shall be recorded, and if a roll call is taken, as to attribute each "yea" and "nay" vote, or abstinence if not voting, to the name of the individual member of the public governmental body. Any votes taken during a closed meeting shall be taken by roll call. All public meetings shall be open to the public and public votes and public records shall be open to the public for inspection and duplication. All votes taken by roll call in meetings of a public governmental body consisting of members who are all elected, except for the Missouri general assembly and any committee established by a public governmental body, shall be cast by members of the public governmental body who are physically present and in attendance at the meeting **or who are participating via videoconferencing**. When it is necessary to take votes by roll call in a meeting of the public governmental body, due to an emergency of the public body, with a quorum of the members of the public body physically present and in attendance and less than a quorum of the members of the public governmental body participating via telephone, facsimile, Internet, or any other voice or electronic means, the nature of the emergency of the public body justifying that departure from the normal requirements shall be stated in the minutes. Where such emergency exists, the votes taken shall be regarded as if all members were physically present and in attendance at the meeting.

Vetoed July 2, 2013
Overridden September 11, 2013

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PROPOSED AMENDMENTS TO THE CONSTITUTION OF MISSOURI

HJR's 11 & 7 [CCS #2 SS HCS HJR's 11 & 7]

Proposes a constitutional amendment affirming the right of farmers and ranchers to engage in modern farming and ranching practices

CONSTITUTIONAL AMENDMENT NO. 1.— (Proposed by the 97th General Assembly, First Regular Session, HJRs 11 & 7)

Official Ballot Title:

Shall the Missouri Constitution be amended to ensure that the right of Missouri citizens to engage in agricultural production and ranching practices shall not be infringed?

The potential costs or savings to governmental entities are unknown, but likely limited unless the resolution leads to increased litigation costs and/or the loss of federal funding.

Fair Ballot Language:

A "yes" vote will amend the Missouri Constitution to guarantee the rights of Missourians to engage in farming and ranching practices, subject to any power given to local government under Article VI of the Missouri Constitution.

A "no" vote will not amend the Missouri Constitution regarding farming and ranching.

If passed, this measure will have no impact on taxes.

JOINT RESOLUTION Submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, and adopting one new section relating to the right to farm.

SECTION
A. Enacting clause.
35. Right to farm.
B. Ballot title.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2014, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article I of the Constitution of the state of Missouri:

SECTION A. ENACTING CLAUSE. — Article I, Constitution of Missouri, is amended by adding thereto one new section, to be known as section 35, to read as follows:

SECTION 35. RIGHT TO FARM. — That agriculture which provides food, energy, health benefits, and security is the foundation and stabilizing force of Missouri's economy. To protect this vital sector of Missouri's economy, the right of farmers and ranchers to engage in farming and ranching practices shall be forever guaranteed in this state, subject to duly authorized powers, if any, conferred by article VI of the Constitution of Missouri.

SECTION B. BALLOT TITLE. — Pursuant to Chapter 116, RSMo, and other applicable constitutional provisions and laws of this state allowing the general assembly to adopt ballot language for the submission of a joint resolution to the voters of this state, the official ballot title of the amendment proposed in Section A shall be as follows:

"Shall the Missouri Constitution be amended to ensure that the right of Missouri citizens to engage in agricultural production and ranching practices shall not be infringed?"

HJR 16 [SCS HJR 16]

Proposes a constitutional amendment allowing relevant evidence of prior criminal acts to be admissible in prosecutions for crimes of a sexual nature involving a victim under eighteen years of age

CONSTITUTIONAL AMENDMENT NO. 2. — (Proposed by the 97th General Assembly, First Regular Session, HJR 16)

Official Ballot Title:

Shall the Missouri Constitution be amended so that it will be permissible to allow relevant evidence of prior criminal acts to be admissible in prosecutions for crimes of a sexual nature involving a victim under eighteen years of age?

If more resources are needed to defend increased prosecutions additional costs to governmental entities could be at least $1.4 million annually, otherwise the fiscal impact is expected to be limited.

Fair Ballot Language:

A "yes" vote will amend the Missouri Constitution to allow evidence of prior criminal acts, whether charged or uncharged, to be considered by courts in prosecutions of sexual crimes that involve a victim under eighteen years of age. The amendment limits the use of such prior acts to support the victim's testimony or show that the person charged is more likely to commit the crime. Further, the judge may exclude such prior acts if the value of considering them is substantially outweighed by the possibility of unfair prejudice to the person charged with committing the crime.

A "no" vote will not amend the Missouri Constitution regarding the use of evidence of prior criminal acts to prosecute sexual crimes.

If passed, this measure will have no impact on taxes.

JOINT RESOLUTION Submitting to the qualified voters of Missouri an amendment to article I of the Constitution of Missouri, and adopting one new section relating to admissibility of evidence.

SECTION
A. Enacting clause.
18(c). Admissibility of evidence.
B. Ballot title.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2014, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article I of the Constitution of the state of Missouri:

SECTION A. ENACTING CLAUSE. — Article I, Constitution of Missouri, is amended by adding one new section, to be known as section 18(c), to read as follows:

SECTION 18(C). ADMISSIBILITY OF EVIDENCE. — Notwithstanding the provisions of sections 17 and 18(a) of this article to the contrary, in prosecutions for crimes of a sexual nature involving a victim under eighteen years of age, relevant evidence of prior criminal acts, whether charged or uncharged, is admissible for the purpose of corroborating the victim's testimony or demonstrating the defendant's propensity to commit the crime with which he or she is presently charged. The court may exclude relevant evidence of prior criminal acts if the probative value of the evidence is substantially outweighed by the danger of unfair prejudice.

SECTION B. BALLOT TITLE. — The official ballot title for section A of this act shall read as follows:

"Shall the Missouri Constitution be amended so that it will be permissible to allow relevant evidence of prior criminal acts to be admissible in prosecutions for crimes of a sexual nature involving a victim under eighteen years of age?"

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HOUSE CONCURRENT RESOLUTION NO. 1 [HCR 1]

BE IT RESOLVED, by the House of Representatives of the Ninety-seventh General Assembly, First Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 7:00 p.m., Monday, January 28, 2013, to receive a message from His Excellency, the Honorable Jeremiah W. (Jay) Nixon, Governor of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Governor of the State of Missouri and inform His Excellency that the House of Representatives and Senate of the Ninety-seventh General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

HOUSE CONCURRENT RESOLUTION NO. 2 [HCR 2]

BE IT RESOLVED, by the House of Representatives of the Ninety-seventh General Assembly, First Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 10:30 a.m., Wednesday, January 23, 2013, to receive a message from the Honorable Richard B. (Rick) Teitelman, Chief Justice of the Supreme Court of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Chief Justice of the Supreme Court of the State of Missouri and inform His Honor that the House of Representatives and the Senate of the Ninety-seventh General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that His Honor may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

HOUSE CONCURRENT RESOLUTION NO. 5 [HCR 5]

WHEREAS, the people of the State of Missouri have great admiration and the utmost gratitude for all the men and women who have selflessly served their country and this state in the Armed Forces; and

WHEREAS, veterans have paid the high price for freedom by leaving their families and communities and placing themselves in harm's way for the good of all; and

WHEREAS, the contributions and sacrifices of the men and women from the State of Missouri who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our citizens; and

WHEREAS, many men and women have given their lives while serving in the Armed Forces; and

WHEREAS, many citizens of our state have earned the Purple Heart Medal, as a result of being wounded while engaged in combat with an enemy force, recognized as a singularly meritorious act of essential service:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-seventh General Assembly, First Regular Session, the Senate concurring therein, hereby designate the State of Missouri as a Purple Heart State, honoring the service and sacrifice of our nation's men and women in uniform wounded or killed by the enemy while serving to protect the freedoms enjoyed by all Americans.

HOUSE CONCURRENT RESOLUTION NO. 7 [HCR 7]

WHEREAS, the State of Missouri has a rich and complex history; and

WHEREAS, the lives of Missourians are enriched by a broad and deep understanding of that history; and

WHEREAS, the State of Missouri was formally admitted into the Union of the United States of America on August 10,1821; and

WHEREAS, the year 2021 marks the bicentennial of the State of Missouri's admission into the Union; and

WHEREAS, commemorative events drawing attention to the passage of historical milestones offer significant opportunities for generating interest in documenting and celebrating the exceptionalism of a state's history; and

WHEREAS, the Missouri General Assembly, through Chapter 183 of the Revised Statutes of Missouri, authorized the State Historical Society of Missouri to act as a "trustee" of the state's history; and

WHEREAS, the State Historical Society of Missouri is responsible for collecting, preserving and sharing the materials for the study of the history of Missouri and the heritage of Missourians; and

WHEREAS, since its creation in 1898, the State Historical Society of Missouri has become the premier institution for the study and celebration of Missouri state and local history and aspires to build the Center for Missouri Studies; and

WHEREAS, statewide commemorations require significant preparation and planning over multiple years:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-seventh General Assembly, First Regular Session, the Senate concurring therein, hereby direct the State Historical Society of Missouri to develop plans, ideas and proposals to commemorate and celebrate the State of Missouri's bicentennial; and

BE IT FURTHER RESOLVED that the State Historical Society of Missouri ready itself to provide guidance and direction to a statewide effort to promote and celebrate the State of Missouri's rich and complex history through and beyond a bicentennial celebration in the year 2021; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the State Historical Society of Missouri.

HOUSE CONCURRENT RESOLUTION NO. 16 [HCR 16]

WHEREAS, women have served honorably and with courage in all of America's wars and conflicts since the American Revolution; and

WHEREAS, the United States military has evolved from a predominantly male force to a force of over 14% women who are currently serving on active duty, and nearly 17% serving in the Reserves and National Guard; and

WHEREAS, the population of women veterans is increasing exponentially from 1.1 million in 1980 to a projection of nearly 2 million by 2020, and will comprise more than 10% of the veteran population; and

WHEREAS, the projected population of male veterans is expected to continue to decline; and

WHEREAS, given that an unprecedented number of women are serving in the military and participating in Operation Enduring Freedom and Operation Iraqi Freedom, the United States Department of Veterans Affairs (VA) is working to provide consistent, comprehensive, and quality health care and benefits to women veterans of all eras; and

WHEREAS, the number of women veterans has increased over the last decade because there is an increasing number and proportion of women who are entering and leaving the military, and women are living longer than men and have a younger age distribution compared to male veterans; and

WHEREAS, even though the VA has been at the forefront of health care and lifestyle solutions affecting an aging male population, there is now a growing need to improve health care services for women veterans, ensure clinicians are properly trained to provide primary care and gender specific care to women of all ages, and identify innovative courses of treatment and solutions to obstacles that are unique to women veterans; and

WHEREAS, with a rapidly increasing number of women serving in the military today and returning from deployments as seasoned veterans, and some with exposure to combat, VA facilities and veterans service organizations are working to ensure that the post-deployment mental and physical health needs unique to women veterans are also met; and

WHEREAS, even though the roles of women in the military have changed over time and will continue to change, they deserve to be acknowledge for their military service and treated with equal respect:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninety-seventh General Assembly, First Regular Session, the Senate concurring therein, hereby encourages the Missouri Veterans Commission and its women veterans state coordinator to work in conjunction with the National Foundation for Women Legislators and the Center for Women Veterans at the United States Department of Veterans Affairs to reach out to all women veterans within the State of Missouri to encourage them to bring their specific needs and concerns to the attention of agency officials so that state legislators and agency officials may work together to identify unique issues impacting women veterans and consider policy solutions that will improve the quality of life for women veterans within this state; and

BE IT FURTHER RESOLVED that the Missouri General Assembly formally honors all of the women in this state who have heroically answered their call to duty and recognizes the important role women have played in shaping this great nation; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Missouri Veterans Commission.

HOUSE CONCURRENT RESOLUTION NO. 19 [HCR 19]

WHEREAS, the United States relies - and will continue to rely for many years - on gasoline, diesel, and jet fuel, as well as renewable and alternative sources of energy; and

WHEREAS, in order to fuel our economy, the United States will need more oil and natural gas while also requiring additional alternative energy sources; and

WHEREAS, the United States accounts for 20% of world energy consumption and is the world's largest petroleum consumer. The United States consumes more than 15 million barrels of oil each day, with forecast suggesting that this will not change for decades; and

WHEREAS, even with new technology, oil discoveries, alternative fuels, and conservation efforts, the United States will remain dependent on imported energy for decades to come. A secure supply of crude oil is not only needed for Americans to continue to heat their homes, cook their food, and drive their vehicles, but to allow the United States economy to thrive and grow free from the potential threats and disruptions of crude oil supply from less secure parts of the world; and

WHEREAS, the growing production of conflict-free oil from Canada's oil sands and the Bakken formation in Saskatchewan, Montana, North Dakota, and South Dakota can replace crude imported from countries that do not share American values, but additional pipeline capacity to refineries in the United States Midwest and Gulf Coast is required; and

WHEREAS, increasing energy imports from Canada makes sense for the United States. Canada is a trusted neighbor with a stable democratic government, strong environmental standards equal to that of the United States, and some of the most stringent human rights and worker protection laws in the world; and

WHEREAS, improvements in production technology have reduced the carbon footprint of Canadian oil sands development by 26% on a per barrel basis since 1990. Oil sands production accounts for 6.9% of Canada's greenhouse gas (GHG) emissions and 0.1% (1/100th) of global GHG emissions. Total emissions from Canada's oil sands sector was 48 megatons in 2010, equivalent to 0.5% of United States GHG emissions. Oil sands crude has similar CO2 emissions to other heavy oils and is 6% more carbon-intensive than the average crude refined in the United States on a wells-to-wheels basis; and

WHEREAS, the 57 refineries in the Gulf Coast region provide a total refining capacity of approximately 8.7 million barrels per day (bpd), or half of United States refining capacity. In 2011, these refineries imported approximately 5 million bpd of crude oil from more than 30 countries, with the top four suppliers being Mexico (22%), Saudi Arabia (17%), Venezuela (16%), and Nigeria (9%). Imports from Mexico and Venezuela are declining as production from those countries decreases and supply contracts expire. Once completed, TransCanada's Keystone XL Pipeline and Gulf Coast Expansion projects could displace roughly 40% of the oil the United States currently imports from the Persian Gulf and Venezuela; and

WHEREAS, the Keystone XL Pipeline project has been subject to the most thorough public consultation process of any proposed United States pipeline, and the subject of multiple environmental impacts statements and several United States Department of State studies which

have concluded that it poses the least impact to the environment and is much safer than other modes of transporting crude oil; and

WHEREAS, the original Keystone Pipeline, which spans across the northern part of Missouri, supplies over 500,000 barrels of North American crude oil to American refiners in the Midwest. When completed, the Keystone XL Pipeline will carry 830,000 barrels of North American crude oil to American refineries in the Gulf Coast region which will make its way back to Missouri in the form of gasoline, diesel, and jet fuel; and

WHEREAS, the Keystone XL Pipeline project will create approximately 9,000 construction jobs. The Gulf Coast Expansion project is a $2.3 billion project that has created approximately 4,000 construction jobs. Combined, these projects support yet another 7,000 manufacturing jobs. 75% of the pipe used to build the Keystone XL Pipeline in the United States will come from North American mills, including half made by United States workers. Goods for the pipeline valued at approximately $800 million have already been sourced from United States manufacturers:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-seventh General Assembly, First Regular Session, the Senate concurring therein, hereby strongly:

(1) Support continued and increased development and delivery of oil derived from North American oil reserves to United States refineries;

(2) Urge the United States Congress to support continued and increased development and delivery of oil from Canada to the United States;

(3) Urge the President of the United States to support the continued and increased importation of oil derived from the Bakken formation in Montana, North Dakota, and South Dakota, as well as Canadian oil sands;

(4) Urge the United States Secretary of State to approve the newly routed pipeline application from TransCanada to reduce dependence on unstable governments, create new jobs, improve our national security, and strengthen ties with an important ally; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the President Pro Tem of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Missouri Congressional delegation.

SENATE SUBSTITUTE
HOUSE CONCURRENT RESOLUTION NO. 25 [SS HCR 25]

WHEREAS, the Interim Committee on Local Governance of the Missouri House of Representatives (the Committee) submitted a report to the Speaker of the House dated December 31, 2012; and

WHEREAS, this report contained a synopsis of the issues presented to the Committee, as well as its recommendations; and

WHEREAS, the Committee reported on the governance and taxation issues in the St. Louis Metropolitan Statistical Area (MSA); and

WHEREAS, the report details the changes in the laws that make the St. Louis area unique:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri House Ninety-Seventh General Assembly, First Regular Session, the Senate concurring therein, hereby establish the Joint Interim Committee on St. Louis Metropolitan Statistical Area Governance and Taxation (Joint Committee); and

BE IT FURTHER RESOLVED that the Joint Committee shall be composed of three majority party members to be appointed by the Speaker of the House of Representatives, two minority party members to be appointed by the Minority Leader of the House of Representatives, three majority party members to be appointed by the President Pro Tem of the Senate, and two minority party members to be appointed by the Minority Leader of the Senate; and

BE IT FURTHER RESOLVED that the Joint Committee shall interview and select an appropriate entity to conduct the independent study called for in the report and make recommendations to secure the appropriate commitments to fund the independent study at no direct cost to the state; and

BE IT FURTHER RESOLVED that the Joint Committee shall receive the independent study and, upon receipt, review the study as well as conduct a comprehensive analysis of the taxation and governance issues facing the St. Louis MSA, and make recommendations on proposed legislation for the 2014 legislative session; and

BE IT FURTHER RESOLVED that if this Joint Committee is not in receipt of an independent study by September 1, 2013, it shall proceed on its own and perform its own investigation and analysis of the circumstances so that this Joint Committee shall be able to make its recommendation for proposed legislative changes no later than December 31, 2013; and

BE IT FURTHER RESOLVED that the Joint Committee is authorized to hold public hearings as it deems advisable and may solicit, and shall accept, any input or information necessary to fulfill its obligations, including but not limited to any agency of the state or any political subdivision of the state which the committee may find helpful; and

BE IT FURTHER RESOLVED that the staffs of House Research, Senate Research, and the Joint Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the Joint Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the Joint Committee, its members, and any staff assigned to the Joint Committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Joint Committee or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the Joint Committee will report its recommendations and findings to the Missouri General Assembly by December 21, 2013; and

BE IT FURTHER RESOLVED that the Joint Committee is authorized to function during the interim between the First Regular Session of the 97th General Assembly through the end of the Second Regular Session of the 97th General Assembly; and

BE IT FURTHER RESOLVED that the Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Speaker of the House of Representatives and the President Pro Tem of the Senate.

HOUSE CONCURRENT RESOLUTION NO. 28 [HCR 28]

WHEREAS, the Army 2020 Force Structure Realignment Programmatic Environmental Assessment (PEA) includes a plan to reduce the Army's end strength and realign its forces over the coming years which will affect 21 Army installations across the country, including Fort Leonard Wood in Missouri; and

WHEREAS, these Army reductions and realignments that may occur from Fiscal Year 2013-2020 will result in significant impacts to a variety of economic measures in communities neighboring these 21 installations; and

WHEREAS, the PEA specifically references the impact of force structure reductions at Fort Leonard Wood in Missouri, including reduction in employment, income, regional population, and sales; and

WHEREAS, Fort Leonard Wood currently has a permanent workforce of approximately 9,500 soldiers and Army civilians, not including trainees, students, family members, other service members, contractors, and non-full time employees; and

WHEREAS, the Programmatic Environmental Assessment proposes a loss of up to 3,900 of these soldiers and Army civilians, which is a loss of 41% of permanent staff and an added loss of 450 direct and 504 indirect jobs across the community; and

WHEREAS, the economic impact across the three-county region, as defined in the study, would be devastating. The study shows a loss of 8% in annual sales, 6.75% in tax revenue, 11.21% in employment, and 7.5% in population; and

WHEREAS, as the study notes, only a portion of the potential loss is considered in the study. The study states that there may also be a loss of 10% of training load and an unknown percentage of other services not factored into the analysis. With this additional loss, the overall loss would be catastrophic for the region; and

WHEREAS, the majority of the impact would be felt in Pulaski County, Missouri; and

WHEREAS, the study projects a loss of almost 3,700 K-12 school students in the region, with a majority of the loss in the Waynesville School District that provides K-12 schools on Fort Leonard Wood and the immediate vicinity; and

WHEREAS, Waynesville School District has approximately 6,000 students enrolled today. Assuming 85% of the loss in that school district, the district would realize a 52% loss of its current enrollment; and

WHEREAS, to continue to provide the highest level of quality education, the Waynesville School District has recently invested in several new facilities, a high school, elementary school, and career center. These facilities are heavily dependent on continuing federal impact aid for construction bond funding. Based on the projected level of impact aid loss, the district would be placed in serious financial jeopardy; and

WHEREAS, the impact of these losses would be felt not only in the communities surrounding Fort Leonard Wood, but the entire State of Missouri. The full impact of the state if the troop reduction goes forward has yet to be determined, but it is certain it would be significant, because Fort Leonard Wood is one of the largest employers in the State of Missouri; and

WHEREAS: Fort Leonard Wood is an important asset for the Army and the Department of Defense through pioneering the concepts of multiple schools at one location, and multi-service training and education; and

WHEREAS, the Army has made a multi-billion dollar investment in new infrastructure at the installation and its operating costs are among the lowest in the country. Fort Leonard Wood should be considered for additional mission growths, not reductions; and

WHEREAS, final decisions will be made over the next several years. The projected $233 million in economic loss and 6,441 jobs affected as a result of the proposed Army reductions will have a significant impact to the State of Missouri and catastrophic to the region:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-seventh General Assembly, First Regular Session, the Senate concurring therein, hereby strongly urge the Department of Defense to reconsider the reduction and realignment of Army forces at Fort Leonard Wood, Missouri, and continue full operation at this installation, which has one of the lowest installation operating costs in the county; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Secretary of the United States Department of Defense, the United States Army Environment Command, and each member of the Missouri Congressional delegation.

SENATE CONCURRENT RESOLUTION NO. 1 [SCR 1]

BE IT RESOLVED by the Senate, the House of Representatives concurring therein, that the President Pro Tem of the Senate and the Speaker of the House appoint a committee of thirty-six members, one-half from the Senate and one-half from the House to cooperate in making all necessary plans and arrangements for the participation of the General Assembly in the inauguration of the executive officials of the State of Missouri on January 14, 2013; and

BE IT FURTHER RESOLVED that the joint committee be authorized to cooperate with any other committees, officials or persons planning and executing the inaugural ceremonies keeping with the traditions of the great State of Missouri.

SENATE SUBSTITUTE
SENATE CONCURRENT RESOLUTION NO. 15 [SS SCR 15]

WHEREAS, the easily extracted, high purity lead ore in Missouri was a critical reason for the early development of Missouri and has provided good jobs, a way of life, and significant economic development to Missourians for centuries; and

WHEREAS, the lead industry in Missouri is the only primary, domestic source for that strategic material in America; and

WHEREAS, new technology now makes production of primary lead metal a safe, cost effective, and valuable means of continuing to provide a strategic material for numerous uses including munitions, protective barriers for x-rays, radioactive fallout, and radioactive contamination, and batteries for numerous uses including cars, trucks, electric vehicles, renewable energy storage, and peaking power reduction; and

WHEREAS, encouraging a safe, healthy, and lucrative lead industry in Missouri will give rise to good paying jobs, significant economic development, and the resources to mitigate the legacy of environmental issues caused by lead extraction:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-seventh General Assembly, First Regular Session, the House of Representatives concurring therein, hereby create the Missouri Lead Industry Employment, Economic Development and Environmental Remediation Task Force; and

BE IT FURTHER RESOLVED that the mission of task force shall be to fully consider and make recommendations in a report to the General Assembly on:

(1) The effects of a prompt environmental settlement giving rise to efficient and cost effective remediation;

(2) Ways to promote the development of a clean lead industry;

(3) Clean lead industry legislative proposals including rules and regulations necessary for implementation;

(4) The economic potential of implementing clean lead industry policies; and

BE IT FURTHER RESOLVED that the task force be authorized to call upon any department, office, division, or agency of this state to assist in gathering information pursuant to its objective; and

BE IT FURTHER RESOLVED that the task force shall consist of all of the following members:

(1) The Governor, or his or her designee, to serve as a member of the task force; and

(2) One member of the general assembly of the majority party appointed by the president pro tem of the senate, to serve as the chair of the task force; and

(3) One member of the general assembly of the majority party appointed by the speaker of the house of representatives, to serve as the vice-chair and secretary of the task force, and who will provide an agenda and report minutes of the task force; and

(4) The Attorney General, or his or her designee, to serve as a member and provide technical assistance to the task force; and

(5) The Director of the Department of Natural Resources, or his or her designee, to serve as a member and provide technical assistance to the task force; and

(6) One member of the majority party of the senate and one member of the minority party of the senate appointed by the president pro tempore of the senate; and

(7) One member of the majority party of the house of representatives and one member of the minority party of the house of representatives appointed by the speaker of the house of representatives; and

(8) A representative of industry appointed by the president pro tem of the senate; and

(9) A representative of industry appointed by the speaker of the house of representatives; and

BE IT FURTHER RESOLVED that the staff of Senate Research shall provide such legal, research, clerical, technical, and bill drafting services as the task force may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the task force, its members, and any staff assigned to the committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the committee; and

BE IT FURTHER RESOLVED that the chair or vice-chair and secretary of the task force shall call an organizational meeting within fifteen days of the adoption of this resolution; and

BE IT FURTHER RESOLVED that the task force shall terminate by either a majority of members voting for termination, or by February 1, 2014, whichever occurs first; and

BE IT FURTHER RESOLVED that on the date of termination, the task force shall deliver a report of findings and recommendations to the General Assembly; and

BE IT FURTHER RESOLVED that this resolution does not amend any state law to which the Department of Natural Resources is subject, and shall be interpreted to be consistent with any requirements of such state or federal law; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for Governor Jay Nixon, Attorney General Chris Koster, and the Director of the Department of Natural Resources.

ABORTION

SB 330 Modifies provisions relating to professional licenses
HB 400 Requires the physical presence of the physician who prescribed or dispensed any abortion-inducing drugs while such drug is administered

ADMINISTRATIVE LAW

SB 69 Modifies provision relating to administrative child support orders
SB 267 Specifies how courts may rule in contractual disputes involving the law of other countries (VETOED)

ADMINISTRATIVE RULES

SB 186 Authorizes the release of certain information in order to identify veterans' remains and the owners of abandoned military medals, and modifies provisions relating to the registering and issuance of death certificates
SB 330 Modifies provisions relating to professional licenses
HB 28 Modifies provisions relating to the environment
HB 351 Amends various provisions regarding the licensure and inspection of hospitals and to the furnishing of medical records

AGRICULTURE AND ANIMALS

SB 16 Exempts farm work performed by children under 16 from certain child labor requirements
SB 33 Modifies provisions relating to individuals with mental disabilities and establishes PKS Awareness Day
SB 329 Modifies the definition of eggs
SB 342 Modifies provisions relating to agriculture (VETOED)
HJR 11 Proposes a constitutional amendment affirming the right of farmers and ranchers to engage in farming and ranching practices
HB 542 Modifies provisions relating to agriculture

AGRICULTURE DEPARTMENT

SB 329 Modifies the definition of eggs
HB 542 Modifies provisions relating to agriculture

AIRCRAFT AND AIRPORTS

SB 236 Provides that a Highway Patrol fund include money for the maintenance of Highway Patrol vehicles, watercraft, and aircraft and be used for the maintenance of such items

ALCOHOL

SB 121 Modifies provisions relating to liquor control laws

AMBULANCES AND AMBULANCE DISTRICTS

SB 282 Modifies various provisions relating to the regulation of motor vehicles

ANNEXATION

HB 1035 Modifies provisions relating to taxation and political subdivisions (VETOED--OVERRIDDEN)

APPROPRIATIONS

HB 1 Appropriates money to the Board of Fund Commissioners
HB 2 Appropriates money for the expenses, grants, refunds, and distributions of the State Board of Education and Department of Elementary and Secondary Education
HB 3 Appropriates money for the expenses, grants, refunds, and distributions of the Department of Higher Education
HB 4 Appropriates money for the expenses, grants, refunds, and distributions of the Department of Revenue and Department of Transportation
HB 5 Appropriates money for the expenses, grants, refunds, and distributions of the Office of Administration, Department of Transportation, and Department of Public Safety
HB 6 Appropriates money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, and Department of Conservation
HB 7 Appropriates money for the expenses and distributions of the departments of Economic Development; Insurance, Financial Institutions and Professional Registration; and Labor and Industrial Relations
HB 8 Appropriates money for the expenses, grants, refunds, and distributions of the Department of Public Safety
HB 9 Appropriates money for the expenses, grants, refunds, and distributions of the Department of Corrections
HB 10 Appropriates money for the expenses, grants, refunds, and distributions of the Department of Mental Health, Board of Public Buildings, and Department of Health and Senior Services
HB 11 Appropriates money for the expenses, grants, and distributions of the Department of Social Services
HB 12 Appropriates money for expenses, grants, refunds, and distributions of statewide elected officials, Judiciary, Office of State Public Defender, and General Assembly
HB 13 Appropriates money for real property leases and related services
HB 14 Appropriates money for supplemental purposes
HB 17 Appropriates money for capital improvement and other purposes as provided in Article IV, Section 28
HB 18 Appropriates money for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities
HB 19 Appropriates money for planning and capital improvements, including but not limited to major additions and renovations, new structures and land improvements or acquisitions

ATTORNEY GENERAL, STATE

SB 89 Allows certain nursing home districts to establish senior housing and modifies provisions relating to health information organizations

HB 256 Modifies provisions relating to the closure of certain records under the Missouri Sunshine Law

AUDITOR, STATE

HB 116 Modifies provisions relating to audits, the accountability portal, retirement systems, county finances and creates the senior services protection fund
HB 1035 Modifies provisions relating to taxation and political subdivisions (VETOED--OVERRIDDEN)

BANKS AND FINANCIAL INSTITUTIONS

SB 235 Modifies the law relating to residential real estate loan reporting
SB 254 Raises the fees a lender can charge for certain loans
SB 342 Modifies provisions relating to agriculture (VETOED)
HB 212 Modifies Uniform Commercial Code sections relating to secured transactions and funds transfers
HB 329 Modifies the law relating to financial institutions (VETOED--OVERRIDDEN)
HB 446 Establishes that real estate loans shall be governed only by state and federal law

BOARDS, COMMISSIONS, COMMITTEES, COUNCILS

SB 9 Modifies provisions relating to agriculture (VETOED--OVERRIDDEN)
SB 17 Establishes the Advisory Council on the Education of Gifted and Talented Children and the Career and Technical Education Advisory Council
SB 42 Modifies provisions relating to county sheriffs, school protection officers, and creates procedures and policies for unpaid debts to county jails
SB 75 Modifies provisions relating to public safety
SB 89 Allows certain nursing home districts to establish senior housing and modifies provisions relating to health information organizations
SB 99 Modifies provisions relating to elections, printing of the official state manual, and tax ballot issues
SB 117 Modifies provisions relating to military affairs
SB 125 Modifies duties of boards of education
SB 186 Authorizes the release of certain information in order to identify veterans' remains and the owners of abandoned military medals, and modifies provisions relating to the registering and issuance of death certificates
SB 258 Reduces the membership of the Kansas City School District board of education and changes the election date for board members
SB 330 Modifies provisions relating to professional licenses
SB 381 Creates the Innovation Education Campus Fund and recognizes the University of Central Missouri's Missouri Innovation Campus
HB 152 Modifies provisions relating to school officers
HB 374 Modifies provisions relating to judicial procedures
HB 673 Renames Linn State Technical College as "State Technical College of Missouri" effective July 1, 2014
HB 675 Modifies provisions relating to student health in elementary and secondary schools

BOATS AND WATERCRAFT

SB 23 Modifies provisions relating to taxation, economic development, political subdivision, Kansas City public school teacher retirement, criminal law, and motor vehicles

BONDS SURETY

HB 235 Requires county treasurer and collector candidates to provide the election authority with a signed affidavit indicating they can meet bond requirements for the office

BUSINESS AND COMMERCE

SB 157 Modifies provisions relating to the disposition of personal property
SB 287 Modifies Missouri's captive insurance law to allow for the formation of sponsored captive insurance companies and other ancillary matters
HB 196 Establishes the Missouri Works Training Program and modifies provisions relating to unemployment compensation
HB 253 Modifies provisions relating to taxation (VETOED)
HB 510 Allows limited liability companies to create a separate series of the company

CHARITIES

SB 35 Creates an income tax return check-off program to provide funds for CureSearch for Children's Cancer

CHILDREN AND MINORS

SB 16 Exempts farm work performed by children under 16 from certain child labor requirements
SB 36 Modifies provisions related to juvenile offenders who have been certified as adults and found guilty in a court of general jurisdiction
SB 47 Adds to the list of legal guardians of a child who may receive subsidies
SB 69 Modifies provision relating to administrative child support orders
SB 77 Allows for certain neighborhood youth development programs to be exempt from child care licensing requirements (VETOED)
SB 110 Establishes procedures to follow in child custody and visitation cases for military personnel (VETOED--OVERRIDDEN)
SB 205 Allows for higher education or armed services visits for children in foster care or in the Division of Youth Services and raises the age limit for foster care re-entry
SB 208 Raises the age limit for when a youth may reenter into foster care
SB 230 Establishes's Chloe's Law which requires newborn screenings for critical congenital heart disease
SB 256 Modifies provisions relating to child abuse and neglect including the Safe Place for Newborns Act
SB 330 Modifies provisions relating to professional licenses
HJR 16 Modifies the Constitution to allow for propensity evidence in prosecutions for crimes of a sexual nature involving a victim under the age of sixteen
HB 148 Establishes procedures to follow in child custody and visitation cases for military personnel

HB 159 Creates an exemption from the proof of residency and domicile for school registration for students whose parents are serving on specified military orders
HB 478 Modifies the manner in which credit union shares may be issued and paid
HB 505 Modifies provisions relating to child abuse and neglect

CIRCUIT CLERK

SB 42 Modifies provisions relating to county sheriffs, school protection officers, and creates procedures and policies for unpaid debts to county jails
HB 374 Modifies provisions relating to judicial procedures

CITIES, TOWNS AND VILLAGES

SB 58 Modifies annexation procedures, allows certain cities to adopt nuisance abatement ordinances, and modifies ordinance adoption procedures in certain cities
SB 89 Allows certain nursing home districts to establish senior housing and modifies provisions relating to health information organizations
SB 182 Eliminates state and local use taxes on motor vehicle sales and modifies state and local sales taxes on such purchases (VETOED)
SB 216 Prohibits political activity restrictions on first responders and modifies current political activity restrictions on the Kansas City Police Department
SB 224 Modifies provisions relating to crimes and law enforcement officers and agencies (VETOED)
SB 265 Prohibits the state and political subdivisions from implementing policies affecting property rights and from entering into certain relationships with organizations (VETOED)
HB 103 Modifies several provisions relating to transportation
HB 163 Modifies provisions relating to elections in third class cities, procedures to transfer a city hospital, emergency services board elections, and the St. Louis Public Administrator
HB 307 Modifies provisions relating to emergency service providers
HB 336 Modifies provisions relating to emergency services
HB 656 Requires the Supervisor of Parking Meters in the City of St. Louis to supervise a parking division rather than a parking enforcement division and a parking meter division

CIVIL PROCEDURE

SB 100 Modifies provisions regarding bankruptcy, child custody, adoptions, and child support administrative proceedings as well as court surcharges, court costs, and judicial personnel
HB 339 Enacts a "No Pay, No Play" law which requires uninsured motorists to forfeit recovery of noneconomic damages under certain conditions (VETOED–OVERRIDDEN)
HB 374 Modifies provisions relating to judicial procedures

COMMERCIAL CODE

HB 212 Modifies Uniform Commercial Code sections relating to secured transactions and funds transfers

CONSERVATION DEPARTMENT

SB 42 Modifies provisions relating to county sheriffs, school protection officers, and creates procedures and policies for unpaid debts to county jails

CONSTITUTIONAL AMENDMENTS

HJR 11 Proposes a constitutional amendment affirming the right of farmers and ranchers to engage in farming and ranching practices

HJR 16 Modifies the Constitution to allow for propensity evidence in prosecutions for crimes of a sexual nature involving a victim under the age of sixteen

CONSUMER PROTECTION

HB 58 Modifies the law regarding portable electronics insurance coverage

CONTRACTS AND CONTRACTORS

SB 267 Specifies how courts may rule in contractual disputes involving the law of other countries (VETOED)

SB 357 Modifies the law relating to mechanics' liens for rental machinery and equipment

HB 34 Modifies prevailing wage laws

CORPORATIONS

HB 128 Authorizes certain counties to send property tax statements electronically and modifies provisions relating to corporate taxation and tax increment financing

HB 498 Repeals a provision requiring corporate paid-in surplus distributions to be identified as liquidating dividends

HB 510 Allows limited liability companies to create a separate series of the company

COUNTIES

SB 23 Modifies provisions relating to taxation, economic development, political subdivision, Kansas City public school teacher retirement, criminal law, and motor vehicles

SB 99 Modifies provisions relating to elections, printing of the official state manual, and tax ballot issues

SB 216 Prohibits political activity restrictions on first responders and modifies current political activity restrictions on the Kansas City Police Department

SB 265 Prohibits the state and political subdivisions from implementing policies affecting property rights and from entering into certain relationships with organizations (VETOED)

SB 327 Modifies provisions relating to electronic monitoring of criminal defendants and DWI courts

HB 116 Modifies provisions relating to audits, the accountability portal, retirement systems, county finances and creates the senior services protection fund

HB 128 Authorizes certain counties to send property tax statements electronically and modifies provisions relating to corporate taxation and tax increment financing

HB 184 Modifies provisions relating to transient guest taxes, motor vehicle sales taxes, and creates the Missouri Works Program

HB 215 Modifies provisions relating to criminal procedures
HB 235 Requires county treasurer and collector candidates to provide the election authority with a signed affidavit indicating they can meet bond requirements for the office
HB 307 Modifies provisions relating to emergency service providers
HB 451 Allows and establishes procedures for counties to decrease their annual budgets when faced with an unanticipated decline in funds
HB 1035 Modifies provisions relating to taxation and political subdivisions (VETOED–OVERRIDDEN)

COUNTY GOVERNMENT

SB 99 Modifies provisions relating to elections, printing of the official state manual, and tax ballot issues
HB 116 Modifies provisions relating to audits, the accountability portal, retirement systems, county finances and creates the senior services protection fund
HB 542 Modifies provisions relating to agriculture

COUNTY OFFICIALS

SB 42 Modifies provisions relating to county sheriffs, school protection officers, and creates procedures and policies for unpaid debts to county jails
SB 99 Modifies provisions relating to elections, printing of the official state manual, and tax ballot issues
SB 248 Modifies provisions relating to neighborhood improvement districts and delinquent property taxes
HB 116 Modifies provisions relating to audits, the accountability portal, retirement systems, county finances and creates the senior services protection fund
HB 175 Modifies provisions of law relating to taxation of property
HB 235 Requires county treasurer and collector candidates to provide the election authority with a signed affidavit indicating they can meet bond requirements for the office
HB 374 Modifies provisions relating to judicial procedures
HB 451 Allows and establishes procedures for counties to decrease their annual budgets when faced with an unanticipated decline in funds

COURTS

SB 36 Modifies provisions related to juvenile offenders who have been certified as adults and found guilty in a court of general jurisdiction
SB 42 Modifies provisions relating to county sheriffs, school protection officers, and creates procedures and policies for unpaid debts to county jails
SB 69 Modifies provision relating to administrative child support orders
SB 100 Modifies provisions regarding bankruptcy, child custody, adoptions, and child support administrative proceedings as well as court surcharges, court costs, and judicial personnel
SB 106 Modifies various provisions relating to veterans and members of the military including the awarding of academic credit, professional licenses, and child custody rights
SB 118 Authorizes the creation of veterans treatment courts
SB 188 Modifies provisions relating to civil commitment of sexually violent predators
SB 267 Specifies how courts may rule in contractual disputes involving the law of other countries (VETOED)

SB 327 Modifies provisions relating to electronic monitoring of criminal defendants and DWI courts
HJR 16 Modifies the Constitution to allow for propensity evidence in prosecutions for crimes of a sexual nature involving a victim under the age of sixteen
HB 215 Modifies provisions relating to criminal procedures
HB 301 Modifies provisions relating to sexually violent predators and a prisoner re-entry program (VETOED)
HB 374 Modifies provisions relating to judicial procedures
HB 432 Allows the Public Service Commission to intervene in certain legal proceedings

COURTS, JUVENILE

SB 330 Modifies provisions relating to professional licenses
HB 374 Modifies provisions relating to judicial procedures

CREDIT AND BANKRUPTCY

SB 254 Raises the fees a lender can charge for certain loans
HB 374 Modifies provisions relating to judicial procedures

CREDIT UNIONS

SB 235 Modifies the law relating to residential real estate loan reporting
SB 254 Raises the fees a lender can charge for certain loans
HB 329 Modifies the law relating to financial institutions (VETOED–OVERRIDDEN)
HB 446 Establishes that real estate loans shall be governed only by state and federal law
HB 478 Modifies the manner in which credit union shares may be issued and paid

CRIMES AND PUNISHMENT

SB 23 Modifies provisions relating to taxation, economic development, political subdivision, Kansas City public school teacher retirement, criminal law, and motor vehicles
SB 36 Modifies provisions related to juvenile offenders who have been certified as adults and found guilty in a court of general jurisdiction
SB 100 Modifies provisions regarding bankruptcy, child custody, adoptions, and child support administrative proceedings as well as court surcharges, court costs, and judicial personnel
SB 282 Modifies various provisions relating to the regulation of motor vehicles
SB 327 Modifies provisions relating to electronic monitoring of criminal defendants and DWI courts
HJR 16 Modifies the Constitution to allow for propensity evidence in prosecutions for crimes of a sexual nature involving a victim under the age of sixteen
HB 28 Modifies provisions relating to the environment
HB 215 Modifies provisions relating to criminal procedures
HB 374 Modifies provisions relating to judicial procedures
HB 436 Modifies provisions relating to firearms (VETOED)
HB 505 Modifies provisions relating to child abuse and neglect

CRIMINAL PROCEDURE

SB 100 Modifies provisions regarding bankruptcy, child custody, adoptions, and child support administrative proceedings as well as court surcharges, court costs, and judicial personnel
SB 327 Modifies provisions relating to electronic monitoring of criminal defendants and DWI courts
HJR 16 Modifies the Constitution to allow for propensity evidence in prosecutions for crimes of a sexual nature involving a victim under the age of sixteen
HB 374 Modifies provisions relating to judicial procedures

DENTISTS

SB 127 Modifies various public assistance provisions including MO HealthNet dental, home and community based referrals, MAGI for MO HealthNet eligibility and extends Ticket-to-Work
SB 330 Modifies provisions relating to professional licenses
HB 315 Modifies various provisions relating to the provision of health care services

DISABILITIES

SB 20 Modifies provisions of law regarding certain benevolent tax credits
SB 33 Modifies provisions relating to individuals with mental disabilities and establishes PKS Awareness Day
SB 350 Eliminates the renter's portion of the Senior Citizens Property Tax Credit and creates the Missouri Senior Services Protection Fund (VETOED)

DOMESTIC RELATIONS

SB 110 Establishes procedures to follow in child custody and visitation cases for military personnel (VETOED--OVERRIDDEN)
HB 148 Establishes procedures to follow in child custody and visitation cases for military personnel

DRUGS AND CONTROLLED SUBSTANCES

SB 126 Prohibits any requirement that pharmacies carry a specific drug or device
SB 306 Allows the Board of Pharmacy to test the drugs possessed by licensees
HB 400 Requires the physical presence of the physician who prescribed or dispensed any abortion-inducing drugs while such drug is administered

DRUNK DRIVING/BOATING

SB 23 Modifies provisions relating to taxation, economic development, political subdivision, Kansas City public school teacher retirement, criminal law, and motor vehicles
SB 327 Modifies provisions relating to electronic monitoring of criminal defendants and DWI courts

ECONOMIC DEVELOPMENT

SB 10 Creates a tax credit to attract amateur sporting events to the state
SB 23 Modifies provisions relating to taxation, economic development, political subdivision, Kansas City public school teacher retirement, criminal law, and motor vehicles
HB 184 Modifies provisions relating to transient guest taxes, motor vehicle sales taxes, and creates the Missouri Works Program
HB 196 Establishes the Missouri Works Training Program and modifies provisions relating to unemployment compensation
HB 316 Extends the expiration date on the Division of Tourism Supplemental Fund and a provision requiring the deposit of certain sales taxes into the fund from 2015 to 2020

ECONOMIC DEVELOPMENT DEPARTMENT

SB 23 Modifies provisions relating to taxation, economic development, political subdivision, Kansas City public school teacher retirement, criminal law, and motor vehicles
HB 184 Modifies provisions relating to transient guest taxes, motor vehicle sales taxes, and creates the Missouri Works Program
HB 196 Establishes the Missouri Works Training Program and modifies provisions relating to unemployment compensation
HB 316 Extends the expiration date on the Division of Tourism Supplemental Fund and a provision requiring deposit of certain sales taxes into the fund from 2015 to 2020

EDUCATION, ELEMENTARY AND SECONDARY

SB 17 Establishes the Advisory Council on the Education of Gifted and Talented Children and the Career and Technical Education Advisory Council
SB 75 Modifies provisions relating to public safety
SB 125 Modifies duties of boards of education
SB 256 Modifies provisions relating to child abuse and neglect including the Safe Place for Newborns Act
SB 258 Reduces the membership of the Kansas City School District board of education and changes the election date for board members
HB 152 Modifies provisions relating to school officers
HB 159 Creates an exemption from the proof of residency and domicile for school registration for students whose parents are serving on specified military orders
HB 278 Prohibits any state or local governmental entity from banning or restricting the practice, mention, celebration or discussion of any federal holiday (VETOED–OVERRIDDEN)
HB 436 Modifies provisions relating to firearms (VETOED)
HB 675 Modifies provisions relating to student health in elementary and secondary schools

EDUCATION, HIGHER

SB 9 Modifies provisions relating to agriculture (VETOED–OVERRIDDEN)
SB 106 Modifies various provisions relating to veterans and members of the military including the awarding of academic credit, professional licenses, and child custody rights

SB 117 Modifies provisions relating to military affairs
SB 205 Allows for higher education or armed services visits for children in foster care or in the Division of Youth Services and raises the age limit for foster care re-entry
SB 208 Raises the age limit for when a youth may reenter into foster care
SB 256 Modifies provisions relating to child abuse and neglect including the Safe Place for Newborns Act
SB 376 Allows hospital districts to permit higher education institutions to use space for health care education or training
SB 381 Creates the Innovation Education Campus Fund and recognizes the University of Central Missouri's Missouri Innovation Campus
HB 673 Renames Linn State Technical College as "State Technical College of Missouri" effective July 1, 2014

EDUCATION, PROPRIETARY

HB 196 Establishes the Missouri Works Training Program and modifies provisions relating to unemployment compensation

ELDERLY

SB 89 Allows certain nursing home districts to establish senior housing and modifies provisions relating to health information organizations
SB 350 Eliminates the renter's portion of the Senior Citizens Property Tax Credit and creates the Missouri Senior Services Protection Fund (VETOED)

ELECTIONS

SB 58 Modifies annexation procedures, allows certain cities to adopt nuisance abatement ordinances, and modifies ordinance adoption procedures in certain cities
SB 99 Modifies provisions relating to elections, printing of the official state manual, and tax ballot issues
SB 116 Modifies the law relating to uniformed military and overseas voters
SB 258 Reduces the membership of the Kansas City School District board of education and changes the election date for board members
HB 110 Requires the Governor to call a special election if the office of Lieutenant Governor is vacated (VETOED)
HB 117 Modifies the law relating to initiative and referendum petitions
HB 163 Modifies provisions relating to elections in third class cities, procedures to transfer a city hospital, emergency services board elections, and the St. Louis Public Administrator
HB 235 Requires county treasurer and collector candidates to provide the election authority with a signed affidavit indicating they can meet bond requirements for the office
HB 307 Modifies provisions relating to emergency service providers

ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT

SB 17 Establishes the Advisory Council on the Education of Gifted and Talented Children and the Career and Technical Education Advisory Council
SB 125 Modifies duties of boards of education
HB 505 Modifies provisions relating to child abuse and neglect
HB 675 Modifies provisions relating to student health in elementary and secondary schools

EMBLEMS

SB 106 Modifies various provisions relating to veterans and members of the military including the awarding of academic credit, professional licenses, and child custody rights

HB 702 Authorizes the release of certain information to identify the owners of abandoned military medals

EMERGENCIES

SB 282 Modifies various provisions relating to the regulation of motor vehicles

HB 307 Modifies provisions relating to emergency service providers

HB 336 Modifies provisions relating to emergency services

EMPLOYEES / EMPLOYERS

SB 1 Modifies the law relating to workers' compensation

SB 28 Redefines "misconduct" and "good cause" for the purposes of disqualification from unemployment benefits (VETOED)

SB 29 Requires authorization for certain labor unions to use dues and fees to make political contributions and requires consent for withholding earnings from paychecks (VETOED)

SB 34 Requires the Division of Workers' Compensation to develop and maintain a workers' compensation claims database and modifies provisions relating to experience ratings for workers' compensation insurance (VETOED)

SB 125 Modifies duties of boards of education

SB 229 Modifies provisions relating to the Mental Health Employment Disqualification Registry

HB 196 Establishes the Missouri Works Training Program and modifies provisions relating to unemployment compensation

HB 611 Modifies the law relating to employment (VETOED)

EMPLOYMENT SECURITY

HB 611 Modifies the law relating to employment (VETOED)

ENERGY

SB 240 Modifies provisions relating to ratemaking for gas corporations (VETOED)

ENVIRONMENTAL PROTECTION

HB 28 Modifies provisions relating to the environment

FAMILY LAW

SB 47 Adds to the list of legal guardians of a child who may receive subsidies

SB 69 Modifies provision relating to administrative child support orders

SB 100 Modifies provisions regarding bankruptcy, child custody, adoptions, and child support administrative proceedings as well as court surcharges, court costs, and judicial personnel

SB 106 Modifies various provisions relating to veterans and members of the military including the awarding of academic credit, professional licenses, and child custody rights
SB 110 Establishes procedures to follow in child custody and visitation cases for military personnel (VETOED–OVERRIDDEN)
HB 148 Establishes procedures to follow in child custody and visitation cases for military personnel
HB 374 Modifies provisions relating to judicial procedures

FAMILY SERVICES DIVISION

SB 47 Adds to the list of legal guardians of a child who may receive subsidies
SB 100 Modifies provisions regarding bankruptcy, child custody, adoptions, and child support administrative proceedings as well as court surcharges, court costs, and judicial personnel
SB 205 Allows for higher education or armed services visits for children in foster care or in the Division of Youth Services and raises the age limit for foster care re-entry
SB 208 Raises the age limit for when a youth may reenter into foster care

FEDERAL STATE RELATIONS

HB 436 Modifies provisions relating to firearms (VETOED)

FEES

SB 100 Modifies provisions regarding bankruptcy, child custody, adoptions, and child support administrative proceedings as well as court surcharges, court costs, and judicial personnel
SB 106 Modifies various provisions relating to veterans and members of the military including the awarding of academic credit, professional licenses, and child custody rights
SB 252 Modifies provisions relating to the Department of Revenue, including provisions that prohibit the department from retaining copies of source documents used to obtain driver's licenses
SB 254 Raises the fees a lender can charge for certain loans
HB 175 Modifies provisions of law relating to taxation of property
HB 215 Modifies provisions relating to criminal procedures
HB 307 Modifies provisions relating to emergency service providers
HB 374 Modifies provisions relating to judicial procedures

FIRE PROTECTION

SB 330 Modifies provisions relating to professional licenses
HB 28 Modifies provisions relating to the environment
HB 307 Modifies provisions relating to emergency service providers
HB 336 Modifies provisions relating to emergency services

FIREARMS AND FIREWORKS

HB 436 Modifies provisions relating to firearms (VETOED)
HB 533 Modifies provisions relating to firearms

FUNERALS AND FUNERAL DIRECTORS

SB 186 Authorizes the release of certain information in order to identify veterans' remains and the owners of abandoned military medals, and modifies provisions relating to the registering and issuance of death certificates

GAMBLING

SB 224 Modifies provisions relating to crimes and law enforcement officers and agencies (VETOED)

GENERAL ASSEMBLY

SB 17 Establishes the Advisory Council on the Education of Gifted and Talented Children and the Career and Technical Education Advisory Council

HB 116 Modifies provisions relating to audits, the accountability portal, retirement systems, county finances and creates the senior services protection fund

HB 196 Establishes the Missouri Works Training Program and modifies provisions relating to unemployment compensation

HB 256 Modifies provisions relating to the closure of certain records under the Missouri Sunshine Law

HB 542 Modifies provisions relating to agriculture

GOVERNOR & LT. GOVERNOR

HB 110 Requires the Governor to call a special election if the office of Lieutenant Governor is vacated (VETOED)

HEALTH CARE

SB 127 Modifies various public assistance provisions including MO HealthNet dental, home and community based referrals, MAGI for MO HealthNet eligibility and extends Ticket-to-Work

SB 161 Requires actuarial analyses to be performed to determine potential costs of instituting oral anti-cancer parity and eating disorders mandate

SB 230 Establishes's Chloe's Law which requires newborn screenings for critical congenital heart disease

SB 262 Modifies various provisions relating to health insurance

SB 306 Allows the Board of Pharmacy to test the drugs possessed by licensees

SB 376 Allows hospital districts to permit higher education institutions to use space for health care education or training

HB 68 Designates the month of November as Pancreatic Cancer Awareness Month in Missouri

HB 986 Extends sunset provision on the Ticket to Work Program to August 28, 2019

HEALTH CARE PROFESSIONALS

SB 126 Prohibits any requirement that pharmacies carry a specific drug or device

SB 129 Establishes the Volunteer Health Services Act to allow for licensed health care professionals to provide volunteer services for a sponsoring organization (VETOED–OVERRIDDEN)

SB 159 Requires parity between the out-of-pocket expenses charged for physical therapist services and the out-of-pocket expenses charged for similar services provided by primary care physicians
SB 161 Requires actuarial analyses to be performed to determine potential costs of instituting oral anti-cancer parity and eating disorders mandate
SB 262 Modifies various provisions relating to health insurance
SB 282 Modifies various provisions relating to the regulation of motor vehicles
SB 306 Allows the Board of Pharmacy to test the drugs possessed by licensees
HB 315 Modifies various provisions relating to the provision of health care services
HB 400 Requires the physical presence of the physician who prescribed or dispensed any abortion-inducing drugs while such drug is administered
HB 436 Modifies provisions relating to firearms (VETOED)

HEALTH DEPARTMENT

SB 33 Modifies provisions relating to individuals with mental disabilities and establishes PKS Awareness Day
SB 77 Allows for certain neighborhood youth development programs to be exempt from child care licensing requirements (VETOED)
SB 197 Modifies current provisions relating to tuberculosis treatment and prevention and provides for meningococcal disease information
SB 230 Establishes's Chloe's Law which requires newborn screenings for critical congenital heart disease
SB 330 Modifies provisions relating to professional licenses
HB 307 Modifies provisions relating to emergency service providers
HB 336 Modifies provisions relating to emergency services
HB 351 Amends various provisions regarding the licensure and inspection of hospitals and to the furnishing of medical records
HB 675 Modifies provisions relating to student health in elementary and secondary schools

HEALTH, PUBLIC

SB 129 Establishes the Volunteer Health Services Act to allow for licensed health care professionals to provide volunteer services for a sponsoring organization (VETOED–OVERRIDDEN)
SB 197 Modifies current provisions relating to tuberculosis treatment and prevention and provides for meningococcal disease information

HIGHER EDUCATION DEPARTMENT

SB 117 Modifies provisions relating to military affairs
SB 381 Creates the Innovation Education Campus Fund and recognizes the University of Central Missouri's Missouri Innovation Campus
HB 673 Renames Linn State Technical College as "State Technical College of Missouri" effective July 1, 2014

HIGHWAY PATROL

SB 75 Modifies provisions relating to public safety

HOLIDAYS

SB 72 Designates the month of May as "Motorcycle Awareness Month" and designates December 4th as "PKS Day"

HB 68 Designates the month of November as Pancreatic Cancer Awareness Month

HB 278 Prohibits any state or local governmental entity from banning or restricting the practice, mention, celebration or discussion of any federal holiday (VETOED–OVERRIDDEN)

HOSPITALS

SB 89 Allows certain nursing home districts to establish senior housing and modifies provisions relating to health information organizations

SB 376 Allows hospital districts to permit higher education institutions to use space for health care education or training

HB 163 Modifies provisions relating to elections in third class cities, procedures to transfer a hospital, emergency services board elections, and St. Louis Public Administrator

HB 351 Amends various provisions regarding the licensure and inspection of hospitals and to the furnishing of medical records

HB 1035 Modifies provisions relating to taxation and political subdivisions (VETOED–OVERRIDDEN)

INSURANCE, AUTOMOBILE

HB 322 Allows proof of financial responsibility and other insurance-related documents to be provided or presented through electronic means

HB 339 Enacts a "No Pay, No Play" law which requires uninsured motorists to forfeit recovery of noneconomic damages under certain conditions (VETOED–OVERRIDDEN)

INSURANCE, GENERAL

SB 60 Modifies the law regarding the accreditation requirements for reinsurance companies and specifies when insurers can take credit or reduce liability due to reinsurance (VETOED)

SB 148 Modifies provisions relating to the issuance of junking certificates and salvage motor vehicle titles

SB 287 Modifies Missouri's captive insurance law to allow for the formation of sponsored captive insurance companies and other ancillary matters

SB 324 Regulates the sale of travel insurance and establishes a limited lines travel insurance producer licensure system

HB 58 Modifies the law regarding portable electronics insurance coverage

HB 133 Modifies the law regarding the accreditation requirements for reinsurance companies and specifies when insurers can take credit or reduce liability due to reinsurance

HB 322 Allows proof of financial responsibility and other insurance-related documents to be provided or presented through electronic means

INSURANCE, LIFE

SB 59 Modifies provisions relating to the regulation of the Missouri Property and Casualty Insurance Association and the Missouri Life and Health Insurance Guaranty Association

INSURANCE, MEDICAL

SB 59 Modifies provisions relating to the regulation of the Missouri Property and Casualty Insurance Association and the Missouri Life and Health Insurance Guaranty Association
SB 159 Requires parity between the out-of-pocket expenses charged for physical therapist services and the out-of-pocket expenses charged for similar services provided by primary care physicians
SB 161 Requires actuarial analyses to be performed to determine potential costs of instituting oral anti-cancer parity and eating disorders mandate
SB 262 Modifies various provisions relating to health insurance
HB 116 Modifies provisions relating to audits, the accountability portal, retirement systems, county finances and creates the senior services protection fund
HB 315 Modifies various provisions relating to the provision of health care services

INSURANCE, PROPERTY

SB 59 Modifies provisions relating to the regulation of the Missouri Property and Casualty Insurance Association and the Missouri Life and Health Insurance Guaranty Association
HB 322 Allows proof of financial responsibility and other insurance-related documents to be provided or presented through electronic means

INSURANCE DEPARTMENT

SB 59 Modifies provisions relating to the regulation of the Missouri Property and Casualty Insurance Association and the Missouri Life and Health Insurance Guaranty Association
SB 60 Modifies the law regarding the accreditation requirements for reinsurance companies and specifies when insurers can take credit or reduce liability due to reinsurance (VETOED)
SB 287 Modifies Missouri's captive insurance law to allow for the formation of sponsored captive insurance companies and other ancillary matters
SB 324 Regulates the sale of travel insurance and establishes a limited lines travel insurance producer licensure system
HB 133 Modifies the law regarding the accreditation requirements for reinsurance companies and specifies when insurers can take credit or reduce liability due to reinsurance
HB 315 Modifies various provisions relating to the provision of health care services
HB 322 Allows proof of financial responsibility and other insurance-related documents to be provided or presented through electronic means

JUDGES

SB 99 Modifies provisions relating to elections, printing of the official state manual, and tax ballot issues
SB 100 Modifies provisions regarding bankruptcy, child custody, adoptions, and child support administrative proceedings as well as court surcharges, court costs, and judicial personnel
SB 106 Modifies various provisions relating to veterans and members of the military including the awarding of academic credit, professional licenses, and child custody rights

SB 327 Modifies provisions relating to electronic monitoring of criminal defendants and DWI courts
HB 215 Modifies provisions relating to criminal procedures
HB 374 Modifies provisions relating to judicial procedures

JURIES

HB 339 Enacts a "No Pay, No Play" law which requires uninsured motorists to forfeit recovery of noneconomic damages under certain conditions (VETOED–OVERRIDDEN)

KANSAS CITY

SB 224 Modifies provisions relating to crimes and law enforcement officers and agencies (VETOED)
SB 258 Reduces the membership of the Kansas City School District board of education and changes the election date for board members
HB 307 Modifies provisions relating to emergency service providers
HB 336 Modifies provisions relating to emergency services

LABOR AND INDUSTRIAL RELATIONS DEPARTMENT

SB 1 Modifies the law relating to workers' compensation
SB 28 Redefines "misconduct" and "good cause" for the purposes of disqualification from unemployment benefits (VETOED)
SB 34 Requires the Division of Workers' Compensation to develop and maintain a workers' compensation claims database and modifies provisions relating to experience ratings for workers' compensation insurance (VETOED)
HB 34 Modifies prevailing wage laws
HB 404 Modifies workers' compensation laws relating to occupational diseases for peace officers and insurance premium rates for construction employers
HB 611 Modifies the law relating to employment (VETOED)

LABOR AND MANAGEMENT

SB 29 Requires authorization for certain labor unions to use dues and fees to make political contributions and requires consent for withholding earnings from paychecks (VETOED)

LAW ENFORCEMENT OFFICERS AND AGENCIES

SB 42 Modifies provisions relating to county sheriffs, school protection officers, and creates procedures and policies for unpaid debts to county jails
SB 73 Modifies provisions relating to the judicial process, including provisions relating to motorcycle brake lights (VETOED)
SB 75 Modifies provisions relating to public safety
SB 100 Modifies provisions regarding bankruptcy, child custody, adoptions, and child support administrative proceedings as well as court surcharges, court costs, and judicial personnel
SB 224 Modifies provisions relating to crimes and law enforcement officers and agencies (VETOED)

SB 236 Provides that a Highway Patrol fund include money for the maintenance of Highway Patrol vehicles, watercraft, and aircraft and be used for the maintenance of such items
HB 152 Modifies provisions relating to school officers
HB 215 Modifies provisions relating to criminal procedures
HB 307 Modifies provisions relating to emergency service providers
HB 336 Modifies provisions relating to emergency services
HB 374 Modifies provisions relating to judicial procedures
HB 404 Modifies workers' compensation laws relating to occupational diseases for peace officers and insurance premium rates for construction employers
HB 418 Modifies provisions relating to the Kansas City police retirement systems
HB 436 Modifies provisions relating to firearms (VETOED)
HB 722 Modifies provisions relating to the Police Retirement System of St. Louis

LIABILITY

SB 100 Modifies provisions regarding bankruptcy, child custody, adoptions, and child support administrative proceedings as well as court surcharges, court costs, and judicial personnel
SB 129 Establishes the Volunteer Health Services Act to allow for licensed health care professionals to provide volunteer services for a sponsoring organization (VETOED--OVERRIDDEN)
SB 186 Authorizes the release of certain information in order to identify veterans' remains and the owners of abandoned military medals, and modifies provisions relating to the registering and issuance of death certificates
SB 330 Modifies provisions relating to professional licenses
HB 510 Allows limited liability companies to create a separate series of the company

LICENSES, DRIVER'S

SB 252 Modifies provisions relating to the Department of Revenue, including provisions that prohibit the department from retaining copies of source documents used to obtain driver's licenses
SB 282 Modifies various provisions relating to the regulation of motor vehicles
HB 428 Modifies law regarding the issuance of salvage titles and registration of vehicles

LICENSES, MISCELLANEOUS

SB 42 Modifies provisions relating to county sheriffs, school protection officers, and creates procedures and policies for unpaid debts to county jails
SB 77 Allows for certain neighborhood youth development programs to be exempt from child care licensing requirements (VETOED)
SB 121 Modifies provisions relating to liquor control laws

LICENSES, MOTOR VEHICLE

SB 75 Modifies provisions relating to public safety
SB 252 Modifies provisions relating to the Department of Revenue, including provisions that prohibit the department from retaining copies of source documents used to obtain driver's licenses

HB 322 Allows proof of financial responsibility and other insurance-related documents to be provided or presented through electronic means

HB 349 Allows certain property-carrying commercial motor vehicle owners to request two license plates under certain conditions

LICENSES, PROFESSIONAL

SB 80 Requires the Missouri Board of Nursing Home Administrators to notify, instead of mail, an applicant when it is time for license renewal

SB 106 Modifies various provisions relating to veterans and members of the military including the awarding of academic credit, professional licenses, and child custody rights

SB 186 Authorizes the release of certain information in order to identify veterans' remains and the owners of abandoned military medals, and modifies provisions relating to the registering and issuance of death certificates

SB 234 Requires an applicant for a marital and family therapist license to show a master's or doctoral degree from a Commission on Accreditation for Marriage and Family Therapy accredited program

SB 306 Allows the Board of Pharmacy to test the drugs possessed by licensees

SB 324 Regulates the sale of travel insurance and establishes a limited lines travel insurance producer licensure system

SB 330 Modifies provisions relating to professional licenses

HB 351 Amends various provisions regarding the licensure and inspection of hospitals and to the furnishing of medical records

LIENS

SB 357 Modifies the law relating to mechanics' liens for rental machinery and equipment

HB 175 Modifies provisions of law relating to taxation of property

HB 212 Modifies Uniform Commercial Code sections relating to secured transactions and funds transfers

HB 215 Modifies provisions relating to criminal procedures

LOTTERIES

SB 42 Modifies provisions relating to county sheriffs, school protection officers, and creates procedures and policies for unpaid debts to county jails

MEDICAID

SB 127 Modifies various public assistance provisions including MO HealthNet dental, home and community based referrals, MAGI for MO HealthNet eligibility and extends Ticket-to-Work

HB 986 Extends sunset provision on the Ticket to Work Program to August 28, 2019

MEDICAL PROCEDURES AND PERSONNEL

SB 186 Authorizes the release of certain information in order to identify veterans' remains and the owners of abandoned military medals, and modifies provisions relating to the registering and issuance of death certificates

SB 282 Modifies various provisions relating to the regulation of motor vehicles

SB 330 Modifies provisions relating to professional licenses
HB 400 Requires the physical presence of the physician who prescribed or dispensed any abortion-inducing drugs while such drug is administered
HB 675 Modifies provisions relating to student health in elementary and secondary schools

MENTAL HEALTH

SB 33 Modifies provisions relating to individuals with mental disabilities and establishes PKS Awareness Day
SB 188 Modifies provisions relating to civil commitment of sexually violent predators
HB 301 Modifies provisions relating to sexually violent predators and a prisoner re-entry program (VETOED)

MENTAL HEALTH DEPARTMENT

SB 229 Modifies provisions relating to the Mental Health Employment Disqualification Registry

MERCHANDISING PRACTICES

SB 157 Modifies provisions relating to the disposition of personal property

MILITARY AFFAIRS

SB 110 Establishes procedures to follow in child custody and visitation cases for military personnel (VETOED–OVERRIDDEN)
SB 116 Modifies the law relating to uniformed military and overseas voters
SB 117 Modifies provisions relating to military affairs
SB 186 Authorizes the release of certain information in order to identify veterans' remains and the owners of abandoned military medals, and modifies provisions relating to the registering and issuance of death certificates
HB 148 Establishes procedures to follow in child custody and visitation cases for military personnel
HB 159 Creates an exemption from the proof of residency and domicile for school registration for students whose parents are serving on specified military orders
HB 702 Authorizes the release of certain information to identify the owners of abandoned military medals

MORTGAGES AND DEEDS

SB 235 Modifies the law relating to residential real estate loan reporting
HB 329 Modifies the law relating to financial institutions (VETOED–OVERRIDDEN)
HB 446 Establishes that real estate loans shall be governed only by state and federal law

MOTELS AND HOTELS

HB 184 Modifies provisions relating to transient guest taxes, motor vehicle sales taxes, and creates the Missouri Works Program

MOTOR VEHICLES

SB 43 Modifies various provisions relating to transportation (VETOED)
SB 51 Modifies provisions relating to the regulation of motor vehicles (VETOED)
SB 72 Designates the month of May as "Motorcycle Awareness Month" and designates December 4th as "PKS Day"
SB 73 Modifies provisions relating to the judicial process, including provisions relating to motorcycle brake lights (VETOED)
SB 148 Modifies provisions relating to the issuance of junking certificates and salvage motor vehicle titles
SB 182 Eliminates state and local use taxes on motor vehicle sales and modifies state and local sales taxes on such purchases (VETOED)
SB 236 Provides that a Highway Patrol fund include money for the maintenance of Highway Patrol vehicles, watercraft, and aircraft and be used for the maintenance of such items
SB 282 Modifies various provisions relating to the regulation of motor vehicles
HB 103 Modifies several provisions relating to transportation
HB 322 Allows proof of financial responsibility and other insurance-related documents to be provided or presented through electronic means
HB 339 Enacts a "No Pay, No Play" law which requires uninsured motorists to forfeit recovery of noneconomic damages under certain conditions (VETOED--OVERRIDDEN)
HB 349 Allows certain property-carrying commercial motor vehicle owners to request two license plates under certain conditions
HB 715 Allows motorcycles to be equipped with a means of varying the brightness of the vehicle's brake light for up to five seconds upon application of the vehicle's brakes
HB 1035 Modifies provisions relating to taxation and political subdivisions (VETOED--OVERRIDDEN)

MUSEUMS

SB 23 Modifies provisions relating to taxation, economic development, political subdivision, Kansas City public school teacher retirement, criminal law, and motor vehicles

NATURAL RESOURCES DEPARTMENT

HB 28 Modifies provisions relating to the environment
HB 142 Modifies provisions relating to utilities
HB 650 Modifies provisions relating to Dept. of Nat. Res. (VETOED--OVERRIDDEN)

NOTARY PUBLIC

SB 100 Modifies provisions regarding bankruptcy, child custody, adoptions, and child support administrative proceedings as well as court surcharges, court costs, and judicial personnel

NURSES

SB 127 Modifies various public assistance provisions including MO HealthNet dental, home and community based referrals, MAGI for MO HealthNet eligibility and extends Ticket-to-Work

SB 129 Establishes the Volunteer Health Services Act to allow for licensed health care professionals to provide volunteer services for a sponsoring organization (VETOED–OVERRIDDEN)
SB 330 Modifies provisions relating to professional licenses
HB 315 Modifies various provisions relating to the provision of health care services
HB 675 Modifies provisions relating to student health in elementary and secondary schools

NURSING AND BOARDING HOMES

SB 80 Requires the Missouri Board of Nursing Home Administrators to notify, instead of mail, an applicant when it is time for license renewal
SB 89 Allows certain nursing home districts to establish senior housing and modifies provisions relating to health information organizations
SB 330 Modifies provisions relating to professional licenses

PARKS AND RECREATION

SB 106 Modifies various provisions relating to veterans and members of the military including awarding academic credit, professional licenses, and child custody rights
HB 28 Modifies provisions relating to the environment
HB 278 Prohibits any state or local governmental entity from banning or restricting the practice, mention, celebration or discussion of any federal holiday (VETOED–OVERRIDDEN)
HB 650 Modifies provisions relating to Dept. of Nat. Res. (VETOED–OVERRIDDEN)

PHARMACY

SB 126 Prohibits any requirement that pharmacies carry a specific drug or device
SB 306 Allows the Board of Pharmacy to test the drugs possessed by licensees
HB 315 Modifies various provisions relating to the provision of health care services

PHYSICIANS

SB 126 Prohibits any requirement that pharmacies carry a specific drug or device
SB 129 Establishes the Volunteer Health Services Act to allow for licensed health care professionals to provide volunteer services for a sponsoring organization (VETOED–OVERRIDDEN)
SB 161 Requires actuarial analyses to be performed to determine potential costs of instituting oral anti-cancer parity and eating disorders mandate
SB 186 Authorizes the release of certain information in order to identify veterans' remains and the owners of abandoned military medals, and modifies provisions relating to the registering and issuance of death certificates
SB 262 Modifies various provisions relating to health insurance
SB 330 Modifies provisions relating to professional licenses
HB 315 Modifies various provisions relating to the provision of health care services
HB 400 Requires the physical presence of the physician who prescribed or dispensed any abortion-inducing drugs while such drug is administered

POLITICAL PARTIES

HB 163 Modifies provisions relating to elections in third class cities, procedures to transfer a city hospital, emergency services board elections, and the St. Louis Public Administrator

POLITICAL SUBDIVISIONS

SB 216 Prohibits political activity restrictions on first responders and modifies current political activity restrictions on the Kansas City Police Department
SB 224 Modifies provisions relating to crimes and law enforcement officers and agencies (VETOED)
SB 257 Modifies provisions contained in the Port Improvement District Act
SB 265 Prohibits the state and political subdivisions from implementing policies affecting property rights and from entering into certain relationships with organizations (VETOED)
HB 278 Prohibits any state or local governmental entity from banning or restricting the practice, mention, celebration or discussion of any federal holiday (VETOED--OVERRIDDEN)
HB 307 Modifies provisions relating to emergency service providers
HB 336 Modifies provisions relating to emergency services
HB 436 Modifies provisions relating to firearms (VETOED)
HB 656 Requires the Supervisor of Parking Meters in the City of St. Louis to supervise a parking division rather than a parking enforcement division and a parking meter division

PRISONS AND JAILS

SB 42 Modifies provisions relating to county sheriffs, school protection officers, and creates procedures and policies for unpaid debts to county jails
HB 215 Modifies provisions relating to criminal procedures

PROPERTY, REAL AND PERSONAL

SB 100 Modifies provisions regarding bankruptcy, child custody, adoptions, and child support administrative proceedings as well as court surcharges, court costs, and judicial personnel
SB 186 Authorizes the release of certain information in order to identify veterans' remains and the owners of abandoned military medals, and modifies provisions relating to the registering and issuance of death certificates
SB 235 Modifies the law relating to residential real estate loan reporting
SB 248 Modifies provisions relating to neighborhood improvement districts and delinquent property taxes
SB 265 Prohibits the state and political subdivisions from implementing policies affecting property rights and from entering into certain relationships with organizations (VETOED)
HB 175 Modifies provisions of law relating to taxation of property
HB 329 Modifies the law relating to financial institutions (VETOED--OVERRIDDEN)
HB 446 Establishes that real estate loans shall be governed only by state and federal law
HB 702 Authorizes the release of certain information to identify the owners of abandoned military medals

PUBLIC ASSISTANCE

SB 251 Updates provisions relating to public assistance fraud and abuse
HB 142 Modifies provisions relating to utilities

PUBLIC BUILDINGS

SB 106 Modifies various provisions relating to veterans and members of the military including awarding academic credit, professional licenses, and child custody rights
HB 34 Modifies prevailing wage laws
HB 278 Prohibits any state or local governmental entity from banning or restricting the practice, mention, celebration or discussion of any federal holiday (VETOED–OVERRIDDEN)
HB 533 Modifies provisions relating to firearms

PUBLIC OFFICERS

SB 170 Allows members of public governmental bodies to cast roll call votes in a meeting if the member is participating via videoconferencing (VETOED–OVERRIDDEN)

PUBLIC RECORDS, PUBLIC MEETINGS

SB 170 Allows members of public governmental bodies to cast roll call votes in a meeting if the member is participating via videoconferencing (VETOED–OVERRIDDEN)
HB 256 Modifies provisions relating to the closure of certain records under the Missouri Sunshine Law

PUBLIC SAFETY DEPARTMENT

SB 75 Modifies provisions relating to public safety
SB 100 Modifies provisions regarding bankruptcy, child custody, adoptions, and child support administrative proceedings as well as court surcharges, court costs, and judicial personnel
SB 121 Modifies provisions relating to liquor control laws
SB 236 Provides that a Highway Patrol fund include money for the maintenance of Highway Patrol vehicles, watercraft, and aircraft and be used for the maintenance of such items
HB 215 Modifies provisions relating to criminal procedures
HB 436 Modifies provisions relating to firearms (VETOED)
HB 505 Modifies provisions relating to child abuse and neglect

PUBLIC SERVICE COMMISSION

SB 191 Allows the Public Service Commission to publish certain papers, studies, reports, decisions and orders electronically
SB 237 Exempts certain telecommunications companies from Public Service Commission price caps
SB 240 Modifies provisions relating to ratemaking for gas corporations (VETOED)
HB 142 Modifies provisions relating to utilities
HB 331 This act modifies provisions relating to telecommunications
HB 345 This act modifies provisions relating to telecommunications
HB 432 Allows the Public Service Commission to intervene in certain legal proceedings

RELIGION

SB 267 Specifies how courts may rule in contractual disputes involving the law of other countries (VETOED)

RETIREMENT, LOCAL GOVERNMENT

SB 224 Modifies provisions relating to crimes and law enforcement officers and agencies (VETOED)
HB 116 Modifies provisions relating to audits, the accountability portal, retirement systems, county finances and creates the senior services protection fund
HB 215 Modifies provisions relating to criminal procedures
HB 336 Modifies provisions relating to emergency services
HB 418 Modifies provisions relating to the Kansas City police retirement systems
HB 722 Modifies provisions relating to the Police Retirement System of St. Louis

RETIREMENT, SCHOOLS

HB 116 Modifies provisions relating to audits, the accountability portal, retirement systems, county finances and creates the senior services protection fund

RETIREMENT, STATE

HB 116 Modifies provisions relating to audits, the accountability portal, retirement systems, county finances and creates the senior services protection fund
HB 233 Modifies provisions relating to public retirement systems

RETIREMENT SYSTEMS AND BENEFITS, GENERAL

HB 116 Modifies provisions relating to audits, the accountability portal, retirement systems, county finances and creates the senior services protection fund
HB 233 Modifies provisions relating to public retirement systems
HB 722 Modifies provisions relating to the Police Retirement System of St. Louis

REVENUE DEPARTMENT

SB 42 Modifies provisions relating to county sheriffs, school protection officers, and creates procedures and policies for unpaid debts to county jails
SB 75 Modifies provisions relating to public safety
SB 148 Modifies provisions relating to the issuance of junking certificates and salvage motor vehicle titles
SB 252 Modifies provisions relating to the Department of Revenue, including provisions that prohibit the department from retaining copies of source documents used to obtain driver's licenses
SB 282 Modifies various provisions relating to the regulation of motor vehicles
SB 350 Eliminates the renter's portion of the Senior Citizens Property Tax Credit and creates the Missouri Senior Services Protection Fund (VETOED)
HB 215 Modifies provisions relating to criminal procedures
HB 322 Allows proof of financial responsibility and other insurance-related documents to be provided or presented through electronic means
HB 339 Enacts a "No Pay, No Play" law which requires uninsured motorists to forfeit recovery of noneconomic damages under certain conditions (VETOED--OVERRIDDEN)
HB 428 Modifies law regarding the issuance of salvage titles and registration of vehicles

ROADS AND HIGHWAYS

SB 43 Modifies various provisions relating to transportation (VETOED)
SB 51 Modifies provisions relating to the regulation of motor vehicles (VETOED)
SB 73 Modifies provisions relating to the judicial process, including provisions relating to motorcycle brake lights (VETOED)
HB 103 Modifies several provisions relating to transportation
HB 303 Designates several highways and bridges located in Missouri

SAINT LOUIS

SB 99 Modifies provisions relating to elections, printing of the official state manual, and tax ballot issues
SB 125 Modifies duties of boards of education
SB 224 Modifies provisions relating to crimes and law enforcement officers and agencies (VETOED)
HB 163 Modifies provisions relating to elections in third class cities, procedures to transfer a city hospital, emergency services board elections, and the St. Louis Public Administrator
HB 336 Modifies provisions relating to emergency services
HB 374 Modifies provisions relating to judicial procedures
HB 656 Requires the Supervisor of Parking Meters in the City of St. Louis to supervise a parking division rather than a parking enforcement division and a parking meter division
HB 722 Modifies provisions relating to the Police Retirement System of St. Louis

SAINT LOUIS COUNTY

HB 374 Modifies provisions relating to judicial procedures

SALARIES

HB 374 Modifies provisions relating to judicial procedures

SECRETARY OF STATE

SB 99 Modifies provisions relating to elections, printing of the official state manual, and tax ballot issues
SB 106 Modifies various provisions relating to veterans and members of the military including the awarding of academic credit, professional licenses, and child custody rights
SB 116 Modifies the law relating to uniformed military and overseas voters
HB 117 Modifies the law relating to initiative and referendum petitions
HB 510 Allows limited liability companies to create a separate series of the company

SECURITIES

HB 478 Modifies the manner in which credit union shares may be issued and paid

SEXUAL OFFENSES

SB 188 Modifies provisions relating to civil commitment of sexually violent predators
HJR 16 Modifies the Constitution to allow for propensity evidence in prosecutions for crimes of a sexual nature involving a victim under the age of sixteen
HB 301 Modifies provisions relating to sexually violent predators and a prisoner re-entry program (VETOED)
HB 374 Modifies provisions relating to judicial procedures

SOCIAL SERVICES DEPARTMENT

SB 20 Modifies provisions of law regarding certain benevolent tax credits
SB 36 Modifies provisions related to juvenile offenders who have been certified as adults and found guilty in a court of general jurisdiction
SB 69 Modifies provision relating to administrative child support orders
SB 205 Allows for higher education or armed services visits for children in foster care or in the Division of Youth Services and raises the age limit for foster care re-entry
SB 208 Raises the age limit for when a youth may reenter into foster care
SB 251 Updates provisions relating to public assistance fraud and abuse
HB 505 Modifies provisions relating to child abuse and neglect
HB 986 Extends sunset provision on the Ticket to Work Program to August 28, 2019

SOVEREIGN OR OFFICIAL IMMUNITY

SB 75 Modifies provisions relating to public safety

STATE DEPARTMENTS

HB 278 Prohibits any state or local governmental entity from banning or restricting the practice, mention, celebration or discussion of any federal holiday (VETOED--OVERRIDDEN)

STATE EMPLOYEES

HB 233 Modifies provisions relating to public retirement systems
HB 533 Modifies provisions relating to firearms

TAX CREDITS

SB 10 Creates a tax credit to attract amateur sporting events to the state
SB 20 Modifies provisions of law regarding certain benevolent tax credits
SB 23 Modifies provisions relating to taxation, economic development, political subdivision, Kansas City public school teacher retirement, criminal law, and motor vehicles
SB 350 Eliminates the renter's portion of the Senior Citizens Property Tax Credit and creates the Missouri Senior Services Protection Fund (VETOED)
HB 184 Modifies provisions relating to transient guest taxes, motor vehicle sales taxes, and creates the Missouri Works Program

TAXATION AND REVENUE, GENERAL

SB 23 Modifies provisions relating to taxation, economic development, political subdivision, Kansas City public school teacher retirement, criminal law, and motor vehicles
SB 99 Modifies provisions relating to elections, printing of the official state manual, and tax ballot issues

TAXATION AND REVENUE, INCOME

SB 20 Modifies provisions of law regarding certain benevolent tax credits
SB 35 Creates an income tax return check-off program to provide funds for CureSearch for Children's Cancer
SB 42 Modifies provisions relating to county sheriffs, school protection officers, and creates procedures and policies for unpaid debts to county jails
HB 128 Authorizes certain counties to send property tax statements electronically and modifies provisions relating to corporate taxation and tax increment financing
HB 184 Modifies provisions relating to transient guest taxes, motor vehicle sales taxes, and creates the Missouri Works Program
HB 196 Establishes the Missouri Works Training Program and modifies provisions relating to unemployment compensation
HB 253 Modifies provisions relating to taxation (VETOED)

TAXATION AND REVENUE, PROPERTY

SB 248 Modifies provisions relating to neighborhood improvement districts and delinquent property taxes
SB 350 Eliminates the renter's portion of the Senior Citizens Property Tax Credit and creates the Missouri Senior Services Protection Fund (VETOED)
HB 128 Authorizes certain counties to send property tax statements electronically and modifies provisions relating to corporate taxation and tax increment financing
HB 175 Modifies provisions of law relating to taxation of property
HB 542 Modifies provisions relating to agriculture
HB 1035 Modifies provisions relating to taxation and political subdivisions (VETOED–OVERRIDDEN)

TAXATION AND REVENUE, SALES AND USE

SB 23 Modifies provisions relating to taxation, economic development, political subdivision, Kansas City public school teacher retirement, criminal law, and motor vehicles
SB 99 Modifies provisions relating to elections, printing of the official state manual, and tax ballot issues
SB 182 Eliminates state and local use taxes on motor vehicle sales and modifies state and local sales taxes on such purchases (VETOED)
HB 253 Modifies provisions relating to taxation (VETOED)

HB 307 Modifies provisions relating to emergency service providers
HB 316 Extends the expiration date on the Division of Tourism Supplemental Fund and a provision requiring the deposit of certain sales taxes into the fund from 2015 to 2020

TEACHERS

SB 125 Modifies duties of boards of education

TELECOMMUNICATIONS

SB 237 Exempts certain telecommunications companies from Public Service Commission price caps
HB 331 This act modifies provisions relating to telecommunications
HB 345 This act modifies provisions relating to telecommunications

TOURISM

SB 23 Modifies provisions relating to taxation, economic development, political subdivision, Kansas City public school teacher retirement, criminal law, and motor vehicles
HB 184 Modifies provisions relating to transient guest taxes, motor vehicle sales taxes, and creates the Missouri Works Program
HB 316 Extends the expiration date on the Division of Tourism Supplemental Fund and a provision requiring the deposit of certain sales taxes into the fund from 2015 to 2020

TRANSPORTATION

SB 43 Modifies various provisions relating to transportation (VETOED)
SB 51 Modifies provisions relating to the regulation of motor vehicles (VETOED)
SB 257 Modifies provisions contained in the Port Improvement District Act
SB 282 Modifies various provisions relating to the regulation of motor vehicles
HB 103 Modifies several provisions relating to transportation
HB 116 Modifies provisions relating to audits, the accountability portal, retirement systems, county finances and creates the senior services protection fund
HB 303 Designates several highways and bridges located in Missouri
HB 715 Allows motorcycles to be equipped with a means of varying the brightness of the vehicle's brake light for up to five seconds upon application of the vehicle's brakes

TRANSPORTATION DEPARTMENT

HB 103 Modifies several provisions relating to transportation

TREASURER, STATE

SB 186 Authorizes the release of certain information in order to identify veterans' remains and the owners of abandoned military medals, and modifies provisions relating to the registering and issuance of death certificates

HB 702 Authorizes the release of certain information to identify the owners of abandoned military medals

UNEMPLOYMENT COMPENSATION

SB 28 Redefines "misconduct" and "good cause" for the purposes of disqualification from unemployment benefits (VETOED)
HB 196 Establishes the Missouri Works Training Program and modifies provisions relating to unemployment compensation

UNIFORM LAWS

HB 212 Modifies Uniform Commercial Code sections relating to secured transactions and funds transfers

UTILITIES

SB 237 Exempts certain telecommunications companies from Public Service Commission price caps
SB 240 Modifies provisions relating to rate making for gas corporations (VETOED)
HB 142 Modifies provisions relating to utilities

VETERANS

SB 106 Modifies various provisions relating to veterans and members of the military including the awarding of academic credit, professional licenses, and child custody rights
SB 118 Authorizes the creation of veterans treatment courts
SB 186 Authorizes the release of certain information in order to identify veterans' remains and the owners of abandoned military medals, and modifies provisions relating to the registering and issuance of death certificates
HB 702 Authorizes the release of certain information to identify the owners of abandoned military medals

WASTE, HAZARDOUS

HB 28 Modifies provisions relating to the environment

WASTE, SOLID

SB 157 Modifies provisions relating to the disposition of personal property

WATER RESOURCES AND WATER DISTRICTS

HB 28 Modifies provisions relating to the environment
HB 650 Modifies provisions relating to the Department of Natural Resources (VETOED–OVERRIDDEN)

WEAPONS

HB 436 Modifies provisions relating to firearms (VETOED)
HB 533 Modifies provisions relating to firearms

WORKERS COMPENSATION

SB 1 Modifies the law relating to workers' compensation
SB 34 Requires the Division of Workers' Compensation to develop and maintain a workers' compensation claims database and modifies provisions relating to experience ratings for workers' compensation insurance (VETOED)
HB 404 Modifies workers' compensation laws relating to occupational diseases for peace officers and insurance premium rates for construction employers